

# **VALUES IN A DEMOCRACY**

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## **Values in a Democracy**

India is a democracy governed by a written Constitution. She is one of the greatest democracies of the world. Sixty years of freedom, freedom from the yoke of foreign rule, and fifty seven years of Constitution, should make the people matured enough to rule upon themselves. Yet, the questions are propping up, not less than often - have we been able to achieve the goals – the real goals - of democracy, the real democracy? Do we deserve a democracy? As an abstract doctrine democracy is defined as government *by* the people, *of* the people and *for* the people. But a cynical observation – and see how true and correct it has become - defines democracy in India as a system of governance in which the country is ruled *by* the politicians, by government *of* the politicians and *for* the politicians. Newspaper reports of everyday leave us wondering to think as if democracy is a process in which helpless and hapless people pitted against a few who have captured power by so called democratic means are involved and occupied in a game in which the people are free to choose the man who will get the blame. Yet, the truth is that democracy is the best form of governance over the rest and it works, if, to quote the words of Manfred Hausmann, ‘all concerned stick to the rules of the game even when the referee is not looking’. Democracy, as a system, is founded on recognition of this eternal truth as a firm conviction that there are extraordinary possibilities in ordinary people which emerge and bloom if the human potential is not closed from being open. The conflict between contradictory observations on democracy and on democracy in India stands resolved by very potent and all-time-

true statement of the great thinker George Bernard Shaw who said- '[democracy is] a device that ensures we shall be governed no better than we deserve'. At the juncture at which democracy in India stands today, there is need for introspection, a need for apprising ourselves of a few basics; hence the subject - Values in a Democracy.

**What are values?** 'Value' is the intrinsic worth or goodness of something. 'Values' denote the moral principles or standards which enable the worth of a thing or person being estimated. Conceptually values are beliefs about what is right and wrong and what is important in life. Hindi equivalent of value is *moolya* which has its origin in union of *mool* with *yat*. It literally means what is basic or in foundation. It also means what is good, what is desirable or what one aspires for. A seminar was held only for the purpose of defining *moolya* and the conclusion arrived at was recorded by an eminent scholar Dr. Dharm Pal Maini as – 'the accued accent, intonation of generous and liberal, great and illustrious, beliefs of common man in the context of country, time and circumstances are human values'. The term 'values' has a few synonyms such as social principles, standards or virtues. In the context of values in a democracy, it will not be out of place to assign the term values the meaning of virtues.

'Values in a democracy' has three dimensions or three aspects, which are: (i) the values which *inspire* the urge or craving for democracy (herein would fall for consideration those great values which inspired the struggle for freedom in India); (ii) those values which the democracy *seeks to achieve* or which can be said to be

the *life and soul* of democracy without which the democracy, would loose all its meaning; (iii) the virtues in the subjects, that is the people, which *enable* the democracy to survive. The first one may be out of context for the present lecture. I propose to confine to two other aspects, that is, the life and soul of democracy and the values and virtues by which the democracy survives.

Values are timeless universal truths. Yet, it cannot be denied that a certain degree of flexibility has to be assigned to make the term values bustle with life, some flexibility associated with place, time and social circumstances. The meaning may not change but the order in which emphasis is placed on the constituents of a given value may shift. I have, therefore, chosen to deal with overall concept of values in democracy with special reference to India.

**What is democracy?** The most simplistic definition of democracy<sup>1</sup> is: a form of government in which a substantial portion of the citizenry directly or indirectly participate in ruling the state. It is thus distinct from governments controlled by a particular social class or group (aristocracy; oligarchy) or by a single person (despotism; dictatorship; monarchy). Democracy may be direct or indirect. In a direct democracy citizens vote on laws in an assembly, as they did in ancient Greek City-States. In an indirect democracy citizens elect representatives for representation in government (as is in India). The essential features of democracy are that citizens be sufficiently free - in

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<sup>1</sup> Grolier, vol. 6, p. 97

speech and assembly, for example - to form competing political parties and that voters be able to choose among the candidates of these parties in regularly held elections.

