

## **CHAPTER-VI**

# **CONCLUDING OBSERVATIONS: SOCIO- ECONOMIC IDEAS AND THE CONSTITUTION OF INDIA**

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The foregoing discussion conclusively proves that the very basis of socio-economic foundation of the Indian Constitution is the welfare of the people. This becomes more evident if one looks into the historical perspective of India's freedom struggle movement. It is no point to debate over the methods applied for the achievement of freedom for the country. There is common agreement that the period in which India had to pass during its colonial rule is marked by great distress, sufferings and agony of the people at large. That is why, the primary task before the national leaders was the achievement of independence. It was an urge for the emancipation of the country from foreign rule which acted a driving force behind this freedom struggle movement.

The national leaders were well aware of the fact that through such a long struggle India could gain only political freedom. But the people of India also needed economic freedom without which political freedom would be

meaningless. That is why, immediately after the attainment of independence, the country had to take up two huge tasks – tasks of nation – building and nation-building simultaneously.

It was indeed, a gigantic task for a nation which had attained after a long period of freedom struggle movement. But there was no alternative at that moment. It may be pointed out that the kind of spirit which dominated the national ethos at that time was of a negative nature – a negative attitude towards the foreign domination. Theoretically speaking, the nation was under the influence of an anti-colonial variety of nationalist feelings. This is of course, true to very situation where a nation happens to be a colony of the foreign power, India was no exception in this trend.

The most important task before the makers of modern India just immediately after the attainment of independence was to transform this negative attitude to a positive one. The state needed support from all sections of people because this

would help it to push forward with those two tasks of nation-building and state-building.

The leaders of the nation at that critical juncture could realize correctly that such support could be achieved from three levels - social, economic and political. Political independence was achieved but that required institutional and formal support both from legal and social perspectives. Economic support would come from a sound economic policy to be followed by the political institution. Society, in general terms, provided the broad perspective as well as foundation for the interplay of these forces.

But the real picture was something different. The newly born independent Indian state was in its infancy the economy was shattered and dilapidated; the society was fragmented along religion and other lines.

In such a critical context, the nation set itself in its first task of making institutional arrangements through the mechanism of the Constitution and the task of framing the Constitution was assigned to a Constituent Assembly, nearly representative in character. The Founding Fathers knew the

limitations of this body but they accepted it in the given context as the nation could not make further delay in this regard. This is evident, as we have noticed, from this observation by Dr. Ambedkar when he held:

“This Constituent Assembly has come into being with a number of limitations many of which we will have to bear in mind as we proceed....I also believe that it is competent to break limitations attached to it at its birth.”<sup>1</sup>

That it did not escape the attention of Nehru can be had from his words:

“You know that the Constituent Assembly is not what many of us wished it to be. It has come into being under particular conditions and the British Government has a hand in its birth. They have attached to it certain conditions we shall endeavour to work within its limits.”<sup>2</sup>

This shows the urgency as well as the compulsion that the nation had felt during those fateful years of nation-building process. The Constituent Assembly provided a broad platform where different kinds of opinions were expressed on each and every issue relating to individual freedom, social

justice, extensive powers, judicial authority, centre-state relations and the like. It has been noticed that right from the beginning, the makers laid emphasis on the principle of consensus and for that reason, they did not hesitate to make compromises on many issues. This has led Austin to remark that the Indian Constitution is based on the twin principles of "accommodation" and "compromise". To what extent, such compromise has been objective and rational is subject to debate but given the particular historical-political context, this was perhaps the best option opened before the makers of the Constitution.

In the present study, focus has been on such a compromise between the Fundamental Rights and the Directive Principles of State Policy. Although apparently, the former occupies a more protected position because of its enforceable character, but Fundamental Rights, unless backed by the Directive Principles will, in many cases, fail to live upto the expectation of the people.

