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\*e-mail: [vijaybhatiadelhi@gmail.com](mailto:vijaybhatiadelhi@gmail.com)**LEGAL SYSTEM AND DEMOCRATIC PROCESS IN INDIA****Abstract.**

The article highlights the legal system and democratic process in India. The main purpose of the article is to analyze the processes which take part in the legal system of India. The legal system of a country is a part of its social system and reflects the social, political, economic and cultural characteristics of the society. Indian democracy is essentially dynamic. The changes may be gradual, but these changes indicate the democracy's desirability toward social transformation. In the neoliberal era that the world order is stepping in, natural law principles are playing a pervasive role in the realms of ethics, politics, governance, society, culture, and law. This article reappraises the natural law philosophy's role in the legitimization of democratic principles and practices. A functioning democracy pins its hopes on the conscience of the society, not just for its sustenance but also for its development. The article reflects the post-structuralism approach of merging social movements to "constitution-making" and the subaltern proposition to defend their worldviews and relative ideas. The article is an attempt to demarcate "democracy as a progressive idea" from "democracy as a theoretically operating idea". The article focuses on three fundamental components of modern Indian democracy viz. transformative constitutionalism, inclusive justice, and good governance.

**Key words:** Legal System, Democracy, Law, Constitutional Change, Transformative Constitutionalism, Justice, Citizens.

**Introduction.**

The legal system of a country is a part of its social system and reflects the social, political, economic and cultural characteristics of the society. It is, therefore, difficult to understand the legal system outside of the socio-cultural milieu in which it operates. A general distinction can be made between Civil Law Jurisdictions, in which the legislature or other central body codifies and consolidates the law, and the Common Law System, where judge-made precedent is accepted as the binding law. Historically, religious law plays a significant role even in settling secular matters, which is still the case in some religious communities, particularly Islamic and Jewish communities. The Islamic Sharia law is the world's most widely used religious law. Institutions like courts play an important role in law. It is necessary to understand the structure of courts in India, which is discussed below. There is a deep relationship between law and rights. The symbiotic relationship between law and rights follow from the assumption that people have moral claims that must be enforced in the form of legally guaranteed rights. The rights conceptions of law, therefore, establishes law as the source of people's rights, empowerment and substantive justice. Society has witnessed the long history of peoples' struggle for rights taking the form of progressive legal enactments furthering the cause of equality, justice, liberty, dignity, etc. in that society. In the wake of such struggles has emerged the idea of law as a means to social change and development.

**Material and methods of research.**

The methodological basis was formed by the principles of science, objectivity, and consistency. Within the framework of this work, there is a deep relationship between law and

rights. The symbiotic relationship between law and rights follow from the assumption that people have moral claims that must be enforced in the form of legally guaranteed rights. The rights conceptions of law, therefore, establishes law as the source of people's rights, empowerment and substantive justice. Society has witnessed the long history of peoples' struggle for rights taking the form of progressive legal enactments furthering the cause of equality, justice, liberty, dignity, etc. in that society. In the wake of such struggles has emerged the idea of law as a means to social change and development. Thus, such law becomes an important source of rights and duties, which develops and strengthens alongside institutions of representative democracy, constitutional norms, and the rule of law. In the coming chapters, we will try to understand law as a source of rights, and as a progressively widening sphere of substantive justice, welfare and dignity [1]. The chapters cover basic themes like Rule of Law, Criminal Justice System in India, FIR, Detention and Bail, Human Rights, Consumer Rights, Labour Laws, Right to Information, Laws related to crime against women, etc.

