

PRESERVE DEMOCRACY

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The people of India realized their dream and aspiration of independence in 1947 after several decades of struggle, sacrifices of man and material and sufferings of all kinds but followed the path of Ahinsa for about a century. They liberated themselves from the British colonial Rule of about 300 years on 15th August, 1947, as a result of their unique unity, integrity, brotherhood and a high character and moral conduct. The Independence Act, 1947 made British India an independent country by carving out the Dominion of India and the Dominion of Pakistan out of the territories of British India. It was a great blow to the people of India that the unity and integrity of their nation was broken and put to challenge. The framers of the Constitution for the governance of an independent India laboured hard and studied not only the Constitutions of various countries of the world where democracies were functioning in one form or the other but also took into account seriously the background of the people of India, the diversities of religions, beliefs, faiths, modes of worship, languages, literacy, social and economic backwardness. After about two years of studies, consideration and debates in the constituent Assembly, the Constitution of India was drafted, adopted and enacted and given to the people of India on November 26, 1949. Consequently the people of India resolved to constitute India into a sovereign democratic republic on 26th January 1950.

The ideals, aspirations and the objects which the Constitution makers intended to be realized were contained in the preamble of the Constitution. It was resolved by the people of India for self governance to secure to all its citizens; Justice-social, economic and political, Liberty of thought, expression, belief, faith and worship; Equality of status and of opportunity and to promote among them all; Fraternity assuring the dignity of the individual and the unity and integrity of the nation. By Constitution (42nd Amendment) Act, 1976, the words, "Socialist and secular" were inserted between the words, "sovereign

and democratic republic” and the word, “integrity” was also inserted between the words, “unity”, and the nation.” The ideals, aspirations and the objects were the guiding factors for self-governance and enabled the Constitution makers to draft the various provisions in the Constitution. A great emphasis as it was the need of the people who lived in the state of slavery under British Rule was given to the fundamental rights and the directive principles of state policy. The people of India cherished freedom of speech. Equality, Personal liberty, protection of life, freedom of speech, religion and profession as the summum bonum of their life. In the course of last 52 years since the commencement of the Constitution of India the people of India became conscious and conscious of their fundamental rights only without reciprocal duties and forgot the great sacrifices of their forefathers, freedom fighters and the noble and selfless leaders who achieved for them independence and adopted a democratic system of governance. The people of India became the rulers themselves of their India i.e. Bharat and acquired the power to govern themselves through their elected representatives as per their own wishes, Constitution and their own laws.

What we have lost during last 52 years after such achievements is very much agonising and frustrating in every sphere and walk of life. The high spirit of unity and brotherhood amongst the various communities of the country which was on top level during the long period of struggle for freedom has disappeared. Smallest incidence is creating tension, trouble and strife and leads to communal riots frequently. The mutual faith and belief is decreasing so as to take away the peace of every body and is creating insecurities. Such an atmosphere of stress and strain, distrust apprehensions is leading to chaos and confusion and is seriously affecting the developments of the individual and the progress of the society as a whole. The dignity of the individual has been adversely affected and the mutual respect for each other is painfully missing. The youngsters do not respect the elders and even thwart their own parents. The subordinates do not respect and obey the superiors. Discipline is such a great casualty. Work culture is also dis-appearing. The authorities and the heads of the public institutions are in a great dilemma and have been subjected to considerable stresses and strains and have also become tools in the hands of miscreants. Vested interests of the individuals have been trying to promote only selfish ends to the great detriment of public good. Even some of the Constitutional functionaries are drifting away from their objectives, ideals and policies and have been failing in the discharge of their Constitutional duties and

responsibilities. The institutional system and mechanism established for the welfare of the society and progress of the nation are becoming decreasingly in effective.

During British regime we used to hear the complaints that the Britishers were looting the country and taking away the wealth of India to Overseas Banks. During last 52 years of independence and self-governance; similar complaints have been cropping up in hundreds and thousands. It is the tragedy of the highest order that the selfish individuals wherever they are stationed or functioning are amassing wealth by undesirable means, corrupt practices and robberies and taking such wealth to the Overseas Banks. Thus corruption in independent India has also assumed the shape of black elephant. Even the citizens of the smallest means indulge in and justify the corrupt practices by proclaiming that the highly placed persons are amassing wealth by corrupt practices and nobody checks them. Our political parties have been taking up this issue of corruption in their agenda with the assurance of eliminating the same but the experience has shown that nothing tangible has been done to even control the corrupt practices and punish the guilty ones.

