

CHAPTER-I

INTRODUCTION – THE PROBLEM – CONCEPTUAL FRAMEWORK

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I

A Constitution "is a set of rules setting up the machinery of the government of a state and which defines and determines the relations between the different institutions and areas of government, the executive, the legislature and the judiciary, the central, the regional and the local governments," observed by M.V. Pylee.¹ The first "Well-known instance" of a written Constitution was that of the United States of America which set up an original pattern and which for its "brevity, restraint and simplicity" is universally hailed remarkable document.²

The makers of the Indian Constitution drew 'much' from the American experience though not its brevity and added to that experience of later constitutions in different parts of the world. (Ibid) However, one can say that the Constitution of India that finally emerged out of the deliberations of the Constituent Assembly was largely based on the Government

of India Act, 1935 and modelled on the British model of Constitutional pattern.

It is said that Napoleon asked his advisor Talleyrand about the nature of a Constitution. While he was in favour of a short and clear constitution, his advisor favoured a long and obscure one. They might have their own views with regard to the form and nature of a constitution but one thing is clear that there are different opinions among the scholars about the nature of a Constitution.

Dr. Ambedkar, while admitting the fact that the Constitution of India is heavily based on the 1935 Act, observed:

“As to the accusation that the Draft Constitution has reproduced a good part of the provisions of the Government of India Act, 1935, I make no apologies. There is nothing to be ashamed of in borrowing. It involves no plagiarism. Nobody holds any patent rights in the fundamental ideas of a Constitution. What I am sorry about is that the provisions taken from the Government of India Act, 1935, relate mostly to the details of administration.”³

Professor M.V. Paylee has sought to provide a justification for this. In his words:

“This he (Ambedkar) justified on the ground that in India democratic traditions had yet to develop and in the absence of such traditions it was too much of a risk to leave the constitution in general terms.”⁴

Moreover, one can notice from the course of debates in the Constituent Assembly that the makers were, right from the beginning, aware of the fact that what India needed at that critical juncture was to have a welfare state. Particularly in a country like India which had been under the British rule for two centuries with huge population “could not leave this matter to either legislative discretion or judicial interpretation.”⁵

Another aspect which draws the attention of any observer is that the Constitution leaves enough room for judicial intervention, thereby making it, what is generally called, “a lawyer’s paradise”. H.K. Maheswari, a member of the Constituent Assembly made a clear observation in this matter:

“the Draft tends to make people more litigious, more inclined to go to law courts and less truthful and less likely to follow the methods of truth and non-violence. If I may say so, the Draft is really a lawyer’s paradise. It opens up vast avenues of litigation and will give our able and ingenious lawyers plenty of work to do.”⁶

Some observers hold that the Constitution is a “complex document”. The framers of the Constitution did confront a number of problems at the time of framing the Constitution. This was due to the situational and contextual setting – the environment in which the task of making the Constitution was taken up. According to Professor Pylee: “A striking feature of the Constitution in this context is the numerous exceptions, qualifications and explanations that one finds along with almost every provision.”⁷

Another criticism has been advanced against the Constitution that it does not contain ancient political ideals within it. This aspect has been summed up by Professor Pylee when he says:

“Many members in the Constituent Assembly drew the attention of the House and country in omission. Some of them also pointed out that the Constitution did not embody the principles for which “Gandhism” stood or the ideology of the Indian National Congress. Others thought that it should have been raised and built upon village panchayats and district panchayats. A few extremists even advocated the abolition of the central and Provincial Governments. They first wanted on India full of village governments.”⁸

In a similar way, the nature and scope of fundamental rights had been classified by Dr. Ambedkar himself:

“In the opinion of the critics, fundamental rights are not fundamental rights unless they are also absolute rights I am sorry to say the whole of the criticism about fundamental rights is based upon a misconception. In the first place, the criticism in so far as it seeks to distinguish fundamental rights from non-fundamental rights is not sound. It is incorrect to say that fundamental rights are absolute while non-fundamental rights are created by agreement between parties while fundamental rights are the gift of the law.

