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Dr. B. R. Ambedkar's views on Democracy and Indian Constitution: An Analytical Appraisal

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Abstract

Democracy, from layman's perspective is nothing but freedom, liberty. However, to understand the true meaning and importance of the concept of Democracy through the lenses of legal luminaries like Dr. B. R. Ambedkar. This research article is an attempt to analyse the views of Dr. B. R. Ambedkar on Democracy and to study its reflection in Indian Constitution and judicial decisions.

Keywords: Dr. Ambedkar, Democracy, Constitution, Judicial Decisions

1. Introduction

2016 is the 125th year of birth anniversary of legendary Indian Legal Philosopher (apart from he being economist, politician) Dr. B. R. Ambedkar, who played a vital role in framing the Constitution of India. The democratic nature of India flows from Constitution of India, adopted by the constituent assembly of containing politico-legal scholars like Dr. B. R. Ambedkar, Dr. B. N. Rau, A. Ayyangar, Alladi Krishnaswami Ayer etc. Dr. Ambedkar's contribution in the framing of democratic Constitution of India is enormous and long lasting.

Democracy from Dr. Ambedkar's perspective

Commenting on the Democracy, Dr. Ambedkar said,

"There is one thing which I think is very necessary in the working of democracy and it is this that the name of democracy there must be no tyranny of the majority over the minority. The minority must always feel safe that although the majority is carrying on the government, the morality is not being hurt, or the minority is not being hit below the belt ^[1]."

He further stated that, "Democracy is not a form of government, but a form of social organisation." ^[2] Dr. Ambedkar always had the socialistic approach which is clearly visible in his statements about democracy. He believed that, Democracy essential in imparting social justice. He laid down certain conditions in this regard. They are as follows; ^[3]

- (1) there should not be glaring inequalities in society, that is, privilege for one class;
- (2) the existence of an opposition;
- (3) equality in law and administration;
- (4) observance of constitutional morality;
- (5) no tyranny of the majority;
- (6) moral order of society; and
- (7) public conscience.

In views of Dr. Ambedkar, Political democracy cannot succeed without social ^[4] and economic democracy. For him, the best mode of achieving socio-economic democracy is to achieve political democracy at the first instance. The importance of ideas of political social and economic democracy lies in the fact that, rights cannot be enjoyed by the citizens of any nation in the absence of them. The coexistence of all three democracies is imperative to achieve the goals of equality and fraternity as enshrined in our Constitution in Preamble.

Underlining the importance of democracy, Dr. Ambedkar stated that,

"It seems to me that there lies on us a very important duty to see that democracy does not vanish from the earth as the governing principle of human relationship. If we believe in it, we must both be true and loyal to it. We must not only be staunch in our faith in democracy, but we must resolve to see that whatever we do not help the enemies of democracy to uproot the principles of liberty, equality and fraternity" ^[5].

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He also expressed a caution and stated that, these three concepts i.e. liberty, equality & fraternity cannot be separated from each other and cannot be treated in trinity. The combination and coexistence of these will only serve the purpose and object of true democracy as stated by Dr. B. R. Ambedkar.

In today's debates on tolerance and intolerance, all forms of democracies social, political, economic are the real solution to maintain the peace and harmony in the society.

Criticizing the system of caste in India, Dr. Ambedkar believed that, caste divides the society, thereby resulting in absence of equality and hampering the existence of true democracy as enshrined above in the words of Dr. B. R. Ambedkar.

Dr. Ambedkar's thoughts on democracy are of eternal nature and no humanitarian nation may neglect them. Keeping this in mind the framers of Indian Constitution including Dr. Ambedkar himself, have taken care that these principles of liberty, equality and fraternity are well represented and recognized in our Constitution.

Reflection of principles of democracy in Indian Constitution

The preamble of Indian Constitution recognizes India as a Democratic nation endeavoring to secure to the citizens of India, Justice, liberty, equality and Fraternity. The Constitution of India with long parliamentary debates drafted by the committee of wise people headed by Dr. B.R. Ambedkar borrowed from various Constitutions of the world over and Government of India Act, 1935 enacted during British days and having undergone about 100 amendments, now comprises of 39 5 Articles divided in 12 Parts and 12 Schedules, which broadly imbibe and adopts democratic values^[6].