The term democracy is derived from the Greek words *demos* ('the people') and *kratia* ('rule'). Democracy is thus people's rule.

Richard A. Posner in his work - 'Law, Pragmatism and Democracy' deals in very many details with the concept of democracy and its relationship with law and pragmatism. It will be of interest to read his analysis and views keeping in mind the democracy in India in an attempt to figure out where it can be placed. According to Posner<sup>2</sup> democracy can be broadly divided into two concepts - "deliberative democracy" and "elite democracy". The latter one he calls realistic though cynical but of course pragmatic. Democracy is used in so many senses<sup>3</sup>. In an *epistemological* sense democracy denotes a mode of inquiry, whether scientific, ethical, political, or everyday, that assumes that intellectual skills and information are distributed widely throughout the population rather than concentrated in a handful of experts. In *social* sense democracy is used to denote the attitudes and character strongly influenced by notions of political and moral equality and of equality of opportunity that accompany, whether as cause or effect or both or neither. As an illustration he mentions American style political democracy. *Political* democracy is often termed as *majoritarianism*. In its ideological sense it is a *participatory* democracy which is freed from all constraints on liberalism. Idealism assumes that lifting

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<sup>2</sup> *Posner*, p. 130

<sup>3</sup> *Id* pp. 15-16

of all constraints on liberty alters people's character so that they become radical egalitarians. Such *ideological* democracy is also termed as *populist* democracy. *Elite* democracy is basically Schumpeter's<sup>4</sup> concept as slightly refined by economists and political scientists. Here democracy is conceived as a method by which members of a self-interested political elite compete for the votes of a basically ignorant and apathetic as well as determinedly self-interested electorate.

*Deliberative* democracy<sup>5</sup>, conceived idealistically, is one in which the voters and their representatives both are not only politically informed and engaged, but also public-spirited. Voters cast their votes and the people's representative and officials formulate and execute policies on the basis of their beliefs about what is good for the society as a whole. Such democracy contemplates engagement of the people, their representatives and officials in an ongoing reasoned debate aimed at successfully harmonizing or compromising their different conceptions of the public interest. Such democracy is to be valued as a means of improving government or as an end in itself- a noble activity that exercises man's highest moral and intellectual capacities.

Eminent jurist Bruce Ackerman propounds a *dualist* conception<sup>6</sup> wherein democracy oscillates between elite and deliberative democracy wherein the judges use their power of constitutional review to freeze into place the policies adopted in the deliberative phases so that those policies cannot be undone when politics

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<sup>4</sup> Joseph Schumpeter, an Austrian Economist

<sup>5</sup> Posner, p. 17

<sup>6</sup> ibid

returns to its normal condition of logrolling, interest-group pressures, an apathetic electorate, and the other characteristic of elite democracy.

Before we pass on to dealing with the subject by reference to the constitutional democracy which India is let us have a glimpse of the abstract ideal of democracy<sup>7</sup> which is justice and the difficulties of democracy<sup>8</sup> in achieving such ideal. "Democracy attracts support of the people because it represents an ideal of justice and an ideal form of government. The ideal is the belief that freedom and equality are good in themselves and that human dignity is enhanced by people's democratic participation in ruling. Because the rulers are subject to voter's approval, they are more likely to treat the voters justly. However, there are difficulties in achieving such ideal. The truth, re-dictated by experience, is that democracies are not easy to establish or to maintain. William H. Riker has very succinctly summed up the difficulties of democracy on a review of opinions expressed by several political thinkers. According to him, democracy requires two sets of rulers - one who govern and the other who take over when the first set loses an election. Democracy becomes expensive. Some societies seem to be poor to afford the luxury of leaders-in-reserve. In the modern world democracy requires almost universal literacy which is difficult as well as expensive. The worst effect of democracy is that politicians are under constant pressure from the 'lobbyist of special-interest group' to support particular public policies. Because their future depends

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<sup>7</sup> Grolier, p. 98

<sup>8</sup> ibid

on winning elections, and because elections are won by attracting marginal voters, politicians seek the support of marginal voters who belong to such group by promising to vote for legislation they favour. This weights the legislative process in favour of interest-group, especially the well organized and well founded. The sum of the benefits granted to these groups may be more than the society can afford. These kinds of expenses may contribute to the downfall of democratic government - as has happened in various regions in the second half of the twentieth century. Democracy thus lost can sometimes be regained, however, as the history of Latin America, in particular, demonstrate”.