Because fundamental rights are the gift of the state it does not follow that the State cannot qualify them.”⁹

Again the inclusion of a set of non-justiciable rights – the Directive Principles of State Policy in the Constitution has been criticized as “a set of pious declarations”, which have no binding force. To Ambedkar, this criticism is “superfluous”. The Constitution itself says so in many words. “If it is said that the Directive Principles have no legal force behind them. I am prepared to admit it. But I am not prepared to admit that they have no sort of binding force in law.”¹⁰

Apart from the fact that “Directive Principles form a code of conduct both for legislators and administrators and set before the country a socio-economic objective that is to be realized as early as possible, they help the people to assess in the light of a clearly laid-down standard, the achievement of each government in office at the time of every general election. Further, the separation of non-justiciable rights from justiciable ones has a special advantage. It avoids the necessity of bringing under the same category, rights of varying value.”¹¹

Regarding the nature and workableness of the Constitution, Dr. Ambedkar's statement seems to be relevant for all time to come. He held:

"I feel that it is workable, it is flexible and it is strong enough to hold the country together both in peacetime and wartime. Instead, if I may say so, if things go wrong under the new Constitution, the reason will not that we had a bad Constitution. What we will have to say is that Man was vile."¹²

A careful study of the Constitution will establish the fact that it is based on a number of basic principles of which the following are important:

- a) Popular Sovereignty;
- b) Socialism;
- c) Secularism;
- d) Individual freedom with social control;
- e) Judicial Independence; and
- f) Welfarism.

Popular sovereignty is the basic foundation of the Indian political system. The Preamble to the Constitution

begins with the statement: "We, the people of India" in our total capacity have adopted the Constitution which is the supreme law of the land. The source of political power is the people and elect their representatives periodically to form the legislature-executive. In the affairs of the State, it is the will of the people that prevails and not the will of the few. This is the essence of popular sovereignty. The principle of popular sovereignty has not been a mere ideal embodied in the Constitution but has been a living reality during the last decades since independence. The people can express their opinion through the election process and the Constitution has granted suffrage to all adult citizens of India without any discrimination.

The ideal of socialism as incorporated through the 42nd Amendment Act simply points to the fact that in the Indian political system, the Government will stand by the people for their economic upliftment. The successive five year plans show the intention of the state to bring about all round economic development for all the people. So far as the constitutional scheme is concerned, the Directive Principles

of State Policy have unmistakably set out the socialist objective of the Constitution. Successive amendments to the Constitution clearly show that the direction is more towards the realization of socialist than the democratic ideal. Among those amendments, special mention may be made of First, Fourth, Seventeenth, Twenty-fifth, Twenty-ninth, Thirty-fourth and Forty-second Amendments. Almost everyone of these give precedence to the Directive Principles over Fundamental Rights in the implementation of certain legislative enactments. The Forty-second Amendment Act went a step further and amended the Preamble of the Constitution to include specifically the term "Socialist" which was absent in the original form in which it was enacted.¹³

The ideal of secularism has been a very important foundation of the Indian political system. In general terms, a secular state means that the state will not make any discrimination whatsoever on the ground of religion or community against any person professing any form of religious faith. There will be nothing like state-religion nor will it receive any state patronage or preferential treatment. A

person professing or practising any religion will be entirely his own personal domain and the state can not take part in it.

The idea of secularism is intended to be the basic foundation of the Indian polity as it is considered to be the best way of keeping religious harmony among the people of different religious beliefs and practices. The distinctive features of Secularism in the Indian context are:

- a) the state shall not identify itself with or be controlled by any religion;
- b) that while the state guarantees to everyone the right to profess any religion, it will not accord any preferential treatment to any of them;
- c) that no discrimination will be made by the state against any person on account of his religion or faith; and
- d) that the right of every citizen, subject to any general condition, to enter any office under the state will be equal to that of the fellow citizens. "Political equality which entitles any Indian citizen to seek the highest

office under the State is the heart and soul of secularism as envisaged by the Constitution.”¹⁴

Another important socio-economic foundation of the Indian Constitutional system is a perfect blending between individual freedom and social control. In the Indian Constitution, attempts have been made to bring about a proper adjustment between competing claims of the individual as well of the state with the broader demands of the society. This is primarily because of the dynamic nature of the society. At every point of time, social values, attitudes, demands and needs of the society are undergoing changes both qualitatively and quantitatively. This point has been very correctly stated as: “It is obvious that if individuals are allowed to have absolute freedom of speech and action, the result would be chaos, ruin and anarchy. On the other hand, if the state has absolute power to determine the extent of personal liberty, the result would be tyranny. Hence, the eternal problem that faced statesmen and political scientists was how to make a fitting adjustment between individual independence and social control, the need for protecting

personal liberty against governmental power and that of limiting personal liberty by governmental power.”¹⁵