A careful analysis of the Constitution of India will show, as remarked by Pylee, that there are at least eight basic

principles which are embodied in it and which form the foundation of the political system in India. These are:

- a) Popular Sovereignty;
- b) Socialism;
- c) Secularism;
- d) Individual (Fundamental) Rights;
- e) Directive Principles of State Policy;
- f) Judicial Independence;
- g) Parliamentary (Cabinet) Government.<sup>3</sup>

With regard to the importance of individual liberty, Laski held that it involves a frame of government in which men are given the chance of making the government under which they live. Secondly, it involves the securing to the citizens certain fundamental human rights and the maintenance of these rights through effective constitutional means. The importance of such effective mechanism has been highlighted in the following observation:

“Liberty, the constitutions could and did promise, but not bread and the modicum of economic security the little man yearns for. To him it is the plain and unadorned truth

that the political decisions which are vital for the well-being of all no longer occur within the frame of the Constitution. The social forces more and more battle extra-constitutionally, because the constitutions did not even attempt the required solutions.”<sup>4</sup>

The inclusion of the Directive Principles of State policy in the Constitution of India has been justified by Dr. Ambedkar when he said:

“The Draft Constitution as framed only provides a machinery for the government of the country. It is not a contrivance to install any party in power as has been done in some countries. Who should be in power is left to be determined by the people, as it must be, if the system is to satisfy the tests of democracy. But whoever captures power will not be free to do what he likes with it. In the exercise of it, he will have to respect these instruments of instructions which are called Directive Principles. He cannot ignore them. He may not have to answer for their breach in a Court of Law. But he will certainly have to answer for them before the electorate of election time. What great value these Directive

Principles possess will be realized better when the forces of right contrive to capture power.”<sup>5</sup>

That was the spirit of the makers of the Constitution and with that end its view, the State shall, in particular, direct its policy towards securing:

- 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 the means of production to the common detriment;
- d) that there shall be equal pay for equal work for both men and women;
- e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

- f) The childhood and youth are protected against exploitation and against moral and material abandonment;

In the opinion of Pylee:

“In short, these and other Directive Principles form a new Magna Carta, a charter of economic freedom, to the underprivileged man in the Indian Society.”<sup>6</sup>

It has further been observed that the decisions of the Supreme Court, especially from the seventies onwards amply testify the positive aspects of the Directive Principles. These have been held to supplement the Fundamental Rights for achieving the objective of a welfare state. The court also held that even the Fundamental Rights might be amended by Parliament to implement the provisions embodied in the Directive Principles and such legislation may be held valid unless it offends any of the basic features of the Constitution.<sup>7</sup>

In a very categorical statement and rational observation, Pylee has remarked very correctly:

“The significance of Directive Principles in relation to that of Fundamental Rights can be determined only by making a reference to the object of the Constitution makers in making these principles an integral part of the Constitution..... They represent the basic principles which aim at the creation of a welfare state. Taken together, these principles form a charter of economic and social democracy in India. On the other hand, they are assurances to the people as to what they expect, while on the other, they are directives to the governments, central and state, as to what principles they ought to pursue. It is unfair to the people as well as inconsistent with the spirit of the Constitution to allow these principles to remain pious wishes.”<sup>8</sup>

The real importance of the Directive Principles is that they contain the “positive obligation” of the state towards its citizens. The pattern of society that India dreams of can be realized only through the implementation of these Principles. That is what the Constitution desires. Sooner these are put into practice both in letters and spirit, the better will be the

future of the country on all fronts – social, economic and political.

**Notes and References:**

1. Constituent Assembly Debates, Vol.1, p.49
2. Ibid.
3. M.V. Pylee, India's Constitution, S. Chand, New Delhi, 1999, p.16
4. Lowenstein, Reflections on the Value of Constitutions and Constitutional Trends since World War II, OUP, 1951, p.191
5. Constituent Assembly Debates, Vol.VII, p.41
6. Pylee, op.cit., p.24
7. The State of Kerala vs. Thomas, AIR 1976
8. Pylee, op.cit., p.143