As I have said a little before, values though all time truth, cannot yet be static; the soil and the society wherein those values are nurtured provide colour to the meaning of the term ‘values’. In the context of India, which is a constitutional democracy, the Charter of Values is to be found contained in the Preamble to the Constitution. The Preamble to the Constitution of India is the lodestar guiding the path to the Constitutional goals; the path to be trodden in four steps, each step being one value. The Preamble suggests that there are four values *in* democracy and *of* democracy. The Preamble declares the great rights and freedom which the people of India had visualized as being secured to all the people in free India. Those ideals and aspirations which inspired the freedom fighters to struggle against the British regime are embodied in the Preamble. The noble and grand



vision, which the constitution has, as also the philosophy- called soul of the constitution, is contained in the Preamble.

There are four values or virtues set out in the Preamble. They are- **Justice, Liberty, Equality** and **Fraternity**. These are the four values which were the source of the inspiration for the thousands of freedom fighters whether non-violent as guided by Gandhiji, or the revolutionaries led by the front rankers like Chandrashekhar Azad and Bhagat Singh or the soldiers who joined Azad Hind Fauz led by Subhash Chandra Bose. Equally these are the values which are set out as the goal of the Constitution as also of the Indian democracy.

**Justice** is rendering of every man his due. No society can remain for long a civilized society if it is unjust. Justice is the object of all laws. The great purpose of justice is the security of life, liberty and the pursuit of happiness. Justice Buller beautifully capsulised the concept of justice, in his opinion, in the famous case of 'Trial of O'Coigly and others'<sup>9</sup> - 'there is not in this country one rule by which the rich are governed and another for the poor. No man has justice meted out to him by the different measure on account of his rank or fortune, from what would be done if he were destitute of both. Every invasion of property is judged by the same rule; every injury is compensated in the same way; and every crime is restrained by the same punishment, be the condition of the offender what it may. It is in this alone that true equality can exist in society.'

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<sup>9</sup> (1798), 26 *How. St. Tr.* 1193

According to Justice Buller, equality, that is holding the scales even is justice and justice ensures true equality. Justice has many facets; its scope and comprehension unbound. Volumes of case law continue to grow in an attempt to conceptualize 'justice', so potent the concept of justice is. This potential finds its echo in Selected Writings of Cardozo<sup>10</sup>. He writes—"the web (of justice) is tangled and obscure, shot through with a multitude of shades and colours, the skeins irregular and broken. Many hues that seem to be simple are found, when analyzed, to be a complex and uncertain blend. 'Justice' itself, which we are wont to appeal to as a test as well as an ideal may mean different things to different minds and at different times. Attempts to objectify its standards or even to describe them have never wholly succeeded".

**Liberty** simply means freedom; not merely freedom from bodily restraint but also freedom to engage in any trade, vocation or occupation, to acquire knowledge, to marry and have children, to establish a home, to follow the religion and worship God according to the dictates of one's own conscience and freedom to enjoy those essentials which bring happiness to a man.

Liberty in its natural sense is the power, naturally vesting in a human being to think, say or do the way he thinks fit without any restraint or control except by the laws. Freedom would mean effective and meaningful freedom. This requires not only the absence of legal restraint but also the presence of positive power to do what one wants. Morris R. Cohen beautifully illustrates this

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<sup>10</sup> pp. 223-24, **Falcon Publications, 1947**

concept in *Reason and Law*<sup>11</sup> - 'the legal freedom to earn million dollars is not worth a cent to one who has no real opportunity'. A right divorced of opportunity may be a fashion without fabric. The freedom of expression is at the top of all the liberty but for which democracy and especially deliberative democracy would be devoid of any sense. Dialogue and discussion can resolve all political and ideological conflicts howsoever deep they may be. Argument tends to create anger and may deepen disagreement rather than overcoming it. An open debate enables blowing off steam, shakes people out of their dogmatic slumber though they may not necessarily change their mind on the spot and also enables the authorities to be receptive of public opinion and emotions. Here comes into play the role of intellectuals or elite as also of the press in strengthening the democracy. Political influence tends to flow to those people who are learned and are capable of making such convincing arguments which would be accepted by others as reasonable ones.