The expectations of the people of free India have risen to great heights. They expect their own Governments manned by their representatives to do every thing for them without contributing any thing by themselves towards their own upliftment, progress of the society, the enrichment and the advancement of the country, which remained backward for several centuries. The Governments of the State and the Union are not financially so rich as to afford to grant all benefits of all kinds to every citizen of the country. Naturally the limitations come in the way of realization of the expectations of the people. The fundamental freedom of forming associations and unions gave them the strength to start agitation, gharao, bandhs, and strikes and create law and order problem to get their demands satisfied. Even for small incident, misunderstanding, trifling matters or even a rumour creates big agitations and riots. Movement of the trains is blocked, roads are jammed and the society as a whole is put to ransom and normal life is paralysed. Not only this, public properties from which the citizens get benefited are recklessly destroyed. Wagons, buses, machines, furniture and fittings are put to fire in a fit of anger. There is not even the slightest hesitation in doing all this. Such persons are not ready to listen that in the independent India they are in fact destroying their own property and wealth. Unfortunately, even the political parties without any

distinction are resorting to agitations, gherao, bandhs, dis-obedience and disorder with a view to create hurdles in the execution of the policies and programmes of the Government. In the net result the welfare of the citizens is substantially and adversely affected.

The intellectuals and senior citizens of the country have become demoralised and totally frustrated. When the country became independent, the people of India were very much enthusiastic in the matter of choosing and electing their representatives to the Parliament and the State Assemblies and the Local Bodies but in the course of time, erosion of moral values, discipline, honesty and integrity and the misuse of liberty have made the people quite indifferent and un-concerned with the Elections. The mischievous persons have contributed to great extent by playing foul in the matter of preparation of the electoral rolls. Genuine voters do not find their names in the voters list and they return without casting vote at the General Elections. The names of dead persons continue to find place in the voters list. The elders stand excluded and the minors stand recorded. The residents of colonies of important areas find to their dismay that they are all out of the voters list. In the last Election an instance of such a lapse came to the notice when a voter from the Raj Bhawan campus came to the Polling Booth and did not find his name in the voters list. He got annoyed and told the voters standing in the queue that the A.D.M. himself had come to the Raj Bhawan and had collected the prescribed forms containing the names of the voters living in the campus but surprisingly all the residents of the Raj Bhawan campus do not find their names in the voters list. How can every citizen make an effort to get his name entered in the voters list when the A.D.M. himself had failed to get the names of the eligible voters of Raj Bhawan campus recorded in the voters list? It is not un-common to see at every Election that the respected persons residing in urban colonies are wholly omitted from the voters list. Our electronic media has been highlighting the voters plight and has shown on many times pictures of a large number of voters holding proper identity cards in their hands but they are returning from the Polling booth for the reason that their names are not existing in the Voters list. Such large number of people are deprived of their valuable constitutional right of voting or participation in the Election. In the result the percentage of votes cast in the General Elections has been substantially decreasing to less than one fourth of the total number of voters for a particular constituency and no political party gets even simple majority in the Legislature.

How can it be called democracy when the minority is resuming reigns of Government to rule the majority? The society has become divided and caste ridden despite constitutional prohibition. In such circumstances no one can and should expect a political party to get a ruling majority in any Election and there will always be a fractured verdict and create the necessity of a coalition Government. What good can be expected by the people from such unstable Governments of diverse and conflicting pulls and pressures? The present day political climate in the country, the indifference of the people towards Elections, non-exercise of the voting rights, the lapses, omissions and mistakes in the voters lists and the time, money and man power involved in the preparation and updating of the electoral rolls clearly establish an urgent need for the change in the Election system. The Election Commission of India, should, therefore, seriously consider to dispense with the system of the voters list and replace it by the identity cards carrying photos and other particulars issued in the prescribed form either by the Election Commission of India or by other authorities specified in this behalf. Consequently the Election Commission should also undertake an exercise to suggest for the necessary changes in the existing provisions in the Constitution of India, the Representation of people Act, the Electors rules and the like and also to suggest that every citizen shall exercise his right of voting as recognized by Article 326 of the Constitution of India in which the words used are "Adult suffrage".

Article 326 of the Constitution has defined the "adult suffrage" to say that every person who is a citizen of India and who is not less than 18 years of age on such date as may be fixed in that behalf by or under any law made by the appropriate legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice shall be entitled to be registered as a voter of any such Election. But the citizens have been deprived of their constitutional right of exercising their votes at the Elections to the House of people and to the Legislative Assemblies just on the ground of the negligence of the officers preparing the electoral rolls. We find at intervals in the news papers that electoral rolls are being revised and those whose names are not recorded in the voters list may approach the specified officers at the specified places to submit their prescribed form for entries. Some persons take the trouble to going to the specified place and do the needful. They get dismayed at the time of Elections that their effort to get their

name recorded went in vain. Therefore, others who had not undertaken such an exercise are not encouraged to ensure the recording of their names in the voters list. A large number of persons do not show their concern for their lethargy or lack of interest to exercise their votes at the Elections. This is a great tragedy for the democracy in India. Further more, the representatives elected on the basis of a small percentage of votes fail to discharge their constitutional duties towards the nation and the citizens and in the result the poor voter becomes a silent and helpless spectator. The live telecast of the proceedings in the Parliament and in the State Legislature on the television are telling the people how the democracy in India is functioning and what they expect from their representatives.