In the case of Indian democracy, we need to begin the tale of modern Indian democracy from the colonial era, like so many other features of modern India. You have just read about the many systemic and cultural shifts that were consciously brought about by British colonisation. In an unintended way, some of the changes that came about occurred. It was not intended by the British to incorporate them. For example, to establish a Western educated Indian middle class that would assist the colonial rulers to maintain their rule, they tried to incorporate Western education. A Western-educated segment of Indians has arisen. But they used Western liberal ideals of democracy, social justice and nationalism to oppose colonial rule instead of aiding British rule. This does not, however, mean that there are purely western democratic principles and democratic institutions. Our ancient epics, our complex folk tales, are full of dialogues, debates and opposing roles, from one corner of the world to another. Think of any folk tale, enigma, folk song, or storey from any epic that shows various points of view? We are just drawing from an illustration of the epic Mahabharata. Social change, however, is not just about Indian or western ideas in modern India. It is a mixture of Western and Indian ideas as well as a reinterpretation of them. In the case of the Social Reformers, we saw that. We saw both new definitions of equality and conventional concepts of justice being used. No exception is democracy. The undemocratic and unequal administrative practice of British colonialism in colonial India contrasted sharply with the vision of independence promoted by Western theories of democracy and read by Western educated Indians. In India, the extent of poverty and the strength of social inequality have also contributed to a more serious questioning of the nature of democracy. Is democracy all about equality in politics? Or is it about economic liberty and social justice as well? Regardless of caste, religion, race and gender, is it not about equal rights for all? And if that is so, how in an unequal society can such equality be realized? Many of these questions were considered long before India became open. A vision of what Indian democracy should look like came into being even as India struggled for its independence from British colonialism. As far back as 1928, a constitution was drawn up for India by Motilal Nehru and eight other Congress leaders. The Indian National Congress resolution at the Karachi session in 1931 concentrated on how autonomous the constitution of India could get. In order to have a genuine democratic society, the Karachi Resolution represents a vision of democracy that meant not only a structured holding of elections but a significant rework of the Indian social system.

### **Results and its discussion.**

Courts are institutions wherein disputes are adjudicated and justice is administered. They are created by statutes and enjoy such powers and jurisdiction which the statutes confer on them. In India, the Constitution itself provides for the Supreme Court and various High Courts, which have original and appellate jurisdiction in each state and resolve the disputes between the Union and the

State, two States, the States and the citizen and, in limited cases, appeals arising out of private disputes involving substantial questions of law. This higher judiciary is named as the Union judiciary. Citizens can directly approach these higher courts to seek redress for the violation of their fundamental rights. The High Court and the Supreme Court enjoy civil and criminal jurisdiction apart from the Writ jurisdiction. These Courts also have a supervisory function over the subordinate courts. The Supreme Court is the highest court of appeal, i.e., it could hear appeal from any court on any matter.

The subordinate courts comprise the State judiciary, which, under the High Court, are organised in a hierarchy on the civil and criminal sides based on their jurisdiction, territorial or monetary (pecuniary). On the criminal side, our legal system provides for the Magistrates' Court and above them the Sessions Court, usually one in each district. On the civil side, our legal system provides for the Munsiffs' Court, the Sub Divisional Court and the District Court, each with varying pecuniary and territorial jurisdiction. There can be Special Courts that are setup for specific purposes, and also Administrative and Revenue Tribunal to adjudicate upon specific category of disputes.

Thus, such law becomes an important source of rights and duties, which develops and strengthens alongside institutions of representative democracy, constitutional norms, and the rule of law. In the coming chapters, we will try to understand law as a source of rights, and as a progressively widening sphere of substantive justice, welfare and dignity. The chapters cover basic themes like Rule of Law, Criminal Justice System in India, FIR, Detention and Bail, Human Rights, Consumer Rights, Labour Laws, Right to Information, Laws related to crime against women, etc.

Judicial activism has become a subject of controversy in India. Attempts have been made to curb the power of courts as well as access to them<sup>6</sup>. In the past, several indirect methods were used to discipline<sup>7</sup> the judiciary, such as super session of judges or Transfer of inconvenient judges. It has often been said that the courts usurped the functions allotted to the other organs of Government. On the other hand the defenders of judicial activism say that the courts have performed their legitimate function. According to former Chief Justice of India A.M. Ahmadi, judicial activism is a necessary adjunct of the judicial function since the<sup>8</sup> protection of public interest as opposed to private interest happens to be its main concern. No court can interpret a statute, much less a constitution, in a mechanistic manner. In the case of a statute, a court has to find out what was really intended by the authors and in the case of a constitution, a court has to sustain its relevance to changing social, economic and political scenarios and as Cardozo says, give to its words 'a'<sup>9</sup> continuity of life and expression. How are understood judicial activism depends upon one's conception of the role of a constitutional court in democracy. Those who conceive it narrowly, as being restricted to mere application of the preexisting legal rules to the given situation, tend to consider even a liberal or dynamic interpretation of a statute as activism. Those who conceive a wider role for a constitutional court and expect it to perform the function of providing meaning to various open-textured expressions in a written constitution and giving them new meaning as required by the changing times are bound to consider judicial activism not as an aberration but as a normal judicial function.