An examination of the constitutional scheme in the Indian context will show that in the Constituent Assembly there was a common agreement for the inclusion of a chapter on fundamental rights as an integral part of the Constitution. The Chapters on Fundamental Rights and Directive Principles had been drafted in such a way as to help India modernize herself with her political, social and economic institutions. It may not be wrong to suggest that in this regard, the framers were primarily guided by the ideals of the American and French Revolutions. As most of the members of the Constituent Assembly were educated in the western values and attitudes,” it was no wonder that in the Constitution they framed, an important place was given to these rights with a view to modernizing their political, social and economic institutions.”¹⁶

The basic issue which confronted the framers of the Constitution was: how to limit their selection of rights in certain categories. Again, they had to deliberate on the

nature of 'fundamental' and 'non-fundamental' rights. If the rights to life, liberty and property are considered to be fundamental, what will be the status of rights relating to employment and education? Another vital question that the framers had to settle was: Had not the traditional concept of fundamental rights in its individualistic setting undergone a change in the character of a modern state?

It appears that the framers of the Indian Constitution were quite aware of the capabilities and limitations of the newly created Indian state. The state was in its infancy; the society was fragmented; economy, dilapidated and shattered and the polity, segmented. In such a condition, the framers rightly held, the Indian state would not be able to shoulder such huge responsibilities.

It may not be out of place here to mention that at the initial stage, the Indian state had to undertake two very important tasks: nation-building and state-building. In fact, that was the need for the hour. That may be one of the reasons behind dividing these rights into two categories: justiciable and non-justiciable. Justiciable rights have been

placed as Fundamental Rights in Part III and non-justiciable but fundamental in the governance of the country in Part IV under the title, Directive Principles of State Policy.

This scheme has been so designed that each fundamental right of a citizen is subject to certain control, mainly from the broader social perspective. One may cite the arrangement made in Art.19 of the Constitution dealing with Right to Freedom. It guarantees certain rights in one part and puts restrictions in the second part to maintain social equilibrium. The enjoyment of a right should not exceed its limits or it should not disturb balance in the society.

The chapter on Fundamental Rights has been subjected to criticism from three angles:

- a) This has been held that the Constitutional declaration of Fundamental rights are incomplete as it does not include such vital economic and social rights like employment and education;
- b) The spirit of the whole chapter and much of its substance are taken away by the extra-ordinary

provisions such as preventive detention, suspension of fundamental rights etc.

- c) The rights guaranteed in this chapter are hedged in with so many exceptions, explanations and qualifications that it is difficult to understand exactly to the extent to which these rights could be enjoyed.

With regard to the Directive Principles, as it will be seen in the subsequent parts of the present study, opinions differed fundamentally. The difference arose mainly because of the non-justiciable character of the Directive Principles of state policy. The significance of the 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. In the opinion of M.V. Pylee:

"Taken together, these principles form a charter of economic and social democracy in India. On the one hand, they are assurances to the people as to what they may expect, while on the other, they are directives to the

governments, central and state, as to what policies 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. Every effort should be made by the representatives of the people and the agents of the government to translate them into reality.”¹⁷

That a political democracy is to be built on the foundation of economic democracy has been forcefully advocated by Pylee when he holds:

“A Constitution framed in the middle of the twentieth century could hardly do without a chapter on Directive Principles of the type the Indian Constitution has. The establishment of political democracy is a fundamental aim of a Constitution. But that in itself is not enough. The sustaining forces of that political democracy have to be carefully built up. The most effective force which will sustain a political democracy is the simultaneous existence of an economic democracy. Where there is no economic democracy, political democracy is bound to degenerate soon into a dictatorship.”¹⁸ Thus, the Directive Principles of State Policy

“becomes the greatest guarantee for a genuine democracy in India.”¹⁹

Closely following this comes the role of an independent judiciary which can act as the real protector of the rights granted to the citizens. The Supreme Court of India, and in fact, the entire judicial system stands for individual rights and it is the duty of the judiciary to see that there is no hindrance in the path of enjoyment of the rights guaranteed by the Constitution. It protects the citizens from unconstitutional laws passed by the legislatures and arbitrary acts by the administrative authorities. Dr. Ambedkar made it clear in the Constituent Assembly when he said that it was the intention of the framers to create a judiciary and to give it ample independence so that it could act without fear or favour of the executive or any body else. That is why, as a measure of abundant caution the framers have invested the court with the power of reviewing any legislative and executive action. Of late, the judiciary, particularly the Supreme Court has made it stronger with the

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help of two weapons: the power of judicial review and judicial activism.

