



“Dr. B. R. Ambedkar’s Concept of Democracy and Indian Constitution”

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Abstract: The preamble of Indian Constitution recognizes India as a Democratic nation by securing to the citizens, Justice, liberty, equality and Fraternity. *Democracy, from layman’s perspective is nothing but freedom, liberty and equality. However, to grasp the true meaning and importance of the idea of Democracy uses the lenses of legal luminaries like Dr. B. R. Ambedkar. This research exercise is an attempt to analyze the views of Dr. B. R. Ambedkar on Democracy, Indian Constitution and judicial decisions.*

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

Introduction

2016 is the 125th year of birth anniversary of legendary Indian Legal Philosopher (besides being an economist and politician) Dr. B. R. Ambedkar, who played an important role in framing the Constitution of India. The democratic nature of India reflects from the 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 Aiyer etc. Dr. Ambedkar’s role in the framing of democratic Constitution of India is enormous and everlasting.

Manifestation of the Idea of democracy throughout Indian Constitution

The preamble of Indian Constitution recognizes India as a Democratic nation by securing to the citizens, Justice, liberty, equality and Fraternity. The Constitution of India with long parliamentary debates drafted by the committee of luminaries headed by Dr.

B.R. Ambedkar borrowed from various Constitutions of the world over and Government of India Act, 1935 enacted during British time and having undergone about 100 amendments, now comprises of 395 Articles divided in 12 Parts and 12 Schedules, which broadly incorporates democratic values.

Rule of law

It is one of the bottom lines of democracy. 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.”

India as Democratic State

A look into the definition of the term 'State' in Parts-III and IV of the Indian constitution is enough to justify any such notion i.e. India As democratic state 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 accomplished through a socio-economic revolution pursuits with a democratic spirit by operational sing the newly framed Indian constitution.

Constitution of pleasure vis-à-vis Democracy Doctrine

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

Democracy and Corruption

Corruption is one of the formidable challenges before the Indian Democracy. Misuse of public offices for personal gain violates the basic tenets of Indian Democracy. In the words of Hon'ble SC, corruption in our country not only exposes a grave danger to the concept of constitutional governance, but it also threatens the very foundation of the Indian democracy and the Rule of Law. A corruption phenomenon in our public life is absolutely incompatible with the concept of a socialist secular democratic republic. It cannot be disputed that where corruption breeds all rights end. Human right get desecrated, chokes development and undermines justice, liberty, equality, fraternity which are the core values in our Preamble corruption corrupts the minds of people and this corrupts the system leading to its ultimate collapse.

Conclusion

Indian Constitution, Granville Austin Says, is first and foremost a social document. 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. 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 strangeness of Indian democracy as prescribed by Dr. Ambedkar. However, the Indian democracy is not on smooth track as it has witnessed, time and again, 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 glaring challenges before Indian democracy. Proper implementation and observance of rule of law and constitutional principles is only the way out. Democracy is only the ultimate device of harmonies development, harmonious, communion living. Therefore, its protection needs to be hallmark of each and every citizen and in ultimate analysis the national Govt. One should bear in mind that Dr. B.R Ambedkar's Birth and march is, like what Hegel tolls that State is the march of God on earth, is the march of savior of mankind and their values endowed at birth. Destruction of democracy leads to the emergence of state of nature which, by its very nature, is chaotic vicious, and state becomes stateless of Marx but of macabre.

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