In modern legal philosophy, Indian structuralism has been majorly based itself on liberal interpretation and balancing of power. There are two models of constitutional interpretations [2]. One emanates from the 'black letter law' tradition, which seeks to interpret as an autonomous reality [3]. In this approach, the law is separated from morality and other natural law principles and interpreted positively following self-constituted principles. The other model is the structuralist interpretation. This approach gives a liberal perspective and wider creativity to the judiciary and is called the teleological or result-oriented approach [4]. With the birth of judicial innovations like

‘epistolary’ jurisdiction, social action litigations [5] or the “basic structure” doctrine [6] the courts in India over the period have moved away from strict positivism to inscribe structuralism into Constitutional interpretation. This structuralism is seen predominantly in the interpretations of the golden triangle viz. articles 14, 19 and 21 by the Supreme Courts.

*Judiciary and Democratic Process in India.* Indian Democracy is one of the largest and successful democracy in the world. In India soon after independence a parliamentary form of democracy was adopted with the adoption of new Constitution in 1950. Indian society in early years had many challenges to democracy. The large section of people was illiterate and poverty was common feature of Indian society. Further the society of India in 1950’s was traditional society with huge diversity of caste, language, religion and regional differences [7]. The new Constitution provided equality, liberty, and rights to the people. The unique feature of new Constitution was its priority on accommodation and Secularism, Decentralization of power and Federalism. The Constitution preserve and protect the interest and rights of each and every community and give them opportunity to develop under one nation. Democracy cannot work without independent, unbiased and fair judiciary. The judiciary must be independent from political influence. In India we recognized this autonomy of judiciary. The judiciary in India worked for protecting the Constitution of India. The judiciary through Judicial review many times control the over expanding powers of Legislature. Judicial activism is another important tool in the hands of judiciary in India. The Public Interest Litigation PIL invented by Justice Bhagwati is a tool to protect the Fundamental Rights of people in India. Under PIL any person can easily file Public Interest Litigation if the issue is of common public interest and violate Fundamental Rights such as issue related to environment or issue related to health or sanitation of people. The PIL can be a tool for preserving and providing Fundamental Rights to people [8].

The transformative agenda of social revolution through the Indian Constitution mandates the institutions to redress injustices. While the law is the primary catalyst and agent for social change in any developed society, the ends of law are nothing but justice. The idea of human and social development devoid of justice would be dysfunctional. The justness of rights entails a plan of policies that avoids disproportionality. The value of justice and just development is enunciated in the founding values and principles of the Indian Constitution. The complexity of societal structure also makes the implementation of justice institutional and complex. Michael Walzer referred to it as “complex equalities” [9]. Indian Constitution’s development through reservations, progressive development, and inclusivity is an attempt to simplify this complexity. Globalization and multiculturalism are changing the way we think and argue about justice. In a democracy with a transformative constitution, the theory of justice is undergoing a paradigm shift. The grammar of the theory of justice is being transformed. Aristotle distinguished “corrective justice” and “distributive justice” [10]. What could be called the “theory of social justice” now appears as the “theory of democratic justice” [11]. The idea of justice in a transformative democracy is to address questions of enhancing justice and removing injustice, rather than to create a smokescreen by defining the nature of ‘perfect justice’. The emergence of natural law has made principles of democracy transnational and global through universalising notions. It relates to global social policy and regulation in this tangled and interlinked democratic discourse. An appeal to natural law also justifies the responsibility of a dynamic democracy to uncover and realise inclusive justice. This movement from individualistic liberalism to unsystematic collectivism has brought changes in the social order through the formulation of new notions of rights and duties.

The history of a civilization’s struggle will ultimately set the pattern for the future jurisprudence of social justice. India’s living democracy is a pronouncement of social ethics sustaining on natural reasoning. The main reason to recognise democracy and justice as an underlying basis of natural law is to promote and preserve sustainable elements of society.

However, majoritarianism in a democracy could be used as a weapon to weaken pluralism, promote authoritarianism, fulfil undemocratic objectives, and even legitimise undemocratic actions [12].

Extensive interpretation of the constitution through the principles of natural law has led to the evolution of ideas like constitutional morality, transformative constitutionalism, constitutional integrity, but it is the voice and outrage of the people that must be heard by direct action to restore the real value of a constitution. Democracy can never necessarily guarantee democratic justice [13]. Contemporary constitutionalism sees democratic constitutional law-making as a result electorate's sustenance.