Most powerful coinage of the freedom of speech is attributed to Voltaire – 'though I disapprove of what you say but I will defend to the death your right to say it.' It is interesting to inquire – are these the exact words of Voltaire as have come to be coined as a quote ? The source for the attribution is E. Beatrice Hall's '*The Friends of Voltaire*' but the author latter said that the statement was meant as a paraphrase, not an exact quote. *Bartlette* credits Norbert Guterman's *A Book of French Quotations* with finding the closest verifiable quotation, in a letter from Voltaire to M. le

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<sup>11</sup> At pp. 101-102

Riche, Feb. 6, 1770: "I detest what you write but I would give my life to make it possible for you to continue to write<sup>12</sup>."

**Equality** is equals being treated as equals and not as unequals and unequals not being treated as equals, subject to the overriding consideration that equals are those who are equally situated and unequal are perceptibly not equally situated. Article 2 of the Universal Declaration of Human Rights, 1948 declares- 'the notion that all human beings are entitled to the same human rights without distinction such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status and that no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any limitation of sovereignty'. This declaration has the echo of *vasudhaiva kutumbakam* mini version whereof is to be found in the Constitution of India. The concept of equality is amplified into the expressions: 'Equality before law' and 'Equal protection of laws'. The law should be equal and should be equally administered, and the likes should be treated alike. All would enjoy equal protection of laws without distinction unless otherwise permitted by law itself. Laws, whether legislative or judge-made, must extend the protection that they apply alike and without discrimination to all persons similarly situated and comply with the principles of natural justice which are necessary to be complied with. While practicing equality, a democracy

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<sup>12</sup> Arthur T. Morgan, *Quotations*, p.113.

cannot afford to overlook its essence as coined by Cohen<sup>13</sup> 'Equality is meaningless under unequal conditions'.

**Fraternity** is brotherliness. In a limited sense fraternity is a set of men of the same class. In a pragmatic sense and in the setting in which it has been used in the Preamble, fraternity means a set of men who are *agreeable to being treated* as the members of the same class, as people of one nation. The concept of Fraternity embodies the noble and humane principle that "all the human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood"<sup>14</sup>. Dr. B.R. Ambedkar defined Fraternity as "a sense of common brotherhood of all Indians – of all Indians being one people. It is this principle which gives unity and solidarity to social life"<sup>15</sup>.

These are the four values in a democracy which are the soul of Indian Constitutional democracy. But a caveat. A reference to the Preamble for the purpose of culling out the values and virtues would not be complete and cannot be departed from without referring to secularism. **Secularism** is a system of utilitarian ethics, seeking to maximize human happiness. As a political ideology of secularism the State may not adopt, accept or patronize any religion as the basis of State action. But it is fundamental to understand that secularism is not an anti-religious doctrine; it is religious tolerance and equal treatment to all religions. There is an interesting and inspiring anecdote

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<sup>13</sup> Morris R. Cohen, *Reason and Law* (1961), at p. 101.

