

## **CHAPTER-II**

# **INDIA'S GOVERNING PROCESS – A GENERAL OVERVIEW**

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When the British left India they left behind them two countries - India and Pakistan - that had been shaped by more than 250 years of economic, political and cultural contact with the English East India Company and the Raj. This is not to say that Indian history during this period was made only by the British, or by Indians reacting to and resisting British definitions of Modernity and Community. Nevertheless, the very geography of India in late 1947 pointed up the contradictory and contested legacies of European rule in South Asia.<sup>1</sup>

Politics in no country can be understood entirely in terms of the ideal and even less so in India where sheer physical constants like population and Historical backlogs like heterogeneity, caste and language qualify its political and economic idiom.<sup>2</sup> To make governing more difficult the heterogeneity of the populace and complexity of their interactions with one another are probably unmatched in the history of the human species. There is diversity not only along geographical, urban-rural, class, religious and ethnic lines, but also on the basis of caste - the most specialized institution for social organization ever devised in the pre-bureaucratic era. That virtually all of these social divisions contain the characteristics of hierarchy would seem to make the adoption of Democratic Governing institutions, which hold as an ideal at least a minimum amount of political equality, at once surprising, bold and ironical.<sup>3</sup>

Modern India, in its political aspects, is a product of a variety of influences spread over a long period of time. Three historical strands stand out distinctly as constituting substantial influences. The first is Hinduism, the solid bedrock and unifying framework of Indian society. The second is the British impact of rational-legal authority wielded by a central power that managed to consolidate the whole subcontinent

under it. Although operating mainly in the legal and administrative spheres, the British Raj also affected fundamental political beliefs and relationships. The third is the reconstructive nationalism of the pre-independence era, generated in response to the impact of a new world order as transmitted through the colonial power, and developed as a means to political independence and social reform in the context of a slowly expanding framework of democratic institutions.<sup>4</sup>

### **Hinduism, Culture and Social Structure underpinned by Caste System.**

The establishment and growth of a liberal, representative political system in India, owed its existence mainly to the British Raj and to India's encounter with it. But, India's indigenous culture and social structure immensely influenced the nature of that encounter. This becomes quite manifest when one considers the place of politics in Hindu civilization.<sup>5</sup> Ashis Nandy has put that -

..... Indian society is organised more around its culture than around its politics. It accepts political changes without feeling that its very existence is being challenged, and with the confidence - often unjustified that politics touches only its less important self.<sup>6</sup>

The precise steps by which Hindu society acquired its character are not known. Spread over a large and sprawling territory, lacking in antecedent political unity and traditions, and generally remote from centres of military and political power, the Indo-Aryans developed a social organization that answered to the several needs of such a people. It became structured along a hierarchy of four varnas which were superimposed on a loose and primitive system of "castes" that existed before the Aryans came. Such a hierarchy, while based upon primary ties of marriage and family, assumed importance in the division of secondary functions, including "political" functions such as the resolution and adjudication of disputes. Starting from a functional distribution of occupations and roles which were embedded in a

legitimized status hierarchy, and providing for an informal machinery or arbitration in cases of ambiguity, the system developed its own pedagogy and mystique, created vested interests, and that hardened with the passage of time.<sup>7</sup>

The four varnas in which the Aryans divided the caste system – Brahmin, Kshatriya, Vaisya and Sudra – while meant to correspond to the four functions of knowledge, defense, wealth and labour respectively, provide more the theory than the actuality of caste. There would be four strata or classes, although the principle on which the classes were divided would be different than in the west. In reality, the situation is much more complicated. Caste in fact is an endogamous kinship group known as jati, linked by marriage and lineage, and for the most part locally identifiable (although the spread varies between regions). Accordingly, there are not four but thousands of castes – or jatis in which the social system is organized. These are governed at the local level through their individual caste panchas (a group of five or more leaders) and an organization of village elders also known as Pancha or Panchayat which more often than not draws its members from different castes. Furthermore, there is the lowly caste of Harijan or the “Scheduled Castes”, which are lowest in the hierarchy and often are physically segregated from the caste Hindus by virtue of their “low” occupations and beliefs of pollution, but which in turn have developed an intricate jati system within themselves and are an organic part of the fatal Hindu system.<sup>8</sup> As Rajni Kothari writes, “over the years, the internal balance of the system has undergone shifts, often motivated by political and military thrusts and the access of particular groups to military and governmental power, often by economic mobility, and sometimes by mere change in administrative arrangements, such as in the collection of revenue for the king or the emperor. Absorbing these changes, as well as absorbing the influx of new elements, new faiths, and ideas, the system has survived the test of centuries and provides

perhaps the most persisting reality which any political system in India must confront and deal with".<sup>9</sup>

