

Relation Between Indian Constitution and Democracy

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Abstract

Today the people in India are in a mood which comes rarely in the life of a country. They are looking forward stary eyed, to a new direction, a new era, a life. It is time not merely for a new budget or a new licensing policy or a new price structure. It is the moment for shaping and moulding a new society, for giving a new and clear orientation to the nation. The constitution is not a structure of fossils like a coral reef and is not intended merely to enable politicians to play their unending game of power. When a republic comes to birth, it is the leaders who produce the institutions. Later, it is the institutions which produce the leaders. In India's case the established structures failed to give desired results. If the system of Parliamentary democracy had been worked in conformity with the objectives for which it has been established and the obligations and codes of conduct it imposes on politicians, political parties and their mutual relations, it would have constituted a most heart warming feature in finding a way out of the morass and confusion in which we are finding ourselves as a nation. In the words of T.S. Eliot, 'we had the experience, but we missed the meaning'. We the Indians, know it well that our democratic institutions have not been worked in that manner. Our electorate is largely illiterate and not in a position to take an objective or critical view of the promises and performances of different political parties.

Key words: Constitution; India; Political system; Democracy and prospect

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STATUS OF INDIAN POLITICAL SYSTEM

Our constitution was framed on the basis that our citizens, including the best, would be willing to take a continuous and considered part in public life. Democracy depends upon habits of consent and compromise which are attributes only of mature political societies. The lawful government by the majority under the rule of abiding law, and with freedom of opposition and dissent is, both geographically and historically, an exceptional human achievement rather than the normal way of organizing nations. Where the spirit of moderation does not prevail society degenerates into divisions and hatred replaces goodwill.

The single criteria for a good government in democracy is progress; and by progress we mean peace, liberty and better life. To quote Gandhi. 'Democracy must in essence mean the art and science of mobilising the entire physical economic and spiritual resources of all the various sections of the people in the service of the common good of all. (Green, 1976) It is a way of life; it is also a process forever recreating that way of life. In it, each person is important as an individual; his well being is vital in itself. Lord Acton, after a profound examination of historical processes came to the conclusion that the fate of every democracy, of every government based on the sovereignty of the people, depends on the choice it makes between these opposite principles; absolute power on the one hand, and on the other the restraints of legality and the authority of tradition. It must stand or fall according to its choice, whether to give the supremacy to the law or to the will of the people; whether to constitute moral association

maintained by duty or physical one kept together by force. (Palkhivala, 1984)

Without doubt, the constitution of India is one of the best ever devised by the ingenuity of men who were engaged in the task. But while piloting the Constitution Bill Dr. Ambedkar said, I feel that, however good the constitution may be it is sure to turn out bad if those called upon to work it happen to be a bad lot. However bad a constitution may be, if those who are called upon to work it happen to be a good lot, it will turn out to be good'. The constitutional structure of the world's newest and largest democracy as held by Sachchidananda Sinha, Provisional Chairman of the Constituent Assembly, that it all may Perish in an hour by the folly, corruption or negligence of its only keepers, 'The People'. These prophetic words came true. The foundations of the constitution have been shaken by the folly of the people, the corruption of our politicians and negligence of the elite. In the last fifty years, we have reduced the noble processes of our constitution to the level of a carnival of claptrap, cowardice and chicanery. Just as it is not enough to import the latest technology if a country lacks the scientific temper and skills to harness it, so the Parliamentary system too can become arid if members of Parliament, on both sides of the political divide, continue to display a lack of democratic temper. The essence of Parliamentary democracy lies in the tolerance of dissent and a willingness to hear and even heed a point of view contrary to one's own. (Singh, 2011)

DEMOCRATIC FEATURES OF NEHRU ERA

The democratic system so established certainly worked well for a number of years. Jawaharlal Nehru's idea on democracy can best be attributed to his submission to the objective laws that led him to realise the direction of the historical process, to understand as an objective and progressive course of events proceeding from the lower to higher. He proceeded to his political work not with the approach of a religious one, but went ahead scientifically, trying to bring it into line with the general objective of course of history and subjugate it to progressive trends. Nehru played a very significant role in order to strengthen political institutions under the framework of the Indian constitution. The adoption of the constitution in its secular spirit during the years of strife and communal tension was itself a dashing step taken under his leadership. (Malhotra, 1980) He was one of those great democrats who believed in democracy as a political system allowing the peaceful play of power, the adherence by the 'outs' to decisions made by the 'ins' and the recognition by the 'ins' of the rights of the 'outs'. (Singh, 1986) It was an inherent virtue of Nehru that he always gave the opposition an opportunity to express its view. In his opinion, the end of

Parliamentary democracy should be the maximum good of the people and to this end, he was opposed to delaying and complicated procedures, since parliamentary institutions reflect the character of the people, he laid emphasis on the purity of means and ends under this system.