There has been almost total loss of ethical values in the actions and practices of the members of our independent and democratic society. Nobody counts honesty of thought, belief and action. Everybody praises those who have amassed wealth irrespective of their ways and means. Nobody thinks of any duty towards the fellow being, the society, the community and the nation but devotes all the time and attention to advance his own selfish ends. Everyone has become more conscious of the fundamental rights enshrined in the Constitution and asserts time and again his own rights without any reciprocal duty to the detriment of similar rights of the others. They are never aware of any duties which are co-extensive with their rights. The makers of the Constitution did not initially provide for the duties to be performed by the citizens of independent India because by the mood of the countrymen exhibited during the period of struggle and strife they were convinced that the Indians after independence and during self governance would never forget their cultural values of unity, integrity and dignity towards their fellowmen and the nation. But in the course of time our revered representatives in the Parliament realized in the Emergency period of 1976 the loss of consciousness of reciprocal duties and ethical values and so they enacted Constitution (42nd Amendment) Act to lay down ten mandatory duties of a citizen by introducing Article 51 A in the Constitution of India; Every citizen of India has been ordained to cherish and follow the noble ideas which inspired our national struggle for freedom to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities, to renounce practices derogatory to the dignity of women; to value and preserve the rich heritage of our composite culture, to safeguard public

property and to abjure violence and to strive towards excellence in all spheres of individual and collective activity. Every citizen is also mandated to uphold and protect the sovereignty, unity and integrity of India; to defend the country and render national service and abide by the Constitution and respect its ideal and institutions, the national flag and the national anthem. Further every citizen is directed to develop the scientific temper, humanism and the spirit of enquiry and reform, protect and improve the natural environment, wild life, and to have compassion for living creatures. However, no duty to participate in the Elections or to cast vote at an Election was prescribed. No provision was made for the enforcement of the fundamental duties.

It is unfortunate that the fundamental duties were not laid down initially alongwith fundamental rights in the Constitution and no provision was made for the enforcement thereof even when the duties were prescribed as late as 1976. The Honourable Supreme Court of India had made very pertinent observations in the case of Chandra Bhawan v. State of Mysore (AIR 1970 SC 2042) and said "It is a fallacy to think that under our Constitution there are only rights and no duties". The provisions in Part IV enable the legislature to impose various duties on the citizens. The mandate of our Constitution is to build a welfare society and that object may be achieved. Despite the introduction of fundamental duties, the citizens of India have been ignorant thereof and have not cared to perform their Constitutional obligations even when they are asserting and clamouring for their fundamental rights. Therefore it is the need of the time for the Indian society that a statutory provision to enforce the fundamental duties and to vote at the participate in the Elections should be made as early as possible and the citizens should be made liable for failure to perform the duties. The elected representatives should also be made to perform and held liable for the failure of such fundamental duties and the constitutional functions assigned to them under the Constitution.

A question may also arise as to why we should preserve democracy? Simple answer to this question is that the democratic system has been considered to be the best of all systems of governance all over the world. Every country in the world which is either under monarchy or dictatorship or colonial rule is crying for the establishment of the democratic system. The people demand for democracy has been recognized by the United Nations Organisation. Consequently the number of countries adopting democratic system is increasing. A great political thinker Dicey defined rightly the Democracy as the Government

of people, by the people and for the people. It is the democracy alone which enables the people to participate in governance, make their own laws and govern themselves in such a manner that it advances not only the welfare and interest of the individual but also the progress of the society as a whole and raises the level of achievement of the nation in the eyes of the world. If the democracy once attained is not duly taken care of and preserved, the future of the people will be bleak and the nation will become weak and vulnerable. Look towards the neighbouring country Pakistan where the democracy could not survive and the country fell into the hands of Military dictators not only once or twice but many times. The people of Pakistan were initially given independence and democratic system of governance by the Independence Act, 1947. But they have not been able to preserve, retain and regain it after Military coups. Therefore, it is an absolute necessity for the people of India to take stock of the present day deteriorating position about the functioning of the democracy, peace and progress of the society, welfare of the humanity, unity and integrity of the nation. *It appears quite possible to preserve our democracy if the citizens of our country make efforts at every level to restore the ethical values, discipline, work culture, unity and brotherhood and performance of the fundamental and civic duties; actively participate in the Elections by choosing and electing rightful and responsible representatives and finally abide by our Constitution and the laws framed by the Parliament and the State Legislature.*