Rule of law

It is one of the basic tenets of democracy^[7]. In *Indira Nehru Gandhi v. Raj Narain* K.K. Mathew, J. considered the concept or rule of law as part of the basic structure of the Indian Constitution. He observed that, "If rule of law is to be a basic structure of the Constitution, one must find specific provisions in the Constitution embodying the constituent elements of the concept. I cannot conceive of rule of law as a twinkling star up above the Constitution. To be a basic structure, it must be a terrestrial concept having its habitat within the four corners of the Constitution. The provisions of the Constitution were enacted with a view to ensure the rule of law. Even if I assume that rule of law is a basic structure, it seems to me that the meaning and the constituent elements of the concept must be gathered from the enacting provisions of the Constitution. The equality aspect of the rule of law and of democratic republicanism is provided in Article 14."^[8]

Basic Feature

In *Kuldip Nayyar v. Union of India* Court after referring to various Constitutional Bench judgments and other judgments of this Court for the purpose of interpretation made by this Court in relation to phrases used in the Preamble of the Constitution of India such as "sovereign democratic republic" and "Parliamentary democracy" as the basic feature of the Constitution of India.

This was reiterated in celebrated decision of SC in *Kihoto Hollohan v. Zachillhu*^[9] Court in this case held that, Democracy is a part of the basic structure of our Constitution; and rule of law, and free and fair elections are basic features of democracy^[10].

Commenting on Indian Democracy, SC in *Km. Hema Mishra vs State of Up & Ors.*,^[11] observed that, The evolution of the State from police State to a welfare State is the ultimate measure and accepted standard of democratic society which is an avowed constitutional mandate. Though one of the main functions of the democratic Government is to safeguard liberty of the individual, unless its exercise is subject to social control, it becomes anti-social or undermines the security of the State. The Indian democracy wedded to rule of law aims not only to protect the fundamental rights of its citizens but also to establish an egalitarian social order.

Democratic State

A reference to the definition of the term 'State' in Parts-III and IV is enough to disperse any such notion. The fact that 'the State' has been defined in the same manner, in both Parts III and IV, is possibly an indication, that the founding fathers of the Constitution, were of the opinion that the nation's ideals viz, national unity and integrity and a democratic and equitable society, to be achieved through a socio-economic revolution pursued with a democratic spirit using constitutional, democratic institutions^[12]

Minerva Mills v. Union of India^[13] The Court said that, rights in Part III are not an end in themselves, but are the means to an end, the end is specified in Part IV. Together, the two realize the idea of justice, which the Indian State seeks to secure to all its citizens.

Doctrine of pleasure vis-à-vis Democracy

In *Union of India and Ors v. Major S.P. Sharma and Ors.*,^[14] SC discussed the nature of doctrine of pleasure in a democratic set up. Court observed that, in a democracy governed by rule of law, where arbitrariness in any form is eschewed, no Government or authority has the right to do what it pleases. The doctrine of pleasure does not mean a license to act arbitrarily, capriciously or whimsically. It is presumed that discretionary powers conferred in absolute and unfettered terms on any public authority will necessarily and obviously be exercised reasonably and for the public good.

Corruption and democracy

Corruption is one of the biggest challenges before the Indian Democracy in today's era. Misuse of public offices for personal gain goes against the basic tenets of Indian Democracy. In the words of Hon'ble SC, corruption in our country not only poses a grave danger to the concept of constitutional governance, it also threatens the very foundation of the Indian democracy and the Rule of Law. The magnitude of corruption in our public life is incompatible with the concept of a socialist secular democratic republic. It cannot be disputed that where corruption begins all rights end. Corruption devalues human rights, chokes development and undermines justice, liberty, equality, fraternity which are the core values in our Preambular vision^[15].

Conclusion

Indian Constitution, says Granville Austin, is first and foremost a social document^[16]. Its founding fathers and mothers established in the Constitution both the nation's ideals and the institutions and processes for achieving them. The ideals were national unity and integrity and a democratic and equitable society^[17] In the views of Dr. Ambedkar "Indian Democracy is workable, it is flexible, and it is strong enough to hold the country together both in peace time and in

war time.” No one can doubt the workability and strongness of Indian democracy as prescribed by Dr. Ambedkar. However, the journey of Indian democracy has not been smooth and easy and it has, time and again, faced many challenges like emergency of 1977, Godhra riots etc. Even in 21st Century, larger part of Indian population has not enjoyed the fruits of democracy. They do not have access to basic amenities like education, health services and proper commutation. These are still unresolved challenges before Indian democracy. Proper implementation and observance of rule of law and constitutional principles is the only solution to address this challenge.

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