The Judiciary in India is very powerful and effective. It is the pillar of democracy. In the democratic process many times it protect the electoral rights of people and give judgments in favor of people interest. The political parties and even any candidate can approach h Court if they think the government is not working according to law. The Courts many times also protected the rights of free Media and freedom of expression in society. However there are some limitation of Judiciary in India. The overburden of judiciary some times delay its judgments. The limited number of judges create unavoidable delay some times. The government in India is worried about the problem of delay in judiciary and therefore doing rapid reforms in judiciary. The Modi government digitalization of judiciary is a welcome step in increasing more accountability and transparent system in India [14].

*Rule of Law and Legal System.* The expression “Rule of Law” plays an important role in the administrative law. It provides protection to the people against the arbitrary action of the administrative authorities. The expression ‘Rule of Law’ has been derived from the French phrase ‘la Principe de legality’, i.e., a government based on the principles of law. In simple words, the term ‘rule of law’ indicates the state of affairs in a country where, in the main, the law rules. Law may be taken to mean mainly a rule or principle which governs the external actions of human beings and which is recognized and applied by the State in the administration of justice [15].

The concept of ‘Rule of Law’ is of old origin. Edward Coke is said to be the originator of this concept, when he said that the King must be under God and Law; he, thus, vindicated the supremacy of law over the pretensions of the executives. Prof. A.V. Dicey later developed on this concept in the course of his lectures at the Oxford University. Dicey was an individualist; he wrote about the concept of Rule of Law at the end of the golden Victorian era of laissez-faire in England. That was the reason why Dicey’s concept of Rule of Law contemplated the absence of wide powers in the hands of government officials. According to him, wherever there is discretion, there is room for arbitrariness. Further, he attributed three meanings to Rule of Law [16].

(1) The first meaning of Rule of Law is that no man is punishable or can lawfully be made to suffer in body or goods except for a distinct breach of law established in the ordinary legal manner before the ordinary courts of the land.

(2) The second Meaning of Rule of Law is that no man is above law. Every man, whatever his rank or condition is subject to the ordinary law of the realm and amenable to the jurisdiction of the ordinary tribunals.

(3) The third meaning of Rule of Law is that the general principles of the constitution are a result of judicial decisions determining the rights of private persons in particular cases brought before the court.

The Indian Legal System in India adopted Rule of Law from the very beginning of the formation of Indian state. The Constitution in India is supreme and no one is above the Constitution. The judiciary further strengthen the concept of Rule of Law by giving its historic judgment in Keshav Nath Bharti Case also known as basic structure case. In Keshav Nath Bharti

case the Supreme Court clearly said that the legislature can amend any thing of Constitution except the basic structure of Constitution. This further strengthens the Rights of people in India [17].

A State's response to honour the commitments of Constitutional norms can bring about a substantial change in how these creeping issues could be addressed. A perfect example of the Constitution enabled social change is Albania's post-crisis journey [18]. Constitution-making in Albania took place amid the conflict through citizen participation to ensure transparency and ethnicity. This led to the drafting of a new constitution entailing strong commitments to ensure the promotion of human rights and strong institutional frameworks to guarantee these rights.

*The citizen's role in democracy.* The opportunities as democratic citizens are available in all democracies, but they vary from one democratic system to another. Indian democracy in the modern sense began after a long period of colonial rule. Although the democratic system started just after independence in 1947, its socio-cultural settings were and still are not in tune with the democratic culture. India is a vast multi-cultural, multi-lingual, truly plural society, which in many respects still carries the characteristics of traditionalism. At the same time it is trying to absorb the values of modern democracy. Even now many think that the government has to rule and do everything, and if things are not happening in an expected manner, it is only the government which is to be blamed. As you know, the democratic government in our country is run by the representatives chosen by us. In that sense, every citizen is responsible for how the governments functions at different levels: national, state and local. And hence, every citizen has to play a critical role and use every opportunity for doing so. As Indian citizens are we doing it? Let us consider. Major opportunities for roles of citizens may be as follows.

The key role of citizens in a democracy is to participate in public life. The most commonly observed opportunity of participation is exercising the right to vote during elections. And in order to vote wisely it is necessary that each citizen listens to and knows the views of different parties and candidates, and then makes his or her own decision on whom to vote for. It is also learnt that in many cases the percentage of voting is still low. The Election Commission is doing its best to educate the people about importance of participation in elections. Participation in a democratic polity, however, is not confined simply to participation in elections only. A vital form of participation comes through membership of political parties and more importantly, active membership in independent non-governmental organizations, that are known as "civil society organizations". These organizations represent a variety of interests of different groups such as women, students, farmers, workers, doctors, teachers, business owners, religious believers, human rights activists. Such organizations and people's movements help to bring political awareness about different issues among the people.