That the ethos and spirit of the Indian Constitution is socio-economic welfarism can be understood from the declarations made in the Constitution in various provisions. The essence of welfare principles has been clearly spelt out in the Preamble and the Directive Principles of State Policy. The successive five year plans which embody the economic policies of the state will establish this point. Subsequent discussions in the present work will further enlarge this point.

II**OBJECTIVES OF THE STUDY**

The important feature of the Indian Constitution that of embodying the Directive Principles of state policy. If fundamental rights constitute a Magna Carta of the individual's political and civil rights, the Directive Principles constitute a charter of his economic rights. Directive Principles form a charter of economic and social democracy in India.

By 1947 it was a commonly accepted belief that the state bore a measure responsibility for the welfare of its citizens. Nehru, the Indian Socialist and the very wind of social and political thought had brought to India the ideas of Marx, T.H. Green, Laski, Webbs and many others. Members of the Assembly would have accepted without hesitation the views of other humanitarians and socialist that political equality is never real unless it is accompanied by virtual economic equality, and that is true, individual freedom cannot exist without economic security and independence.

Most members believed that the type of socialism India should have was not theirs to decide, but it was clear to them that the utility of a state has to be judge from its effect on the common man's welfare, and that the constitution must establish the state's obligation. This is the purpose of the Directive Principles of state Policy.

The Directive Principles were declaration of economic independence, a declaration that privilege of the colonial era had ended that the Indian people had assumed economic as well as political control of the country.

The Assembly's reaction to the draft principles revealed to measure currents of opinion. One that the directives did not go far enough towards establishing a socialist state, and other that they should have placed greater emphasis on certain institution and principle central to Indian practice and to Hindu thought, particularly those glorified by Gandhiji's teaching.

The majority of the amendments would have encouraged the development of village life and economy and Panchayat system of village organization as we have seen,

some assembly members sought to make the promotion of cottage industry a government responsibility and to make it incumbent upon the government to prevent the slaughter of cattle and to improve the method of animal husbandry and agriculture.

The major criticism, as has been said, of the draft Principles they were introduced in the assembly was that they did not go far enough in encouraging a socialist society. The several dozen amendments submitted in this sphere called for nationalization of various industries and phrases such as socialist order and socialist economy were common. Most of the amendments were voted down in Assembly party meetings or were withdrawn by their initiators. Those substantive amendments reaching the assembly floor were not adopted because the majority of the members held with the oligarchy that the principles should be kept general, leaving enough room for people of different ways of thinking to reach the goal of economic democracy.

The proposed study, therefore seeks to examine, in depth, the socio economic foundation the Constitution of

India which has been very categorically described by Austin as “a vehicle for social revolution”. It may not be out of place here to mention that in the deliberation at the Constituent Assembly of India, the main issue that confronted the founding fathers was the nature and orientation of the Constitution. In other words the problem of the drafting of Constitution on an accepted socio-economic philosophy became the central point of discussion. It is now admitted that there have been three streams of political ideas which guided the entire course of deliberations in the Constituent Assembly. The socialist trend was represented by Nehru, the nationalist trend was upheld by Patel and the third philosophy was advocated by the followers of Gandhi. It is fascinating the note at end the deliberation of the Constituent Assembly, there appeared to be sum kind of consensus and compromise among the framers. This has laid Austin to remark that the Constitution of India is based on the twin principles of “accommodation and compromise”.

This is the central theme of the proposed study; its proper assessment and understanding help one examine the

effectiveness of the constitution. Theoretically speaking, there are three ways of constitutional making. Constitution may come into existence through a long process of evolution, or it may be formed after a thorough deliberation in a body specially created for this purpose or it may be result of application of force. Of these three the second one has generally two advantages, namely, it can take into account each and every issue of national and international concern and make room for their inclusion into body of the Constitution and secondly, it can provide adequate opportunities for all sections of the people to participate in the making of the basic document, that is constitution.

A look into the history of the framing of the Constitution in India will reveal the fact that right from the beginning the Constituent Assembly had to confront two serious problems – one relating to the issue of representation of all sections in the Constituent Assembly and the other was about the nature of the Constituent Assembly itself. That the founding fathers were aware of these limitations can well be realized from the observation of both Nehru and Ambedkar.

But whatever might have been the limitations, the Constitution that finally emerged has tried to represent interests of all sections of the population. The Preamble to the constitution, so carefully and beautifully drafted, embodies all the cherished ideas and ideals for the whole liberation movement was counted.