In an initial and experimental manner, we have accepted and dealt with this great world-moving force of man-on-the-March, which is democracy. We are aware that such experiment in democracy is sure to bring about revolutionary changes in our individual and social life. However, the founding fathers of the Indian republic, too, had their own fears of the future of democracy, given the backlog of the problems. They grafted a democratic political system on to a society which was in dire need of fundamental reform in the shortest possible time. It was the faith and the hope of the fathers that in India democracy would not only survive but that through it the necessary social changes would also occur. (Lipset, 1983) To sustain democratic institutions, in general, what is required, is a political society which shares their underlying values and constantly manifests commitment to them in its own political activities. Only such a political society can ensure the operation and survival of the democratic processes.

Democracy is meaningful only to the extent it leads to the participation of the people. Sensing the dangers of democracy in India, Jayaprakash Narayan felt that unless democratic system involves masses in its working the ideals of freedom, equality and justice could not be achieved. Following the view of Harold Laski, he, in his paper published in 1959 entitled 'The Reconstruction of Indian polity,' held that the worth of democracy must be judged by the amount of voluntary activities within it. It is not the formal institutions like Parliament, assemblies, elected governments which constitute democracy. It must live in the life of the people. Rejecting the theory of parliamentary democracy with multi-Party system, he advanced the system of Partyless democracy of participatory democracy. For practical purpose and in order that the people might participate in the government, the government must be brought as near to the people as possible. This would require a thorough going system of political and economic decentralisation.

Nehru did not confine his opinion to the realm of politics alone but the arena of economy was not out of his reach. He considered that political democracy by itself is not enough except that it may be used to obtain a gradually increasing measure of economic democracy. Nehru believed in industrialisation and a strong industrial base. The Russian five year plans and the progress made in that country had a great impact on the mind of Nehru. Though he was impressed by Russia's economic progress he was against the dictatorial form of rule. Therefore, he was for a mixed economy and a good deal of progress was achieved but during his economic period he invested more

in industry. More emphasis was laid on industry than agriculture.

Modernisation as sought by Nehru by its very nature promotes contradictory tendencies. It involves advances and retreats, hope and despair, determination to push forward and desire for escape into the past. Inevitably, India, too has experienced such contradictory pulls. Though it has moved too far on the road to modernisation to turn its back on it, it has marked time again and again. The Indian intelligentsia was full of confidence and believed that the country would industrialise rapidly and move into an era of distributive justice without going through any hardships of primitive accumulation of capital. Nehru in the fifties represented this hope and innocence. He himself was convinced that the Indian economy could reach the take off stage in a decade or two.

The lack of authority, order and discipline can adversely affect economic development as well. And as the economy becomes sophisticated, it becomes highly vulnerable to disruption. Modern agriculture, for example, needs a steady supply of power, diesel, fertilizers and pesticides, an assured market and remunerative prices. In the fifties, we had many eminent men in public life who were every inch a gentleman. In the sixties we had many public figures who were every alternate inch a gentleman. Unfortunately, in the seventies we have an unacceptably large number of politicians who are no inch a gentleman. (Somjee, 1979) Therefore, by the end of Nehru era, this economic optimism had begun to give way to serious doubts. The sixties and seventies saw grave economic difficulties. From the mid-sixties onwards, with the 1965 Indo-Pakistan war, the massive IMF – enforced devaluation of the rupee soon after and the terrible drought that ravaged the land, it was clear that the system which had seemed hitherto to be sailing in tranquil waters, had entered a turbulent sea. It was only aroused this time that the rumblings of a system beginning to come under socio-economic stress were first quite clearly heard. Politically the most significant manifestation of this gathering crisis appeared in 1967 elections which saw the once unassailable Congress Party lose out to a motley assemblage of opposition parties in a number of northern states.

All this was perhaps too good to last, though it did not last for well over a decade. Despite the scientific temper he had for the country, he was a poor judge of men, and therefore, he could not distinguish between real friends and sycophants. In the later phase of his life he took the support of undesirable elements to remain in power. Though he was popular with the masses he did not take action against vested interest which exploited the masses. He did not mind taking funds from anti – social elements. The Congress Party started accepting black money for elections during his time. Though soft, he was not always straightforward in dealing with his colleagues. The

kamaraj Plan was contrived to ease out some persons he disliked. His ‘soft pedaling’ of corruption had a disastrous effect on public morals. Nehru admitted the facts of public life then prevailing and said, ‘Unhappily during the war and afterwards various types of corruption have grown. Controls have added to them and general standards fallen, both in government servants and in the public. Black marketing in India is not merely an individual offence, but a social evil. There can be no two opinions that adequate measures should be taken to check and end this degradation of our public life. (Paklkhivala, 1984)

SYSTEMIC PROBLEMS AFTER NEHRU

Indira Gandhi took over the reigns in this hopeless political and economic situation and soon gave way to hope and confidence. She used morally dubious and politically skillful tactics, nationalised the major Indian banks, abolished the princes privilege and launched a radical sounding populist, peronist style ‘garibi hatao’ programme. In addition as the Nehru era drew to a close, the Indian intelligentsia had more or less taken shape of the larger society and it was badly divided. As such, its commitment to national integration and a strong central authority had become feeble. Large sections of intelligentsia were opposed to her primarily because she stood for a strong centre which was a dangerous approach. As a result, the elite and the newly displaced groups began to lose confidence in the efficacy of the system. Some individuals and groups attempted to provide leadership to the alienated millions and to meet their need for escape. While some of them advocated a drastic revision of the constitution or brand new constitution as if the constitution had stood in the path of economic progress, others offered populist and radical solutions. They struck a sympathetic chord even in the elite, which though committed to and part of the slow moving democratic process, was looking for quick solutions to complex problems.