It was commonly argued by the British rulers of India that Parliamentary Democracy was unsuited to a society intensely divided into religious and other communal groupings, whose social structure also was imbued with an ideology of hierarchy rather than equality. It was also argued that caste Hindus and untouchable and other low-castes could hardly be expected to work together as equals in a Democratic political order, that the former would maintain the rigidity of traditional hierarchies and caste discrimination which would prevent the poor and disadvantaged low castes from participating effectively in politics.<sup>10</sup>

### **British rule and the Politico-economic inheritances**

It is well known, that the western impact came to India in stages: (1) the explorations of the Portuguese, the Dutch, the French and the British in the fifteenth, sixteenth, and seventeenth centuries and the establishment of active trading posts; (2) the rule of the British East India Company that established its supremacy first by eliminating the French (aided by the seven years' war in Europe), then by subduing the already weak and tired Moghuls by procuring extensive trading privileges and territorial and financial rights, and finally by breaking the power of regional rulers such as the Peshwas and Marathas in Western India, the independent Sultan of Mysore and the Nizam of Hyderabad in the south, and the Sikhs of Punjab in the North, either through direct fighting or through system of "alliances" and financial quid pro quo; and (3) the replacement of the company in 1858 by direct British rule administered by the Queen in Parliament in Great Britain. For all practical purposes, the company period till 1857 and the direct phase of British rule in India from 1858 to 1947 may be regarded as sequence of events unfolded as part of a continuous story.<sup>11</sup>

To uncover these legacies in more detail, it is useful to review some key moments in the political construction of power in British India, from company rule to the end-games of Empire by way of the age of high imperialism that peaked around 1914. Following the battles of Plassey in 1757 (where Clive defeated the French and their Indian allies after moving North from the company base in Madras), and Buxar in 1764 (where the British defeated the Nawabs of Awadh and Bengal, and after which the Mughal Emperor ceded the Diwani (the right to the revenues), thus, the company was on a firmer ground so far as its control of much of Eastern India was concerned. This security derived in part from the strength of the company's standing army, and from British sea power, but it obtained more so from the company's success in winning the support of certain Indian social groups. The East India Company devised two main systems to guarantee a flow of tribute from rural India. In Bengal, Governor-General Cornwallis introduced the permanent settlement of 1793 in the forlorn hope of turning local revenue collectors (Zaminders) into improving landlords. The Zamindars of Bengal were expected to collect rents from the raiyats (peasants), and remit a fixed sum each year to their Colonial masters. Elsewhere, Raiyatwari systems of land revenue administration were put in place that linked the colonial authorities directly to the Raiyat (if not the actual tiller of the soil) by means of land revenues that could be periodically reassessed. The Raiyatwari system took hold in about two thirds of the Madras Presidency, and was reinvented with local variations in parts of the Bombay Presidency and Punjab.<sup>12</sup> These economic arrangements inspired early Indian nationalists like Naoroji and Dutt to maintain that India's potential investible surplus was being lost to Britain. Instead of benefiting from British rule, India's wealth was being used to fund its own subjugation, and its industrial development was arrested by tariff and capital market policies which sought to make India as an assured market for British manufactured goods. As Bose and Jalal point out, it was partly to ameliorate such

charges of exploitation that the British moved after 1858 to temper 'the rules of Governance in India' (1998:101). Some of these reforms had an obvious economic component, as for example did the Bengal Tenancy Act of 1885, or the Chotonagpur Tenancy Act of 1908. These acts sought to pacify rural eastern India by protecting peasants there from the cruel clutches of the 'unscrupulous' merchants, rent-collectors, moneylenders and landlords. Still other reforms were meant to address questions of political participation, and the legacies of these reforms continue to shape Indian politics in the post-independence period.<sup>13</sup>

