



The Theory and Practice of Conceptual Aspect of Democracy - A Critical Review

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Abstract

Democracy is a way of life. It provides "Possibility of concurrence in action without the preliminary necessity of shared religion, moral conviction or political program. The democratic temper may lead to readiness to accept an other's truth to be as good as his own, and therefore to enter into community, so far as it is possible to secure a reconciliation. 'Democracy is traditional to level for the so called fundamental issues, which in any view, remain fundamental even if a number of schools apparently consider them obsolete'. The expressions 'democracy' and 'democratic' have been used in varying senses in different countries and in many places have been subjected to denote the state of affairs which is in complete negation of the meaning in which they are understood. The three spheres of Democracy are Political, economic and social. Political democracy means the Government by the people, economic democracy connotes the control of the means of production and social democracy means the abolition of social Privileges.

Key Words: Dreadful burden, a good mixer, a democratic king, Utopia, inextricable confusion.

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"No man is in anyway distinguished, he is preferred to the public service, not as a matter of privilege, but as the reward of merit. Neither is poverty is a bar, but a man may benefit his country whatever he the obscurity of his condition."

- Pericles, quoted by G.H. Sabine in a History of Political Theory,

Third edition, 1963, p. 14.

Democracy is a way of life. It provides "Possibility of concurrence in action without the preliminary necessity of shared religion, moral conviction or political program."¹

Las well is of the view that, Democratic Personality means Four Things²:

(1) It has an open ego (2) It is multi valued (not fanatic) (3) It must have confidence in the benevolent potentialities of man (4) It must be free from anxiety, instead of being in conflict with it.

In his 'An Introduction to Democrat Theory',³ Henry Mayo has opined that a true democrat must have following characteristics:

(1) A democratic must be self governing. He must not be averse to responsibility, not regard freedom or voting as a dreadful burden.

(2) The active democratic will personally possess an inquiring, independent, rational attitude.

(3) To behave as a political animal, he must enjoy a feeling of confidence in political system and its policies.

(4) He must also be sympathetic to the claims of another, with a low "will to power" or "will to dominate."

James Brice, wrote long ago "The adjective (democratic) is used to describe a person of a simple and friendly spirit and genial manners, 'a good mixer' one who, whatever his wealth or status, makes no assumption of superiority, and carefully keeps himself on the level of his poor on less eminent neighbours. I have heard a monarch describe as 'a democratic king'"⁴

Infact Democracy should not be compared with the creed of Marxism or Leninism. J.D. Mabbot has rightly pointed out that "It is a sign of our political maturity that we have no such creed, it is a pathological symptom with such a creed sweeps a state"⁵. Are on Ramond echoes the same, when he writes that it is not out of place to deplore the frenzied search for unifying creed is the democracies." The free world would be guilty of a fatal error if it is thought is possessed a unique ideology compare able to Marxist Leninism.⁶

¹ Richard McKeon: Democracy, Scientific Method and Action, in Ethics vol. 54, July, 1945, p. 286.

² Democratic character.

³ New York, Oxford University Press, 1960, p. 265.

⁴ Modern Democracies New York, 1921, Vol. II, p. 23.

⁵ The state and the citizen, London, 1952, p. 170.

⁶ The opium of the Intellectuals, New York, 1957, p. 316.

In fact, as has been pointed out by Henry B Mayo, 'Democracy is best thought of as a political system together with its explanatory and Justifying Theory'⁷. Democracy in this view is not a unique ideology, comparable, say to Marxism-Leninism with its interpretation of history and its recipe for Utopia. That is, it is not a comprehensive philosophy embracing all of life and pointing to way to invariable ideas by means of a fixed policy program.

Democracy does have its principle and values, within the limits of these, democracy recognizes the legitimacy of whatever ideals or fundamental beliefs-different even conflicting, that the citizen may cherish. It is a political system and a theory in which men may freely pursue their dreams and purposes, and try to convert, them in to reality through policies. Lacking the certainties of a closed system, Democracy provides, the greater challenge, the wider opportunities, but not repose since repose is not the destiny of Man.

The Chicago Professor Herman Finer is of the view that,⁸ "In the countries which concern us, the social power relationship has embodies itself in a general form of the State Called democracy. But this term, literally, converges no more-but no less- than the Government is, or ought to be carried on by the people.

The democratic temper may lead to readiness to accept an other's truth to be as good as his own, and therefore to enter into community, so far as it is possible to secure a reconciliation. The learned author has enumerated the following democratic institution,⁹- (1) A written constitution (2) With a declaration of rights implying a limitation of the sphere of the government. (3) Majority rule, usually control of a government by elected legislature. (4) The separation of powers of government so that each power might check and balance the other (5) Public Education to produce the knowledge and spirit appropriate to democratic government.