<sup>14</sup> Buckingham and Carnatic Co., AIR 1964 SC 1282

<sup>15</sup> Speech dt. November 25, 1949.

associated with the English term secular. What ‘secular’ truly means is to be found in the Hindi version of our Constitution. Sh. Lalit Mohan in a recent quip published in Times of India<sup>16</sup>, writes thus-

“L.M. Singhvi, jurist, parliamentarian, diplomat and Sanskrit scholar, who passed away last year once narrated that in 1976, when the country was under an ‘emergency’ and Prime Minister Indira Gandhi was on her populist spree, she decided to introduce the words ‘socialist’ and ‘secular’ in the Preamble to the Indian Constitution. Actually, she need not have done it because the first is a matter of economic policy, and is currently being whittled down anyway. And the second is guaranteed by a host of other provisions in the statute. But she thought such a step would win her accolades. Inserting the two words in the English text between the phrases ‘sovereign’ and ‘democratic republic’ was easy. Even their inclusion in the official Hindi version was not considered too much of a problem, because the word *dharmnirpeksh* was commonly considered, and is even today generally used as, the correct translation of secular. However, in the interest of caution, Mrs. Gandhi sent the Hindi text of the modified version to Singhvi for his comments. He said that he rejected the proposed phraseology and told the Prime Minister, “If you want to express neutrality between different faiths and religions, *dharmnirpeksh* is not the right word. *Dharm* stands for morality and ethical conduct.

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<sup>16</sup> **Lalit Mohan, *What Secular Means*, TOL, March 18, 2008**

If ever a question of ethics arises, one should never be neutral. What you have in mind are the different faiths distinguished by their rituals, mythologies and beliefs. If you want to be neutral between them, then the correct expression is *panthnirpeksh*". *Dharm* is universal. Its precepts are found in all religions and include injunctions that inveigh against violence, falsehood, greed, cruelty, deceit, lust, vulgarity, and so on, and are unexceptionable. Rituals, mythology, superstitions, modes of worship – whatever distinguishes one religion from another – belong to the domain of *panth*. Between different religious orders, the state has to be neutral. Consequently, this was the term inserted in the Hindi version of the amendment to India's Constitution and officially we are now a *panthnirpeksh*, and not a *dharmnirpeksh* nation".

Ethics and morality belong to the realm of religion and we have sacrificed the beauty of all the religions to our misconceived notion of secularism. We must remember that political parties devoid of ethics can do no public good. And, 'ethics of political responsibility requires willingness to compromise'.<sup>17</sup>

In the case of *Keshvananda Bharati*, the unique and innovative doctrine - 'basic structure of the constitution' was propounded by the Supreme Court of India. Chief Justice Sikri mentioned (i) Supremacy of the Constitution, (ii) Republican and Democratic form of Government, (iii) Secular character of the Constitution, (iv) Separation of powers among the Legislature, the Executive

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<sup>17</sup> Posner, p.167

and the Judiciary, and (v) Federalism as essential features of the Constitution. These too are the values in democracy in the Indian context, India being a country with a pluralist society and its own peculiarity of unity in diversity.

We have had a brief glimpse of the values in democracy with special reference to democracy i.e. India. **How do we achieve these lofty goals, the virtues of democracy?**

There are certain **hard lines** to face.

Freedom in democracy where public opinion is expressed through polling and political parties propagate for themselves, the electioneering tends to become manipulative. At times the campaigning is persuasive but without any substance. Unwary and unalert voters are likely to be misled or confused.

The elected representatives under fear of facing the electorate after the term is over are not inclined to offend the members of their constituency. With the result that far from acknowledging hard facts they tend to become populist and indulge in flattering the larger section of voters. Hypocrisy descends.

Political promises incorporated in election manifestoes do not have any sanctity much less any accountability. The winning party or candidate may not honour the promises, liberally and conveniently handed out, and yet continue to enjoy its full term.

Successful candidates are not random - draws from the public at large. They are smarter, better educated (if not, then shrewd



enough), more ambitious and wealthier than the average person. This fact alone coupled with the difficulty of monitoring officials makes the people's representative at best highly imperfect agent of their nominal principals. Posner must have felt depressingly sorry while recording – “Realism teaches that elected representative cannot be depended on to deliberate in the public interest”.<sup>18</sup>

Eminent jurist and great scholar N.A. Palkhivala has listed *four costly failures*<sup>19</sup> of the Government and the people responsible for, what he calls ‘present sorry spectacles of our Democracy’. They are:-