A rising nationalist movement at home and deepening struggles with fascism and Bolshevism abroad forced it to revive Britain's formal credential as a liberal power. Depression, war and a rapidly changing structure of the International economy played havoc with the old colonial system which eventually, compelled them to consider as to how India might be 'developed' within a changing framework. The epoch saw a broadening of 'representative', if not particularly democratic, forms of government in the Economy Institutionally, it retained a firm grip over the apparatuses of governance and ideologically, it possessed far more experience than any of its opponents, at least inside India, at redefining the terms 'democracy' and 'development', those most flexible of concepts, to make them compatible with continuing authoritarian rule and the privileging of narrow vested interests.<sup>14</sup>

Most aspects of the reform process in British India related to the problems that the colonizers faced in obtaining a measure of consent to their rule. Following the revolt of 1857-8 the British moved quickly to assure India's princes that they won't be deprived of their privileges. The British also revoked some of their policies for social and cultural reform, such as those previously embodied in Macauley's education minute of 1835, or the campaigns against thuggee and sati. Henceforward, the British would seek to rule India with some measure of Indian support, but not by seeking the Europeanization of India. The British now sought to keep their Indian subjects at arm's length. In the

late Victorian period an unpleasant mixture of racial Darwinism and social theorizing incentivised the British to draw sharp lines of division between so-called European and Indian life worlds, a project that was exemplified in the clubs and military and civil architectures of the time.<sup>15</sup>

As David Washbrook writes, "It conceived a series of strategies, symbolized perhaps by the amazing 1935 Government of India Act, designed to extend representation and promote economic growth without, apparently, changing any of the basic relations of power and wealth constructed under its long period of rule. Democracy and development here were meant to be imprisoned within the structure of the Colonial Past."<sup>16</sup>

The British, like the Mughals, 'formed alliances that recognized and legitimated the ordered heterogeneity of Indian society'. They did so, curiously, out of a mixture of pragmatism and 'racial arrogance' which reduced all Indians to mere 'natives', an interior species distinguished by a wide variety of esoteric beliefs, and practices. With limited British manpower at their disposal, they had to avoid both heavy-handed encroachment upon traditional customs that might provoke unrest and to co-opt large numbers of Indians. As a result, the modern state in India developed along very different lines from those of Europe.<sup>17</sup>

These competing ideologies of cooptation and exclusion were soon given a new twist in urban India. No matter how much the Raj relied on the fruits of rural India to balance its books worldwide, it also needed to secure a measure of political support from India's urban elites. From the time of the Indian Councils Act of 1861, the British sought to secure this consent by means of the slow and limited introduction of self government. The act of 1861 provided for provincial councils to be set up in Bengal, Madras and Bombay that would be dominated by British officials but which would allow a few nominated

non-official Indians (to be) consulted on legislative matters (Bose and Jalal 1998: 104). This provision was extended by Lord Ripon in 1882 to municipal and local boards, and was taken further forward at the time of the Morley-Minto reforms in 1909. The Morley-Minto reforms continued the British policy of making self-government financially dependent upon the raising of local taxes, but they went beyond Ripon in their willingness to see elected or nominated Indians break out of the municipal circuit of politics to contribute at the provincial level, or more rarely in the legislative council in Calcutta. This process of cooptation was developed further by the Montagu-Chelmsford reforms of 1919, and the government of India Act of 1935, both of which extended the franchise among Indian Communities (albeit only to men in 1919) even as they steered Indian politicians away from the centre and towards the provinces.<sup>18</sup> As Stuart Corbridge and John Harriss point out, "Here is one key to British rule in India in the first half of the twentieth century, and one of the Raj's enduring legacies in terms of the politics of Post-Colonial India. The Raj was constructed on the basis of a unitary conception of Indian territory and on the basis of an unyielding commitment to political centralism."<sup>19</sup>