The five-fold oil price rise by OPEC countries at the end of 1973 and the energy crisis it precipitated was for the Indian economy the last straw on the camel’s back. By then the system was in deep crisis. Industry was in recession, the level of investment had fallen, successive droughts had lowered agricultural productivity, traders had begun to cash in on, shortages and the consequent black market in a wide range of commodities from steel and cement to edible oil and food grains. Hard pressed by this array of hostile economic forces, large sections of the population stepped up their demands on the system at the very moment when it was least able to meet them. Since 1947 tremendous social forces with the most far reaching implications had been at work in the cities and in the countryside. Development often means discontent. It is only when relatively stable societies are sought to be changed rapidly and profoundly that they begin to

undergo ferment. These forces appeared at the time of agitation over the linguistic reorganisation of states but on relatively limited scale. (Nehru, 1984)

The emergency which Mrs. Gandhi imposed on 25 June 1975, was largely in response to a desperate coalition of dominant groups she represented to and a deep rooted, all pervasive structural crisis. The pre-emergency assumption was that it would give full and free play to demands by diverse groups for the fulfilment of their new found expectations. However, during the emergency social contention was artificially held in abeyance, aspirant groups were inhibited about voicing their claims and social conflict was sought to resolve not by accommodation through the free play of argument but with the iron hand. Not surprisingly, this approach brought rapidly diminishing returns in terms of 'discipline' 'order' and 'stability'. Social conflict could not forever be held in abeyance, public opinion could not forever be manipulated and regulated, popular resentment could not forever be contained. (Abraham, 1979)

Unlike many other countries where democracy has fallen by the way side, India's one billion people have increasingly thrown ruler in and out of office. But all is not well with Indian democracy. The panchayat amendments have innovated a unique constitutionally mandate multi-tier federalism which would bring power closer to the people. Indian federalism gives too much power to the union. Exercised around one hundred times, the power to impose President's Rule subverts democracy and has been grossly abused. Communalism, muscle and money power has intruded into the electoral process. Parliamentary governance is threatened by weak coalitions. Floor crossing had not been disciplined by the anti-defection amendments; and likely to increase with 1998 judgement that clothes bribe taking legislators with criminal immunity.

In a democracy based on adult suffrage which means the nose-counting method, the only way to achieve progress is to educate the masses. But we made no attempt to educate our people in the obligations that a democratic system places upon its citizens on the manner in which they represent their needs and grievances or thoughts through representations, dialogues, discussions and non-violent political lobbying but left them to carry on their relations with government on the agitational and confrontationist basis which had been employed in the past against their colonial rulers. Leaders of consequence did not explain to the people that, as democracy provided

for periodic elections at which ruling parties and governments could be thrown out of power if they had misbehaved during the inter-election period. There was no recognition of the serious obstacles that illiteracy and lack of civic consciousness places to the efficient functioning of a democratic political system nor was any serious attempt made to wipe out mass illiteracy and lack of understanding of the norms of democratic functioning.

The national conscience has to be roused to such a degree that it would cease to tolerate falsehood and dishonesty in public life. Standards of ethics and decency in public life are less easy to enforce by law than by public opinion. Hence, there must be a nation wide campaign to disseminate correct facts and right ideas among the public at large. The best charity which one can do in India today is to carry knowledge to the people as Abraham Lincoln rightly held that the people would be able to face any crisis, provided only the correct facts were made known to them. The duty of the citizen is not merely to vote but to vote wisely. He must be guided by reason and by reason alone. He must vote for the best man, irrespective of any other consideration and irrespective of the party label. What India today badly needs, and sadly lacks, is not political leadership but moral leadership which can lead to a renaissance of true Indian culture.

REFERENCES

- Abraham, A. S. (1979). Decade of turbulence-system under growing stress. *The Times of India*, December 21.
- Green, N. J. (1976). The Goal of Democracy. In Sardar Patel Institute of Administration (Ed.), *Administration and politics in modern democracies* (p.19). Allahabad.
- Lipset, S. M. (1983). *Political man* (p.1). New York.
- Malhotra, I. (1980). The changing face of parliament. *The Times of India*, August 17.
- Nehru, J. (1984). *India's independence and social revolution* (pp.135-55). New Delhi.
- Palkhivala, N. A. (1984). *We the people India the largest democracy* (p.44). Bombay.
- Palkhivala, N. A. (1984). *We the People-India the largest Democracy* (p.198). Bombay.
- Singh, A. (1986). *Political Leadership of Jawaharlal Nehru* (p.266). New Delhi
- Singh, R. (2011). *Contemporary India with Controversial neighbors*. New Delhi: Gyan Publishing House.
- Somjee, A. H. (1979). *The democratic process in a developing society* (p.139). Delhi: Macmillan.