1. “Failure to maintain Law and Order. We have too much government and too little administration; too many public servants and too little public service; too many controls and too little welfare; too many laws and too little justice.
2. Failure to bring the unbounded economic potential of the country to fruition;
3. Failure to make human investment – investment in education, family planning, nutrition and public health, in contradistinction to physical investment in factories and plants. Gross national happiness should have been given priority over gross national product; and

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<sup>18</sup> Law, Pragmatism, and Democracy, p. 154

<sup>19</sup> We, the People, p. 5

4. Failure to provide moral leadership. We do not live by bread alone, and we are greater than we know”.

Socrates thought that each of us has within him, though often deeply hidden, the essential truths of morality, including political morality. Through debate and education and introspection (I would re-read with emphasis - *debate/ education/ introspection*) we can bring these truths to the surface. And since they are truths they must be the same for everybody so that once they are brought to the surface disagreement ceases.

As a free nation and a democracy, there are, in my humble opinion, at least six points which have to be noted as enabling descending of an ideal democracy especially in a country which has been a colony under foreign rule for a large number of years. These points are (i) Education, (ii) Character formation, (iii) Consciousness for duties to be associated with awareness of rights, (iv) Accountability, (v) A watchful and responsible media, and (vi) An independent Judiciary.

**Education** is the bringing up; the process of developing and training the powers and capabilities of human beings. In its broadest sense, the word comprehends not merely the instructions received at school or college, but the whole course of training – moral, intellectual and physical. Education necessarily comprehends a proper attention to the moral and religious sentiments of the child and not just pursuit of literature. Education is learning. The mind of the young has to be so trained as to develop his personality, bring out his hidden qualities which are inherent in every human being and shape

him into a responsible citizen. But for education the youth will have no capacity to comprehend the sense of being a citizen in a democracy, the sense of belonging towards the nation. An educated electorate has inclination for introspection and competence for debate.

In a democracy every adult who is not profoundly retarded has a moral right to participate on terms of equality in the governance of the society. Such moral right carries with it the moral duties:<sup>20</sup> (i) to take sufficient interest in public affairs so as to be able to participate in governance intelligently, (ii) to discuss political issues in an open-minded fashion with other citizens, and (iii) to base one's political opinions and actions (such as voting) on one's honest opinion formed after due deliberation of what is best for society as a whole rather than on narrow self interest. In a democracy the voters have to be both informed and disinterested so that voting is based on the ideas and opinions that emerge from deliberation among the informed and disinterested citizens. But for education it is futile to think of informed and disinterested citizens.

The society focuses its hopes on the **character** of individuals who form the society. Longfellow wrote in *Hyperion* "in this world a man must either be anvil or hammer". In this line, I think, hammer is the *character* and anvil is the *casualty*. In democracy, men of character strengthen it; people wanting in character make the democracy a casualty. On August 14, 1947 Nehru's resolution moved in the Constituent Assembly stated *inter alia* –

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<sup>20</sup> Posner, p.131

“It is fitting at this solemn moment we take the pleasure of dedication to the service of India and her people and to still larger cause of humanity”<sup>21</sup> Dr. B.R. Ambedkar moving a motion, which was adopted on 26<sup>th</sup> November, 1949 delivered a scintillating speech wherein he stated –“constitutional morality is not a natural sentiment. It has to be cultivated. We must realize that our people have yet to learn it. Democracy in India is only a top - dressing on an Indian soil, which is essentially undemocratic”. He emphasized the necessity of spreading and propagating constitutional morality for the peaceful working of democracy. On November 25, 1949 while speaking before Constituent Assembly and announcing that on 26<sup>th</sup> January, 1950 India will be an independent country he had posed a few questions. What will happen to her independence ? Will she maintain her independence or will she loose it a second time ? He stated *inter alia* – “independence is no doubt a matter of joy. But let us not forget that this independence has thrown on us great responsibility. By independence, we have lost the excuse of blaming the British for anything going wrong. If hereafter things go wrong, we will have nobody to blame except ourselves”. On November 26, 1949, moving a motion for adopting the Constitution Dr. Ambedkar stated – “however good a Constitution may be, it is sure to turn out bad because those who are called to work it, happened to be a bad lot. However bad a Constitution may be, it may turn out to be good if those who are called to work it, happen to be a good lot. The working of a Constitution does not depend wholly upon the nature of the

