

## **CHAPTER-V**

### **CHANGING DIMENSIONS OF THE INDIAN POLITICAL PROCESS – PLACE OF THE DIRECTIVE PRINCIPLES: AN EVALUATION**

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EVALUATION****I**

The foregoing discussion conclusively proves that the socio-economic foundation on which the Constitution of India has been built, is well spelt out in different parts of the Constitution, particularly in the Preamble, the Chapters on Fundamental Rights and Directive Principles of State Policy. Since a Constitution is not mere a collection of rules and regulations, it has its own goals and the aspiration of the nation gets reflected in the body of the Constitution. That is why, a Constitution is expected to serve the generations to come even in the context of changing dimensions of the political process. A Constitution is looked up as a "container" of the ideals and goals of a nation and it is a "living organism". The fundamental rules in a Constitution serve, in the first place, as the fountain-head of authority for the exercise of state-power. Secondly, they provide the state with

an institutional framework, "a container within which the dynamic process of government and politics can operate."<sup>1</sup>

As already seen, constitutions may come into being through evolution, through the deliberations of an assembly or first.<sup>2</sup> A Constitution which comes into being through detailed deliberations has a greater scope of including the elements of dynamism in it. Constitutional dynamism is "a specific response to wider changes in social life."<sup>3</sup> A Constitution should have a dynamic of its own and "comparative studies of change need always to reflect the impact of government upon society."<sup>4</sup> It is right to hold: "If the success of a political system depends on a satisfactory balancing between stability and change, this can be best promoted by a viable system of constitutional dynamics."<sup>5</sup>

Thus the nature and degree of constitutional dynamics should be examined against a general backdrop of political process of a country. The concept of political process is to be discussed in the light of constitutional dynamics as both these concepts take into consideration the changing socio-political scenario of a political system. A theoretical

discussion of the concept of political process will reveal a number of significant issues.

According to G.K. Roberts, political processes may be defined as set of interactions concerned with such activities as the competition for political power (for example, the electoral process, the conflict resolution relating to the selection of political goals, or the ways and means of achieving those goals (for example, the bargaining process), the making of policies and their implementation (for example, the legislative process). Each process has its own structures, functioning and goals.<sup>6</sup>

According to Roy C. Macridies, a political process is the resultant of the relationship between political institutions and their functions.<sup>7</sup>

For proper understanding of the notion of political process, a reference to the key-players of the game is necessary. Broadly speaking, there are four key power-holders which are also key-players in any political dynamics. These are: Government, parliament, electorate and the courts. Besides these, the role of political parties in a

parliamentary system of governance is also worth-mentioning. So “while making any discussion on a political system, the study of the structural units performing certain functions becomes most important of all phenomena.”<sup>8</sup>

## II

It has been very correctly observed that the Indian political system is deeply rooted in the Indian society and it functions “within a framework of identifiable institutions and processes in various peculiar and subterranean ways”.<sup>9</sup>

That the Indian political system has over the years has acquired a definite shape did not escape the notice of an important observer about the Indian political process when he observes:

“It is in itself a signal achievement of the Indian polity that it has, over a relatively short period, acquired definable shape and form – stability not in the sense of a stationary state but in the sense of a regulated movement.”<sup>10</sup>

The nature of the Indian political system and its high degree of flexibility have been highlighted in the following observation when it is held that the Indian political system

has shown "a high degree of flexibility and accommodation, and a considerable capacity to promote such basic goals as national and social integration, economic development and human survival at higher levels of existence."<sup>11</sup>

Without going into the debate relating to the role of tradition and modernity in the Indian political system, one can cite what has been stated by Rajni Kothari:

"The Indian approach to development may be characterized as one in which the exposure to modernity led to a renewed awareness and quickening of traditional identity, its representation and rejuvenation, and its consolidation in the framework of new institution and ideas. The Indian response to modern stimuli consisted of asserting the Indianness of India, reformulating this Indianness and giving it modern character. The model of those who conceive of modernization as a rejection of traditionality and a transformation on modern lines does not apply to India. Nor does the opposite model of those who deny potency to modern institutions and values and simply assert the durability and resilience of traditionalism.....the need is to

discern the peculiar 'mix' that emerges when an ancient society comes in terms with the demands of a new age, seeks its continuity essentially through change, and achieves a new identity without destroying either its rich diversity or its other, antecedent identities."<sup>12</sup>

At this point, it is relevant to look into the nature of power-configuration and the stages of changes that have taken place so far on the basis of a broad periodisation:

- a) the era of one-party dominance (1950-1966)
- b) the beginning of coalition-politics (1967-71)
- c) the return of one-party dominance
- d) the coalition at the centre (1977)
- e) the Restoration of one-party-dominance (1980)
- f) the return of coalition era.