We should realize that citizenship is more than voting or making the system accountable. Many people tend to regard democracy as a system where literally everything is allowed. And every person has the freedom to do whatever one desires. This often leads to a complete chaos that devastates the order of the society rather than improving it. In that way it leads to the opposite effects of democracy. A citizen has to accept that freedom is never absolute. If you have a right to do certain things, you have also the responsibility to ensure that your actions do not infringe upon the rights of others.

### **Conclusion.**

The Indian legal system is one of the most effective and efficient legal system of the world. It is the custodian of democracy and rights of people. In India any person rich or poor, small or big, illiterate or educated can get justice by easily approaching court. The legal process is very simple and people friendly., The Constitution of India also give free legal aid to needy person which ultimately strengthen people faith in judiciary and democracy.

Democracy is the most liberal governance system but at the same time it is important for citizens to be equally responsible with their participation in the system. As discussed above, it is established and accepted that elections are one of the most crucial instrument for the establishment of democracy. Going ahead with governance if the elections are not proper, transparent and peaceful as per the prescribed statutes and rules, it can't be called a democracy in its real meaning. Therefore, there is the essentiality of the free and fair elections.

Democracy is a form of government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodic free elections. However, it is defined not only in the political context, but also in social context or even in relation to self.

A system can be termed as a genuine and comprehensive democracy, a successfully functioning democracy, only when it fulfils certain political, social and economic conditions. Based on the fulfillment of these conditions one can broadly witness two types of democracy in a given set up – Political Democracy and Social Democracy.

Indian Democracy over the years has been able to articulate many of these essential conditions. It is confronting a number of challenges that at times bring out the distortions which have crept in and also indicate the possible threats to its future. Illiteracy, social and economic inequality, poverty, gender discrimination, casteism, communalism and religious fundamentalism, regionalism, corruption, criminalization, political violence and militancy are the major challenges that need to be addressed.

The corrective measures that are needed to meet the challenges to Indian democracy are focussed around the issues and concerns like universal literacy i.e. education for all, poverty alleviation, elimination of gender discrimination, removal of regional imbalances, administrative and judicial reforms and sustained economic, social and environmental development.

However, Indian democracy can be successful and vibrant only when its citizens imbibe and reflect in their behavior the basic democratic values like equality, freedom, social justice, accountability and respect for all. Their mindset, thinking and behavior are expected to be in tune with the essential conditions of democracy. They have to appreciate the opportunities for their desired roles like participation, making the system accountable, fulfilling obligations, and playing proactive roles to actualize the goals of democracy.

Participation in a democratic polity is not confined simply to participation in elections. A vital form of participation comes through membership of political parties and more importantly, active membership in independent non-governmental organizations, that are known as “civil society organizations”. Civil Society Organizations represent a variety of interests of different groups: women, students, farmers, workers, doctors, teachers, business owners, religious believers and human rights activists.

Citizens have to make the democratic system responsive and responsible. They are needed to ensure that the Parliamentarians, Members of State Legislatures and their representatives in Panchayati Raj and Municipal Institutions are accountable. The instruments created by Right to Information Act, 2005 in our country enable citizens to play their role effectively. Citizens must watch carefully how their political leaders and representatives use their powers, and to express their own opinions and interests.

