

Gandhi and Constitution-Making in India: An Investigation

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Abstract

The Indian constitution in general or some of its aspects in particular is a strong fascination in India. The important aspects of study have been touched upon, that is, to what extent the constitution of India had inherited from the Gandhian thoughts: or how far India had influenced of his dream in framing the constitution. The present study is an attempt to fill this gap. An attempt has been made to give a dispassionate account of the nature and extent of the influence the Gandhian thoughts had exerted on the shaping of the content and the contours of the constitution of India.

Keywords: Constitution, Gandhi, Nehru, India, Assembly, Committee.

Introduction

Gandhi held a unique place in the history of the Indian freedom movement as well as in the historic transition from tradition to modernity. The period ranging from 1919 to 1947 was popularly believed to be the Gandhian Period. It was only natural to expect that his leadership, during these fateful movements for three decades, would have a definite impact on the making of the constitution for free India. It remains a fact of history that the Indian constitution, as it finally emerged from the tug and pull of opposing forces in the constitution making body, was a substantial devastation and departure from Gandhian ideas and principles.

Specific objectives

In the present study, following specific objectives have been set in mind.

To bring out the reasons for the departure of the constitution from Gandhian ideas.

To enquire the political order in India as envisaged in the constitution and the constitutional scheme as contemplated by Gandhi.

Methodology

The method of my study is as follows:

Collection of data from secondary sources.

Relevant information are collected from books and publications, journals and periodicals, etc.

Discussion

During the proceedings of the Assembly it was expressed by many members that the task before them was to draft a constitution that would serve the ultimate goal of social revolution of the national renaissance. The question was 'what from the political institutions would foster a social revolution?' They had two alternatives: one, the Gandhian plan which placed the political system on the pedestal of village and its panchayat and erecting upon them a superstructure of indirect decentralized government, and another, a typical western model of liberal democratic political system, having a directly elected parliamentary form of government with a federal structure to achieve the aims and objectives of a social revolution.

The Constitution Assembly opted for a Euro-American governmental structure by seeking to combine a parliamentary form of government with a federal organization in preference to the

Gandhian model. During the first phase of the proceedings of the Assembly, not even a moment's thought was given to the Gandhian

ideals. Although the objectives of resolutions moved by Nehru, pointed that the new constitution would be dedicated to the goal of social revolution, it did not specify the political institutions to achieve such goals. Neither panchayat nor indirectly elected government was mentioned. Even in the debates on the resolution there was neither criticism of the omission of panchayat government nor was the subject mentioned. Union committee (with Nehru as the chairman) and provincial committee (with Patel as the chairman), appointed to prepare a model constitution for union and provinces respectively, recommended a directly elected parliamentary form of government within a predominantly federal pattern.

The Drafting Committee rejected the suggestion of having village republics as the basis of the whole constitution. In fact, this alternative was never discussed in any of the meetings of the Drafting Committee. The committee relied heavily on Euro-American principles and preamble proclaims the fundamental principles of the new order. India was to have a president, indirectly elected for a term of five years, who would be a constitutional head of state in the manner of monarch in England. The decision to adopt this system was the result of a long discussion in the Assembly in one of its earlier sessions. The two issues which were raised during the discussion were:

What would make for the strongest executive consistent with the democratic constitutional structure?

What was the form of executive which was situated to the conditions of India?

The overwhelming majority was the favour of the cabinet form of government. The members of the Assembly were committed to framing a democratic constitution for India, and they felt that this democracy should be expressed in the institutions of direct, responsible government, and not in the indirect system envisaged by Gandhi.

The executive and judicial provisions of the 1935 Act were adopted to Indian's needs by the Assembly with some major changes of substance, but with few of form; not so with the legislative provisions. The members of the constituent Assembly had one predominant aim when framing the legislative provision of the constitution; to create a basis for the social and political unity of the country. They chose to do this by uniting Indians into one mass electorate having universal, adult suffrage, and by providing for the direct representation of the voters in genuinely popular Assemblies.

Gandhian scheme of the future constitution of India

Hind Swaraj contained Gandhi's blueprint for the Indian republic which was dismissed by Nehru "as being out of date."² Gandhi severely criticized the British parliamentary practices and procedures. He said "if India copies England, it is my firm conviction that she will be ruined." Gandhi wrote to Maganlal Gandhi on April 2, 1930: "It is very difficult to get right of our fondness for parliament". Modern tyranny is a trap of temptation and therefore, does greater mischief. One can withstand the atrocities committed by individual as such; but it is difficult to cope with the tyranny perpetrated upon a people in the name of the people. The common man in India at last believes that the parliament is a hoax." He was alive to the basic malady of parliamentary democracies. He compared the mother of parliaments to a "sterile women" which could do no good thing. He observed; it is generally acknowledged that the members are hypocritical and selfish. Each thinkers of his own little interes..."⁵ In 1925 he wrote: "the people of Europe have no doubt political power but no swaraj. They are being exploited by the ruling class or caste under the sacred name of the democracy."⁶ In 1938 he wrote: "Democracy of the West is, in my opinion, only so-called."⁷ The Euro-American democracies were subject to Gandhian's trenchant criticism; for, from the standpoint of non-violence, they were not qualitatively different from the states which tore off their democratic veil. He observed: "western democracy, as it fascism."⁸