The emergence of coalition-politics initially at different states and subsequently at the centre has definitely altered the nature and course of the political process in India. It is equally true that in some of the states coalition experiments did not survive long because these "were formed by the coming together heterogeneous political parties with

diametrically opposite ideologies and programmes with the aim of capturing power and resulted in lack of consensus among the coalition partners.”<sup>13</sup> The only exception in this regard has been this state of West Bengal where the left Front as a coalition experiment lasted about thirty-fours but it encountered a crushing defeat the last Bidhan Sabha elections and a new experiment has started with the formation of Trinamul Congress – Congress alliance in the state.

Before concluding this section, it appears to be pertinent to point out the reasons, as observed, behind the failure of the most of the coalition experiments, particularly at the state level. These are:

- a) The role purpose of these coalitions was to keep the Congress away from power in these states.
- b) There was no coherent pattern in the mutual behavior of the coalition partners.
- c) Most of these coalition-formations were essentially regional in character.

- d) Some of the coalition partners were splinter-group of the Congress Party.
- e) The Congress, being in power at the Centre, enjoyed some amount of advance in influencing the coalition partners.<sup>14</sup>

### III

The entire discussion now can be placed against the backdrop of the basic values and ideas on which the Indian Constitution is based. There is a common belief that the Indian Constitution over the last decades of its working has shown surprising degree of adaptability and “has successfully with stood the recurring stresses and strains.”<sup>15</sup> It has been correctly observed:

“Although the Indian Constitution appears to be more “derivative” and “adventitious” than typically “indigenous” and “original”, it has peculiarly been successful not only in responding to periodical challenges but also in overcoming them with a remarkable degree of flexibility.”<sup>16</sup>

At this point, a brief reference to the philosophical aspects of the Constitution may be mentioned – the

philosophy of secularism. It may be recalled that during the framing of the Constitution, a resolution was moved by Prof. K.T. Shah for the inclusion of the term 'secular' in the Constitution. The proposal said:

The state in India being secular shall have no concern with any religion, creed or profession of faith".<sup>17</sup>

So far as the relationship between the individual and the State is concerned in the religious sphere, the Constitution of India has made elaborate arrangement for determining the actual sphere of religion and its practice of the individual. Art.15(I) categorically states:

"The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

It may be mentioned that in the case of *Kathi Raning v. Sourashtra, Sastri, C.J.* observed:

"Discrimination involves on element of unfavourable bias..... If such a bias is disclosed and is based on any of the grounds mentioned....it may well be that the statute will,

without move, incur condensation as violating a specific constitutional prohibition.....”<sup>18</sup>

In this respect, it is important to note the content of Art.16(5) which states:

“Nothing contained in this Article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.”

Thus viewed that the Constitution of India puts emphasis on the basic idea of secularism as one of the foundation stones of the polity. Looking back, one can find this assertion in the views of Pandit Laxmi Kanta Maitra in the Constituent Assembly when he held:

“By secular state, as I understand, is meant that the state is not going to make any discrimination whatsoever on the ground of religion or community against any person professing any particular form of religious faith. This means in essence that no particular religion in the state will receive

state patronage whatsoever..... At the same time, we must be careful to see that in this land of ours we donot deny to anybody the right not only profess or practice but also to propagate any particular religion.....”<sup>19</sup>

In a similar way, H.V. Kamath observed:

“It is clear to my mind that if a State identifies itself with any particular religion, there will be rift within the state. After all, the state represents all the people who live within the territories, and therefore, it cannot afford to identify itself with the religion of any particular section of the population.”<sup>20</sup>

This idea found strong support from Sri Anathasayanam Ayyangar in his statement:

“We are pledged to make the State a secular one. I don't, by the word ‘secular’ mean that we donot believe in any religion, and that we have nothing to do with it in our day to day life. It only means that the state or the Government cannot aid one religion or give precedence to one religion as against another. Therefore, it is obliged to be absolutely secular in character.”<sup>21</sup>

A reference to Art.17 dealing with the issue of untouchability becomes very much relevant here Art.17 categorically states:

“Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with the law.”

It has been very correctly observed:

“This is a very important provision in so far as the intentions of the framers of the Constitution to abolish some iniquitous social customs and disabilities from our country are concerned.”<sup>22</sup>

In this connection, another reference may be made to Art.46 of the Constitution which affirms:

“The state shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes.”

The Constitution (42<sup>nd</sup> Amendment) Act, 1976 observed in the “Statement of Objects and Reasons” that “the democratic institutions provided in the Constitution are basically sound”, but “these institutions have been subjected to considerable stresses and strains and that vested interests have been trying to promote their selfish ends to the great detriment of public good.”

The 42<sup>nd</sup> Amendment Act, therefore, sought “to amend the Constitution, to spell out expressly the high ideals of socialism, secularism and the integrity of the nation, to make the directive principles more comprehensive and give them precedence over those fundamental rights which have been allowed to be relied upon to frustrate socio-economic reforms for implementing the directive principles.”