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<sup>21</sup> CAD Vol. 5, p.4

Constitution”<sup>22</sup>. Dr. Rajendra Prasad had emphasized the need for developing character qualities in the common men of the country in general and the leaders in particular. He made it clear by offering a prayer while closing the proceedings of the Constituent Assembly and seeking that the country might be given men of strong character, men of vision, men who would not sacrifice the interests of the country at large for the sake of smaller groups and areas and who would rise above the prejudices born of these differences<sup>23</sup>. Thus, democracy is deserved only by men of character; else it becomes tardy and oppressive. Only men of character understand the concept and relevance of accountability. Only men of character can enforce accountability. Absence of accountability makes the democracy run rough and rot.

Freedom having been earned and democracy having been established, fighters become leaders and their followers become humble voters. The voters are marginalized in recognition and made humble though placed as ‘masters’ in the constitutional scheme. The mindset of people must change. Each of them should be prepared to adorn the robes suited to their new roles in democracy. There is ***no place for cult of hero worship*** in a democracy. John Stuart Mill cautioned all those interested in maintaining the democracy not to lay their liberties at the feet of even a great man, or to trust him with power which would enable him to subvert the institutions of democracy (June 1975 events are the example). We should be grateful to those persons and

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<sup>22</sup> B. Shivarao, *The Framing of India's Constitution, Select Documents*, vol. 4, p. 939

<sup>23</sup> Dr. S.C. Kashyap, *The Framing of India's Constitution, A Study*, vol.5, p. 841

their families who have laid their lives or rendered life-long services to the country. But there ought to be a limit to it. Irish patriot Daniel O'Connell had said – “no man can be grateful at the cost of his honour, no woman can be grateful at the cost of her chastity and no nation can be grateful at the cost of her liberty”. Becoming devotees of heroes is a popular fashion in democracy, an outcome of sycophancy, which soon becomes a cult but leads to weakening of democracy. It blocks the road of right persons reaching the right places. Political democracy loses its virtue when politicians return to power because of their power of speech and command but soon thereafter they lose the patience to listen and obey to those who gave them the power.

Undoubtedly, democracy gives rights, which are valuable and inalienable. But **rights** soon lose their relevance and become meaningless unless **coupled with duties**. For democracy to survive what is needed is a proletariat, aware of its rights and also conscious of its duties. Unless we have an educated and well informed citizenry with men of character to represent them it is futile to think of successful democracy. The concept of accountability is inherent in the quality of leadership and system of democratic governance. ‘A dictatorship created by a plebiscite is still a dictatorship’<sup>24</sup>

In a democracy, the leaders must teach their followers and the people must learn to settle their differences by dialogue and deliberation and not by show of force or muscle-strength. There is no place for violence in a civilised society and that too in a

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<sup>24</sup> Posner, p. 148

democracy. Dr. Ambedkar had fore-warned (on 25<sup>th</sup> November, 1949 itself) –

“If we wish to maintain the democracy, not merely in form, but also in fact, ...we must hold fast to constitutional methods of achieving our social and economic objectives. It means we must abandon the bloody methods of revolution, civil-disobedience, non-cooperation and satyagraha. ...[w]here constitutional methods are open, there can be no justification for unconstitutional methods. These methods are nothing but the Grammar of Anarchy and the sooner they are abandoned, the better for us.”

Individual citizens must open their minds to understand what is for public good; everyone should be more receptive to reason by others; and, there should be a commitment to act for such modified view of public good.

That Constitution ruling a democracy is ideal which makes provision for ***rights coupled with duties***. Fortunately, in the Indian Constitution the chapter on Fundamental Duties was added by rather infamous 42<sup>nd</sup> Amendment during the unfortunate emergency. After the emergency, many of the amendments which curtailed fundamental rights were undone but the successive Governments have accepted the concept of Fundamental Duties. Article 51A sets out 10 fundamental duties which provide a golden reading and are akin to 10 commandments for citizens in a democracy.