Gandhi wanted to evolve a political system suited to the genius of the people. In 1942 he told Louis Fischer: "I do not think that a free India will function like a other countries of the world. We have

our own forms to contribute.”⁹ He did not believe in the accepted western form of democracy with its universal voting for parliamentary representatives.¹⁰ His contemplated form was village swaraj or Panchayat Raj. He stated: “True democracy cannot be worked by twenty men sitting at the centre. It has to be worked from below by the people of every village.”¹¹

Centralization- Decentralization Debate

Gandhi always advocated decentralization of economic and political power in the form of more or less self-sufficient and self-governing village communities. He regarded such communities as the models of non-violent organization. He, of course, did not mean that the ancient Indian village republics should be revised exactly in the old form, that was neither possible nor desirable. Necessary changes would have to be introduced in view of modern changed circumstances and needs. He desired that these self-sufficient and self-governing villages should be the basic units of public administration in free India. Gandhi envisaged complete political and administrative decentralization at the village level with an indirectly elected government at the top. In 1946 Gandhi presented a clearly articulated image of a non-violent decentralized society structured in “concentric circles.” And it was during 1946-47 that Gandhi, in the last phase of his life, fitted his “concentric circles” with the structural content of people’s democracy and sovereignty at the grassroots, which he described as Panchayati Raj - a kind of co-operative commonwealth of reformed and reconstructed village communities. These ideas did not make much impression on the framers of the constitution. The fact was that the politically conscious class in India had always admired the British parliamentary system. To most Indian politicians, whether of the right or the left, the Gandhian model seemed neither practical politics nor practical economics. The experts committee formed by the Congress Working Committee in July 1946 recommended a federal and parliamentary form of government. A number of the committee of the Constituent Assembly deliberated on various aspects of the constitution, but did seem to have given thought to the Gandhian approach.

The attitude of the Drafting Committee and especially of Ambedkar as regards village panchayats was that they could not be the basis of new democracy. The issue comes to a head in the course of the seclude reading of the draft constitution in the Constituent Assembly in November, 1948. Ambedkar, the chairman of the Drafting Committee, while attempting to answer these charges, said that the love of the intellectual Indians for the village community was blind and baseless. But Ambedkar pointed out that the principal aim of the village communities was somehow to ensure their existence, and as such they had played a very little part in the affairs and the destiny of their country. He therefore concluded that “village republics have been the ruination of India”. In this opinion a village was nothing but a “sink of localism, a den of ignorance, narrow-mindedness and communalism.”¹⁴ He expressed his pleasure that the Draft constitution had discarded the village as its unit. Ambedkar, as chairman of the drafting committee, produced the Draft Constitution which did not embody the Gandhian ideals of a state. He believed that the Gandhian scheme was not practicable since that would ensure continued oppression of the Harijans by the upper caste communities. As such Ambedkar had suggested a centralized parliamentary system.

The attitudes and sentiments expressed by prominent members of the Constituent Assembly demonstrate that the impact of Gandhian ideals was very much alive only in their minds. On the Draft Constitution on November 4, 1948, the president of the Assembly expressed the willingness to be guided by the spirit, life and teaching of Gandhi. That this was merely a point’s sentiment and did not reflect the actual goings-on in the decision-making process was evident from the chorus of protests and criticisms from a stream of members who resented the copious borrowings from and “Slavish imitation” of foreign constitutions, the omission of the political party” of India and the “political and spiritual genius” of the Indian people, the failure to frame a constitution “suited to the genius of our land” the omission of any “trace of Gandhian social and political outlook”, “the complete departure from Gandhi’s ideas and wishes,” the failure to represent “the real soul of India” and the “mind of Gandhi”.¹⁵

Conclusion

From the above analysis of Gandhi's social, economic and political ideas we propose to discuss the subsequent relation between Gandhi and the Indian National Congress from the time of his entry into the Indian national political scene till his death, we have discuss the nature and extent of the impact of Gandhism on the Indian leaders and statesmen, especially the architects of the constitution. A clear picture on the structural aspect of the constitution will be available from the debate on the incorporation or non-incorporation of Panchayati Raj. We have then dealt with the two main commitments of the Indian constitution: democratic goals and social revolution as institutionalized in parts iii and iv on the constitution and their procedural aspect as envisaged in the safeguard of minority interests and the some other provisions of the constitutions. Finally, there is a study of the relevance of Gandhi in the present stage of India's political and constitutional history. This is the operative aspect of Gandhi's ideas.

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