Professor G. Sartoni is of the view that¹⁰ 'Democracy is traditional to level for the so called fundamental issues, which in any view, remain fundamental even if a number of schools apparently consider them obsolete'. In a symposium prepared by UNESCO¹¹ is has been underlined that, "for the first time in the history of the world, no doctrines are advanced as anti-democratic. The accusation of anti-democratic action or attitude is frequently directed against others, but practical politicians and political theorists agree in streaming the democratic elements in the institutions. They defend the theories they advocate. This acceptance of democracy as the highest form of political or social organization is the sign of a basic agreement in the ultimate aims of modern social and political institution."

However, it is also true, as T.S. Eliot wrote in 1939¹² that, "when a term has become so universally sanctified, as democracy now is, I begin to wonder whether it means anything, in meaning to

⁷ Opcit p. 309.

⁸ The theory and practice of modern government fourth edition, 1961, First Indian Reprint, 1972, p. 67.

⁹ Ibid, p. 78.

¹⁰ Democratic Theory. First Indian Edition, 1965, P. IX.

¹¹ Democracy in a world of tension - edited by Richard McVenon, (Chicago, 1951), p. 522.

¹² The ideal of a Christian Society. (London, 1939, p. 11-12.

many things." D.J. Bers and echoed the same in 1945, when he wrote that, "Discussion about democracy, arguments for and against is are intellectually worthless because we do not know what we are talking about."¹³

The opinion, about democracy, of Professor Giovanni Sartori, The learned Professor of University of FLORENCE,¹⁴ is very relevant in the present context. The learned Professor writes "The term democracy, then has not only a descriptive or denotative function, but also a normative and a persuasive function. Consequently the problem of defining democracy is two fold, requiring both a descriptive and a prescriptive definition. One cannot exist without the other. So, to avoid starting out on the wrong foot we must keep in mind three points: first, that a firm distinction has to be made between the ought and the is of democracy; second, that this distinction must not be misunderstood, because, clearly, ideals and reality interact (without its ideals a democracy cannot materialize and, conversely, without a basis of fact the democratic prescription is self denying); third, that although complementary, the prescriptive and the descriptive definitions of democracy must not be confused, because the democratic ideal does not define the democratic reality, and vice versa, a real democracy is not, and cannot be, the same as an ideal one. Professor Finer is of the view that the phrase, democratic constitution is ambiguous. According to him "No political terms have so subjected to contradictory definitions as "democracy" and 'democratic' since it has become fashionable and profitable for every and any state to style itself in this way."¹⁵

D.M. Walker has written that¹⁶ Democracy is rule by people, the form of government in which the general body of the people ultimately exercise the power of Government. ... The term is extended to social and economic contexts where the emphasis is on minimizing inequalities of power, rights, privileges, and property.

Modern democratic ideas were influenced by the concept of law as a restraint on autocratic powers of monarchs and by the need to consult representatives of the community particularly to secure assent to raising of money. The American and French revolution furthered, the idea of democracy and in the nineteenth and twentieth centuries. The cardinal features of democracy came to be representatives assemblies freely elected on a very broad franchise to which the executive is nominally responsible and from which it must obtain its power.

Other features normally associated with democracy are regular and free elections, an independent judiciary large measure of freedom of press, of speech, of assembly and of associations, and the ideas of rule of law, namely that the executive and the administrators are subject to rules of law and can be called to account for infringements that of.

Thus, it is, clear that for a democratic Government, the rule of law is a basic requirement, and for the maintenance of rule of law there must be an independent and impartial judiciary. It is embodied in the concept of rule of law that equality before the law or equal protection of the laws

¹³ Du pouvoirs (Geneva, 1947), p. 338.

¹⁴ Democratic Theory, First Indian Edition, 1965, p. 4.

¹⁵ Comparative Government (1970) pp. 62-63.

¹⁶ The Oxford companion to Law clearndon Press Oxford 1980, p. 350.

is ensured to all citizens and every citizen is protected from arbitrary exercise of power by the state.¹⁷

In his, spirit of the Laws¹⁸ Montesquieu has opined that, it is a fundamental law in democracies, that the people should have the sole power to enact the laws'. However, he has also warned that "When a democracy is founded on commerce, private people may acquire vast riches without a corruption of morals."¹⁹

According to the author of 'POLITICS'²⁰, In Democracies changes are mainly due to the Wanton licence of demagogues. Later on D. Tocque Villes, echoed the same, when he wrote that "It is our way of using the words 'democracy' and 'democratic Government'. That brings about the greatest confusion. Unless these words are clearly defined and their definition agreed upon people will live in an inextricable confusion of ideas, much to the advantage of demagogues and despots."²¹

We concluded our opinion about democracy with the observation of our summit court in R.C. Poudyal v. Union of India.²², the expressions 'democracy' and 'democratic' have been used in varying senses in different countries and in many places have been subjected to denote the state of affairs which is in complete negation of the meaning in which they are understood. During the present century it progressively became more fashionable and profitable to frequently use those terms and accordingly they have been grossly misused. We are not concerned with that kind of so-called democracy, which is used as a stepping stone for the establishment of a totalitarian regime, or that which is hypocritically dangled before the people under the name of democracy but is in reality an oligarchical set-up concentrating the power in a few. We are also not concerned with the wider theoretical conception in which the word can be understood. In our constitution, it refers to denote what it literally means, that is, 'people's power'. It stands for the actual, active and effective exercise of power by the people in this regard. Schumpeter gives a simple definition of democracy as "the ability of a people to choose and dismiss a Government". Giovanni Sartori translates the same idea in institutional form and says that democracy is a multi-party system in which the majority governs and respects the right of minority. In the present context it refers to the political participation of the people in running the administration of the Government. It conveys the state of affairs in which each citizen is assured of the right of equal participation in the polity. The expression has been used in this sense.