A free and healthy, independent and powerful **media** (print and electronic included) is indispensable to the functioning of a true democracy. Media informs people of current political, social, economic and cultural life; brings to their knowledge all the burning topics and notable events and issues; provides platform for exchange of enlightened views and comments. All these enable development of educated, informed, enlightened and discerning citizenry. Media moulds public opinion and can also be instrument of social change.<sup>25</sup> No wonder, Thomas Jafferson, the Great American President wrote - "our liberty depends on the freedom of the press, and that cannot be limited without being lost".<sup>26</sup> And, once again, he wrote - "were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter".<sup>27</sup>

In a democracy in which rule of law prevails, an ***independent judiciary*** is the sentinel on the *qui vive* entrusted with the obligation of upholding the Constitution generally and in particular enforcing the rule of law protecting the fundamental rights and holding the scales of justice even between the citizens and the State or States *inter-se*. The judiciary contributes to the general welfare of the society and enables the dream of democracy being realized. In India, the Supreme Court has held the power of Judicial Review vesting in the constitutional courts one of the basic features of the constitution which cannot be

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<sup>25</sup> See: Harjeet Singh, re: (1996) 6 SCC 466

<sup>26</sup> Letter to Jems Currie, 1786; Arthur T. Morgan, *Quotations*

<sup>27</sup> Letter to Colnel Edwerd Carrington, June 16, 1787, *ibid*



taken away even in exercise of the sovereign power vesting in the Parliament. The judiciary has to be fearless and independent.

In the context of democracy in India N.A. Palkhivala in one of his articles contributed in the Illustrated Weekly of India (dt. August 11, 1974) nicknamed India as the 'Sick Man of Asia'. However, avoiding pessimism he made a few bold suggestions which would enable this nation 'coming back to health and growing strong puissant'. He wrote –

- “When we break our tradition of being collectively foolish despite being individually intelligent;
- When we shed our self – defeating brand of socialism which is sometimes half – Marxists and sometimes half-backed;
- When every class of citizens puts the nation above the party and the group;
- When the change from privilege to talent and from accident of birth to accent on caliber is brought about in the corporate board rooms;
- When businessmen and professionals realize that there is more to life than success, and more to success than money;

- When money comes to be regarded as something to be earned rather than to be got or won;
- When extra effort is put before extra leisure and working hours are not turned into tea-breaks and chatting sessions;
- When we stop our society, disintegrating into factions and divisions supplanting unity;
- When the leaders have the wisdom to perceive the truth and the courage to say it to the people;
- When the electorate realize that the entire destiny of the country is in their own hands and that there is no substitute for knowledge and integrity in public life;
- When men are appointed to high public offices because of what they are and not because they represent a community or a region
- When we appreciate that national progress is only the sum total of individual effort and that the government can achieve nothing without unleashing the energies of the citizens”<sup>28</sup>.

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<sup>28</sup> *We, the people, pp.16-17*

The Constitution erects the pillars of democracy. The pillars are of no use if they remain confined to the book of the Constitution. They would remain paper pillars. The pillars and principles of democracy have to be erected in the hearts and minds of the people. The ideal of citizenship-education, both for the people and their representatives-is beautifully summed in a poetic prayer:-

*“God give us Men ! A time like this demands  
Strong minds, great hearts, true faith and ready hands;  
Men whom the lust of office does not kill;  
Men whom the spoils of office cannot buy;  
Men who possess opinions and will;  
Men who have honour; Men who will not lie;  
Men who can stand before a demagogue  
And damn his treacherous flatteries without winking !  
Tall Men, sun-crowned, who live above the fog  
In public duty and in private thinking<sup>29</sup>”.*

With such men wielding the reins of democracy, values decorate democracy; democracy becomes virtuous.

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<sup>29</sup> Quoted by Dr. L.M. Singhvi, in Democracy and Law, Foundations and Frontiers, 2002,(Ocean Books, p36)

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