In any case, the notion that the real function of representation was advisory, while 'policy' was made by the bureaucracy, remained basic to British schemes of democratization right up to the Montagu-Chelmsford reforms of 1919, if not indeed the government of India Act of 1935. It was, of course, later challenged and in large part overturned by the very different conception of representative democracy held by the national movement. However, at least two legacies of this initial ideology of representation were bequeathed to India even beyond 1947. It was over the question of who had the right to represent whom that the issue of 'Communalism' first entered the structure of the state. Similarly, the introduction of principles of separate representation for 'Hindu', 'Muslims', landholders etc., has been seen as a typical colonial device constructed by the British for the purposes of 'divide-and-rule'.

The second and related legacy was the inflated role accorded to itself by the bureaucracy (and judiciary) as the proper makers of policy and the guardians of society.<sup>20</sup> Sugata Bose and Ayesha Jalal made this point very succinctly when they argued that the events of 1947 finally aborted the 1935 proposals, but, problem actually, those of 1950 brought more than a fair share of them back again. The authors of the Indian Constitution put an extra ordinary degree of faith in the political wisdom of the British and drew heavily on the 1935 Act. By so doing, they thus drew quintessentially 'colonial' forms of political 'relationship into the core of their emergent national democratic state. That issues concerning the design of provincial states and their relationship to the centre, concerning the uneasy relations between executive and legislature and concerning the provenance of democratic authority should subsequently have bedevilled the history of the Indian nation, cannot be regarded as wholly surprising. They came as a part of a colonial inheritance which was all too readily accepted.<sup>21</sup>

### **Economic Policies of the British Raj in India and its legacies**

The political landscapes of the Raj were shaped by Britain's commercial and strategic imperatives in the subcontinent. In the second half of the nineteenth century the rhythms of the Indian economy were dictated to a great extent by the rhythms of the European world economy. The Indian economy did well enough in the 1880s, but it suffered sharp downturns in the 1870s and 1890s, just as it would do again in the 1930s. India's manufacturing economy also had to contend with the Lancashire lobby in England. British cotton textile interests made it difficult for the government of India to provide a measure of protection to the modern textile industry that emerged in the Bombay - Ahmedabad region in the late nineteenth century.<sup>22</sup> Although inclined to pose as a laissez faire state for much of the later nineteenth century and to allow Britain's industrial monopoly to bring its own rewards through the market-place, the British Raj also displayed a manifestly interventionist role. The eagerness of the

Company to lay claim to all possible sources of land revenue meant that, from an early date, its government had to simultaneously own up the responsibility for providing irrigation and various support services to agriculture. The needs of the military and of emergent plantation economies required large scale involvement in a variety of labour and factor markets. India's massive railway building programme was also closely directed by the state. It is arguable, however, whether the nineteenth century colonial state thought of any of these activities immediately in terms of their implication for socio-economic 'development', they were prioritised, much more for reasons of 'state' profit and power. Indeed, even the elaboration of the famine code was promoted as much by concern for the losses of revenue, which famine brought, as for the loss of life.<sup>23</sup>

The political as well as the economic context altered dramatically after the first world war which prompted the British Raj to take a relook on the issues of Economic growth and social welfare. On the one hand, a nascent domestic public opinion and a rising national movement demanded greater accountability and policies geared more explicitly towards India's, rather than Britain's, interests. On the other hand, the decline of the colonial staples and a shift in India's relations with the rest of the world economy necessitated a radical restructuring of her systems of production and trade. At one level, the colonial state responded to these changes purposefully. It progressively abandoned its (albeit selective) stance on non-interference in markets; it instituted wide ranging inquiries into areas of the economy about which it had previously been in blissful ignorance, it drew up plans and recruited experts and technicians, most noticeably, it even found itself defining and defending a notionally 'Indian' national economy replete with its own tariff barriers, Reserve Bank and Industrialization strategies. Many of the instruments and controls with which Independent India was to try to 'manage' her own economy were forged in the closing decades of

the British Raj, Particularly in the 1930s and 1940s under the successive strains of depression and war.<sup>24</sup>