The three spheres of Democracy are Political, economic and social. Political democracy means the Government by the people, economic democracy connotes the control of the means of production and social democracy means the abolition of social Privileges. Generally speaking Democracy and Socialism are interrelated to each other. The irony of this inter relation was explained by D.

¹⁷ V.N. Shukla, Thirteenth edition 2017, p. A. 51.

¹⁸ 1748 book ii p.2.

¹⁹ Ibid Book V. p. 6.

²⁰ Book V chapter V (Aristotle)

²¹ Democracy in America, 1835.

²² A.I.R. 1993 SC 1804 at 1832.



Tockqueville in 1848.²³ He spoke that Democracy and Socialism are linked only by a word equality but the difference must be noted. Democracy wants equality in freedom, and socialism wants equality in poverty and slavery. We may not totally agree with this view but the speech is worth persuing.

We are not inclined to put the word democracy in a Straight Jacket formula of definition. We equal with Professor G. Overell.²⁴ That in the case of a word like democracy not only is there agreed definition but the attempt to make one is resisted from all sides... The defenders of any kind of regime claim that it is a democracy and fear that, they might have to step using the word if it were tied down to any one meaning. In fact democracy denotes, as Athenians proclaimed that "Administration is in the hands of many and not of the few." It manifests that all should participate in the governance and that none should be excluded because of extraneous differences of rank or wealth.

We must remember that democracy is the least unsatisfactory of all forms of government. It has to be worked out in participatory manner it is a true facet of the society that no man and no political party has a monopoly of wisdom or patriotism. Dr. Ambedkar said about this in the constituent assembly, "Power and knowledge do not go together often times they are- dissociated, and I am quite frank enough to say that this House, such as it is, has probably a greater modicum and quantum of knowledge and information than the future Parliament is likely to have."²⁵

The provisions of our constitution are both, legal and political. The legal provisions are to be interpreted by the Apex court, while the political provisions are to be worked out by the political forces of the day. The biggest achievement of the working out of the political provisions is the survival of our constitution up to this date. This is the result of the unselfish and devoted political leadership of the days gone by. Seervai has very aptly put it in the following words. "If parliamentary institutions survived in India, when they guttered and flickered out in almost all the countries of the East. It was due in no small measure to Jawahar Lal Nehru, a man of action as well as of thought. He encouraged Science and Scientific Research and their application to life and industry for improving well being of our people."²⁶ Because of his charismatic personality our Parliamentary democracy survived, and this led Professor K.V. Rao to remark that. India minus Nehru would have been what Pakistan had become without Jinnah', and it is because of Nehru that our parliamentary government has been termed by Professor Rao as "Parliamentary system of Government"²⁷

It is also to be remembered that democracy is much more than a machinery of Government. The second president of India Dr. S. Radha Krishnan, has said that "Democracy is more than, adult suffrage. It is the Institutional manifestation of a refined way of life, which exalts the individual

²³ Speech delivered in U.S.A. in 1848.

²⁴ In selected essay (Ballimore, 1957) p 149.

²⁵ Constituent Assembly Debates Vol. IX, pp. 1162-63.

²⁶ Constitutional Law of India. Vol. I. 1983, p. 48.

²⁷ Parliamentary Democracy of India. 1965, Preface to the second Edition.

and invests him with dignity. (Republic day broad cast, January 1965 Professor K.V. Rao, Thus wrote²⁸ "The first point we have to clear our selves about is democracy and democratic way of life have got more than one meaning, and though much deviation may not be good. The difference in our life from what we find in England and America need not always show us as sub-normal. Somehow or other, because of our long association with Britain, we always attempt to compare out constitution and its working with that country, and that seems to be our source of trouble... This is the exact reason why we have not been able to develop ourselves as a democracy of a high order, because of the institutions and regulations of a small country being transplanted to a large area; with social linguistic and other differences. What we have to understand that under the new context, we should have new definitions for federalism, socialism, nationalism and other western concepts so that we can understand the emerging pattern of institutional functioning that we have found in our country during the last fifteen years.

According the Great Professor²⁹ Another expectation is that our parliament would be able to control the executive through its instrument of collective responsibility. Now this singe instrument on which our constitution depends so much has significantly proved to be out of place in a modern democracy. A more effective device is indicated whereby it could be possible to make the executive and its administration more amenable to popular requirements.

²⁸ Parliamentary Democracy of India, 1965 p. 448.

²⁹ Ibid, p. 450.

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