Naturally a question has been put forward: Is the Constitution capable of achieving these goals when the entire document has become not only 'derivative' in nature but 'Over programmatic' in context? To find an answer one should look into the scheme of things as it stands, particularly the skill with which the chapters on Fundamental Rights and Directive Principles of State Policy have been drafted. Serious doubts and reservations have been expressed by many regarding the non justiciable character of the Directive Principles which for all practical purposes, and social and economic rights. A serious question has been raised about the compatibility or otherwise of the Fundamental Rights with the Directive Principles. Generally speaking, it is believed that these two parts are like two sides

of the same coin. That's why in a number of landmark judgements, the supreme court has highlighted the importance of the Directive Principles as they are of social and economic nature. It proceeds on the assumption that no political declaration, however pragmatic it might be, can be of any use unless based by social and economic commitment. This was exactly the attitude of the framers and a lot of debate took place in the Constituent Assembly regarding the actual Constitutional sanctity of the Directives.

The proposed study, while taking into account of the historical analysis to discover forces, pulls and pressures which prompted the framers to make such compromise when economic rights placed under part IV have been made non-justiciable in character.

III**OVERVIEW OF THE EXISTING LITERATURE**

It is clear that a study of this nature and dimension demands analysis of both the primary and secondary sources. Of all the primary sources, the Constituent Assembly Debates provide the vivid account of the course of deliberations in the Constituent Assembly, the nature of consensus among the framers on different issues and the views expressed by the members on different aspects of the Constitution – from individual freedom to the nature of the State that India should develop. Besides this, reports of different committee and commissions constituted at different points of time and their recommendations.

Of all the secondary sources, a few of them may be mentioned. This will be, for any reason, exhaustive but illustrative in nature. Granville Austin's *Indian Constitution: Cornerstone of a Nation* is a source book for any study on the Constitution of India. The book has examined at length many important original source materials about the making of the Constitution as well as different interpretations of

constitutional provisions. Another work by Pratap Chandra Ghosh under the title "The Constitution of India: How It has been framed" deals with the discussion on the course of the making of the Constitution of India. S.K. Chaube's book "The Constituent Assembly of India: Spring-board for Revolution" is an authoritative account of the formation of the Constituent Assembly and the making of the Constitution for free India. O.P. Agarwala's Fundamental Rights and Constitutional Remedies (3 vols) deal with the interrelationship between the enjoyment of fundamental rights and the constitutional mechanism for the enforcement of these fundamental rights.

Another book Federalism and Social change of S.P. Aiyar discusses the nature of Indian federalism and its role in bringing about social change in India.

A.C. Banerjee's Indian Constitutional Documents (3 vols.) is considered to be an essential source book for any study of the development of the Indian Constitution. As said earlier, the Constitution of India has a long history behind

and it passed through successive stages before it took the final shape in the Constituent Assembly.

D.N. Banerjee's *Our Fundamental Rights – Their Nature and Extent (As Judicially Determined)*, though dated, is an authoritative work on the nature, meaning and extent of fundamental rights as guaranteed by the Constitution.

The economic aspect of the Indian Constitution has been analysed by B.R. Misra in his book "Economic Aspects of the Indian Constitution". The issues of welfarism and socialist ideas have been discussed in this book.

Of all the works on the Indian Constitution, M.V. Pyle's "Crisis, Conscience and the Constitution" deals with a critical analysis of the nature of the Indian Constitution.

K.V. Rao's "Parliamentary Democracy in India" is a critical commentary on the working of the Indian Constitution.

The history of the making of the Indian Constitution in its authoritative account has been discussed in B.N. Rao's "Indian Constitution in the Making."

One of the significant works on Directive Principles of State Policy is the work has been done by K.C. Markandan in his Directive Principles of State Policy under the Indian Constitution. It discusses the background, the genesis, the nature and significance of the Directive Principles of State Policy in the Indian Constitution.

Of all the foreign titles, Karl W. Dentsch's "Politics and Government: How People Decide their Fate" is a significant one as it deals with the fundamental issue of the role of the people in the making of their own Constitution.

Paul Eidelberg in his book "The Philosophy of the American Constitution" has analysed the nature of the Philosophical foundation of the American Constitution. It analyses the nature and extent of individualist philosophy which has guided the makers of the American Constitution, their roots and consequences.