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## ҮНДІСТАНДАҒЫ ҚҰҚЫҚТЫҚ ЖҮЙЕ ЖӘНЕ ДЕМОКРАТИЯЛЫҚ ҮДЕРІС

### Аңдатпа.

Мақалада Үндістандағы құқықтық жүйе мен демократиялық үдеріс көрсетілген. Мақаланың **максаты** Үндістанның құқықтық жүйесіне қатысатын процестерді талдау. Елдің құқықтық жүйесі оның әлеуметтік жүйесінің бір бөлігі болып табылады және қоғамның әлеуметтік, саяси, экономикалық және мәдени ерекшеліктерін көрсетеді. Үндістан демократиясы негізінен динамикалық. Өзгерістер бірте-бірте болуы мүмкін, бірақ бұл өзгерістер демократияның әлеуметтік трансформацияға бейімділігін көрсетеді. Әлемдік тәртіп еніп жатқан неолибералдық дәуірде табиғи құқық принциптері этика, саясат, басқару, қоғам, мәдениет және құқық салаларында кең ауқымды рөл атқаруда. Бұл мақалада табиғи құқық философиясының демократиялық принциптер мен тәжірибелерді заңдастырудағы рөлі қайта бағаланады. Жұмыс істеп тұрған демократия қоғамның ар-ожданына үміт артады, тек оның тіршілігіне ғана емес, оның дамуына да үміт артады. Мақалада қоғамдық қозғалыстарды «конституция құруға» біріктірудің постструктурализмдік көзқарасы және олардың дүниетанымы мен салыстырмалы идеяларын қорғауға арналған бағынышты ұсыныс көрсетіледі. Мақалада «демократия прогрессивті идея ретінде» мен «демократия теориялық тұрғыдан әрекет ететін идея ретінде» шекарасын ажырату әрекеті болып табылады. Мақалада қазіргі Үндістан демократиясының үш негізгі құрамдас бөліктеріне назар аударылады, яғни. трансформациялық конституционализм, инклюзивті әділеттілік және жақсы басқару.

**Негізгі сөздер:** құқықтық жүйе, демократия, құқық, конституциялық өзгерістер, трансформациялаушы конституционализм, әділеттілік, азаматтар.



## ПРАВОВАЯ СИСТЕМА И ДЕМОКРАТИЧЕСКИЙ ПРОЦЕСС В ИНДИИ

**Аннотация.**

В статье освещается правовая система и демократический процесс в Индии. Целью статьи является проведение анализа процессов, происходящие в правовой системе Индии. Правовая система страны является частью ее социальной системы и отражает социальные, политические, экономические и культурные особенности общества. Индийская демократия по своей сути динамична. Изменения могут быть постепенными, но эти изменения указывают на стремление демократии к социальным преобразованиям. В неолиберальную эпоху, в которую вступает мировой порядок, принципы естественного права играют всепроникающую роль в сферах этики, политики, управления, общества, культуры и права. В данной статье проводится переоценка роли философии естественного права в легитимации демократических принципов и практик. Функционирующая демократия возлагает свои надежды на совесть общества не только для своего существования, но и для своего развития. В статье отражен постструктуралистский подход слияния социальных движений с «конституционным строительством» и второстепенное предложение защищать свои мировоззрения и относительные идеи. Статья представляет собой попытку разграничить «демократию как прогрессивную идею» и «демократию как теоретически действующую идею». В статье основное внимание уделяется трем фундаментальным компонентам современной индийской демократии, а именно. преобразующий конституционализм, инклюзивное правосудие и эффективное управление.

**Ключевые слова:** правовая система, демократия, право, конституционные изменения, трансформационный конституционализм, справедливость, граждане.

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**FEATURES OF CRIMINAL RESPONSIBILITY FOR CRIMINAL  
PARTICIPATION TO SUICIDE IN FOREIGN CRIMINAL LAW**

**Abstract.**

The article analyses the norm on criminal liability for inducing suicide and facilitating its commission, provided for in the legislation of foreign countries, in connection with the intensification of the activities of "death groups" in social networks. The correlation between the social danger of inducing suicide and facilitating its commission is analysed in detail. Examples of the qualification of these acts in aggregate are given, when their commission does not entail the suicide of the victim or his attempt, the artificial nature of such a combination is emphasized. The author comes to the conclusion that it is necessary to abandon the fragmentation of interrelated actions - inducing suicide and facilitating its commission — into two independent elements of crime in parts 1 and 2 of the article. As a matter of discussion, the issue of distinguishing the analysed acts from driving to suicide is investigated, the validity of the legislative decision on recognizing them as more socially dangerous is proved. A separate consideration in the article is given to the question of the nature of the deterministic relationship as part of the "effective" suicidal inclination and assistance in its commission. Contrary to traditional views, it is noted that the actions of a person who inclines or facilitates are a necessary (mandatory) condition for committing suicide, that is, they are in a causal relationship with him, and not in a causal one. When considering qualification issues, the author reveals the content of the concept of "attempted suicide", while critically evaluating proposals to replace it with "suicide attempt". The non-obvious signs of the analysed crimes (targeting and special purpose) are indicated, which make it possible to distinguish them from criminally unpunished acts. Finally, proposals are formulated to amend the criminal law norm.