With the broad idea, the Act amended Art. 39, 43 and 48. In Art.39, the following section was inserted:

“That children are given opportunities to develop in a healthy manner and in conditions of freedom and dignity and

that childhood and youth are protected against exploitation and against moral and material abandonment.”

A new Art.39A was included to provide opportunities in connection with legal aid. It provides:

“The state shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity and shall, in particular provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reasons of economic or other disabilities.”

In Art.43A, the following provision was included:

“The state shall take steps, by suitable legislation or any other way, to secure the participation of workers in the management of undertakings, establishments or other organization engaged in any industry.”

In Art.48A, the following provision was inserted:

“The state shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.”

It has been noted that these changes in the Directive Principles will go a long way in accelerating the pace of country's development along the path set out in Art.38 of the Constitution wherein it has been categorically stated that "the state shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice, social, economic and political, shall inform all the institutions of national life."

It may be recalled that Part IV of the Indian Constitution, dealing with the Directive Principles is design to bring about 'social and economic revolution', the imperative of which was felt immediately after there attainment of independence. The gravity and magnitude of the problems relating to the total upliftment of those people who had been suffering from social evils for the last two centuries was pointed out Nehru when he observed: If one cannot solve this problem soon, all our paper constitution will become useless and purposeless."<sup>23</sup>

At this point, a reference may be made to the observation of Nehru in the Lok Sabha in connection with Fourth Amendment to the Constitution:

“I would like to draw the attention of the House to something that is not adequately stressed either in Parliament or in the country. We stress greatly and argue in the courts of law about the Fundamental Rights. Rightly so, but there is such a thing as also the Directive Principles of the Constitution. Even at the cost of repeating them, I wish to read them out..... These are, as the Constitution says, the fundamentals in the governance of the country. Now I shall like the House to consider how you can give effect to these principles if the argument which is often used even, if I may so with all respect, by the Supreme Court’s interpretation of the Constitution. They are wiser than we are interpreting things. But I say then if that is correct, there is inherent contradiction in the Constitution between the Fundamental Rights and the Directive Principles of State Policy. Therefore, again it is upto this Parliament to remove the contradiction

and make the Fundamental Rights subserve the Directive Principles of State Policy.”<sup>24</sup>

It may not be out of place here to mention that the Government defined the scope of the work of the Planning Commission, established on March 15, 1950 in the light of the Fundamental Rights and the Directive Principles of State Policy. The Resolution of the Government of India stated:

“The Constitution of India has guaranteed certain Fundamental Rights to the Citizens of India and enunciated certain Directive Principles of State Policy, in Particular, that the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice – social, economic and political, shall inform all the institutions of national life, and shall direct its policy towards securing, among other things:

- (a) that the citizens, men and women equally, have the right to an adequate means of livelihood;
- (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good.

(c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.”<sup>25</sup>

It may be noted that with the adoption of the principle of “Socialist Pattern of Society” in December 1954 as the economic goal, the Directive Principles of State Policy again found a place of prominence in the declaration of the Second Five Year Plan which stated inter alia:

“Essentially, this (socialist pattern of society) means that the basic criterion for determining lines of advance must not be private profit, but social gain, and that the pattern of development and the structure of socio-economic relations should be so planned that they result not only in appreciable increase in national income and employment but also in greater equality in income and wealth. Major decisions regarding production, distribution, consumption and investment – not in fact all significant socio-economic relationship – must be made by agencies informed by social purpose. The benefits of economic development must accrue more and more to the relatively less privileged classes of

society, and there should be progressive reduction of the enumeration of incomes, wealth and economic power.”<sup>26</sup>

It also stated:

“The socialist pattern of society is not to be regarded as some fixed or rigid pattern. It is not rooted in any doctrine or dogma. Each country has to develop according to its own genius and traditions. Economic and social policy has to be shaped from time to time in the light of historical circumstances. It is neither necessary nor desirable that the country should become a monolithic type of organization offering little play for experimentation either as to forms or as to models of functioning.”<sup>27</sup>

It further held:

“The account of the socialist pattern of society is on the attainment of positive goals, the raising of living standards, the enlargements of opportunities for all, the promotions of enterprise among the disadvantaged classes and the creation of a partnership among all sections of the community. The Directive Principles of State Policy in the Constitution have indicated the approach in broad terms: the socialist pattern

of society is a more concretised expression of this approach. Economic policy and institutional changes have to be planned in a manner that would ensure economic advance along democratic and egalitarian lines. Democracy, it has been said, is a way of life rather than a particular set of institutional arrangements. The same could be of the socialist pattern.”<sup>28</sup>

In spite of rapid changes in the political process consequent on the decline of the one-Party dominance and the emergence of coalition politics, there have not been slightest ‘shifts’ in the emphasis on the Directive Principles. The Directive Principles, as the makers of the Constitution rightly pointed out, are the basic foundations of the Indian political system. Political dynamics of country may call for new and new power-configurations, but the essence of social goals will remain unchanged. This is the strength and value of the Directive Principles of State Policy.

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