With regard to the history of the making of the American Constitution, Max Farrand's "The Framing of the Constitution of America" deserves special mentioning. It is a historical analytical account behind the framing of the

American Constitution. It is considered to be one of the authoritative account in this respect.

A. Gledhill has discussed in a very critical way the course of constitutional development in India in his book "The Republic of India: The Development of its laws and Constitution".

K.C. Wheare in his two works, namely "Federal Government" and "Modern Constitution" has analysed the nature and governance of different political systems of the world. These two books are of great value for any study of this nature if one seeks to make the study comparative in scope and content.

Besides these works, there are many more by the scholars which touch upon the nature and functioning of the Indian Constitutional system.

P.B. Gajendragadkar in his book "The Indian Parliament and the Fundamental Rights" has dealt with the constitutional relationship between the Parliament and Fundamental Rights guaranteed by the Constitution.

Another I.C.P.S. Publication also deals with the nature of fundamental rights and their amendable nature in its publication "Fundamental Rights and Constitutional Amendment".

A very important publication by K.L. Kamal and Ralph C. Mayer under the title "Democratic Politics in India" deals with the nature of the governing process in India. It takes into account all the forces, constitutional or otherwise in the political process.

Rajni Kothari in his celebrated work "Politics in India" has made an in-depth study of the genesis, source, development and nature of the political process in India. The theoretical framework as developed in it by Kothari was the first attempt at theory building for the study of Indian Politics.

"Law and the Constitution in India" by H.C.L. Merillat is another title which deals with the issue of private property, its constitutional position and its guarantee (as it was then) in the Constitution of India.

“Judicial Review and Fundamental Rights” by S.N. Ray is another work which is still considered to be one of the authoritative account of the constitutional position of the Fundamental Rights and the impact of the power of judicial review in India.

Two important titles on secularism in India deserve special mentioning. D.E. Smith’s “India as a Secular State” is considered to be the basic foundation account of the ideal of secularism in India.

Another book on the same theme is by V.P. Luthara with the title “The Concept of Secular State in India”, largely based a Ph.D. thesis, can be taken as an extension of the theme developed in D.S. Smith’s book on secularism.

Last but not least is the publication by the Law Publishing House with the title “Supreme Court on Amendment of Fundamental Rights in Indian Constitution”. Its coverage is wide and discussion of the issue has been done from a legal point of view.

The present section includes only some selective books and works which seem to be very much relevant for the

present study. Besides these ones, there are many other works which also discuss different aspects of the Constitutional practices in India. The discussion is not exhaustive but illustrative. The section on Select Bibliography contains a detailed list of publications in this regard.

IV

METHODOLOGY

As may be understood from the present discussion made so far that the study is primarily historical analytical in nature. Examination and analysis of all the primary documents like the Constituent Assembly Debates and Supreme Court judgements on leading cases have been made. An analysis of the debates of the Constituent Assembly is helpful in understanding the views and attitudes of the makers of the Constitution. This also helps one to situate the process of constitution-making in its proper historical and contextual setting.

On the secondary sources, there are many good contributions by leading authors, both Indian and foreign,

which deal with the discussion from both historical and analytical perspective. Discussions on both conceptual and philosophical levels have been made keeping in mind the issue like constitutionalism, constitutional dynamics and functional analysis of the constitutions in general and that of the Indian case in particular.

V

RESEARCH QUESTIONS

The study seeks to answer the following question have their direct and indirect bearing on the subject of discussion.

These are:

- 1) What had been the general philosophical and ideological foundations that prompted the makers of the Constitution of India?
- 2) To what extent, political ideals of the west did influence the process of Constitution-making in India?
- 3) How far is it correct to say that the twin principles of “accommodation” and “compromise” was adopted

only as a means to the Constitution acceptable to all concerned?

- 4) What had been the impact of Gandhian philosophy in making the Chapter on Directive Principles of State Policy.
- 5) What had been the compulsions behind adoption of Constitution largely based on the Westminster model with a bias towards to a libertarian principle?
- 6) What have been the general impact of the Directive Principles on the working of the Indian Political system since independence?

Notes & References

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3. Constituent Assembly Debates, Vol.VII, P.38
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5. Ibid. p.6
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7. M.V. Pylee, op.cit. p.7
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11. M.V. Pylee, op.cit. p.13
12. Ibid.
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14. M.V. Pylee, jop.cit. p.20
15. Ibid. p.70
16. Ibid. p.75
17. M.V. Pylee, op.cit. p.143
18. Ibid. pp.143-144
19. Ibid.