At the same time, however, and perhaps, obviously, these instruments and controls were never designed simply to promote India's economic welfare and the development of the 'national' economy. As David Washbrook has very correctly pointed out, "Although, the cause of Indian development was enthusiastically embraced by the late colonial state, amidst a paper shower of committees and reports, plans and promises, the rhetoric was often meant to mislead, or to disguise the extent to which the embrace encircled India's throat. What was achieved was less the provision for India of a new economic dawn than the prolongation of a long post or neo-colonial night."<sup>25</sup>

Paradoxically enough, India was by 1947 the seventh largest Industrial country by volume of output, it remained a predominantly agricultural country nonetheless. The low productivity of agriculture in India was widely recognized at independence. The colonial state had failed to increase agricultural output, except in the case of some commercial crops. Indeed, the output of foodgrains had tended to stagnate, and possibly to decline, in spite of increasing demand, in the period between the wars. The availability of food grains per capita – allowing for imports–declined during this period, and probably did not improve much in the 1950s. The failure to invest in irrigation can only be part of the reason for the dismal state of Indian agriculture, or indeed, of rural society, at independence. There can be little doubt that the inequitable distribution of land ownership in India, and the continuing existence of landlordism, an estimated 35 percent of cultivators were tenants at independence, a high proportion of them were sharecroppers (Byres, 1974), helped to create conditions in which the great majority of producers had neither incentive nor opportunity to invest in agriculture. This was especially the case in the Zamindari areas of India, or in those areas where the British were keen to secure

the consent of the landlord class regardless of the economic consequences.<sup>26</sup>

A radical social re-structuring of the distribution of resources and labour power was necessary. However, it was practically impossible for the late colonial state, whose bases of social power lay with groups privileged by the present dispensation. Three Corollaries flowed from this: First, having initially intervened in various markets as a short-term expedient, the state found it impossible ever to get out again. It was obliged to take an ever-widening responsibility for the regulation of exchange, spawning an ever more elaborate system of controls and licenses. Second, to explain its activities, it began to generate anti-market ideology which put the blame for its predicament on the greed of, particularly, petty merchants rather than the structural conditions under which they had to work. In a curious elision of apparently opposite philosophies, for example, the highly conservative late colonial state of the 1930s began to propagate fabian socialist ideas about the irrationalities of the market-place and the evils of 'the middle-man' and third, it hid its essentially political purposes behind a rhetoric of development aimed at helping the already privileged groups, whose support it courted, rather than those who needed it most desperately. This last category of people consisted principally of what it called 'the peasantry' and which, by European social reference, were supposed to represent the bottom of the social pyramid. But, of course, by Indian reference, land holding 'peasants' were the elite groups of village society with whom the colonial state, abandoning its erstwhile affection for rentier landlords, had been seeking a closer alliance with them since the later nineteenth century. Policies of aid, subvention and development aimed at 'the peasantry' helped further to support those groups who had done best out of the colonial economy but ignored the landless masses beneath, whose plight increasingly worsened.<sup>27</sup>

As James Manor observed, "The emergence of a liberal political system was also facilitated, both before and after independence, by the

stability of the agrarian socio-economic order across most of the sub-continent. In most parts of India, the pre-dominant mode of production was peasant proprietorship, small and medium-sized landholdings distributed among owner-cultivators who formed a substantial minority of the rural population. This ensured the existence of ubiquitous but less than extreme disparities between rich and poor..... It is therefore not surprising that most parts of India, where peasant proprietors predominated and in which grotesque inequalities were not a problem, provided infertile ground for political movements seeking drastic change.”<sup>28</sup>

### **Birth of a middle class of Nationalist orientation and pioneering ideas and the Indian National Congress**

Following Macaulay’s celebrated minute of 1835, there came the most momentous decision of the British Raj: the decision to introduce English as a medium of instruction in Indian colleges and High schools. Already self-made men and inevitably dazzled by the westerners were reading the English classics, legal and scientific works, and constitutional treaties; the introduction of English made this possible on a much larger scale. Thus, a new class was ‘born’ who were English educated and schooled in liberal ideas, full of admiration for the west, and prepared to serve as “clerks” under foreign superiors. Many of them took to law and practised it. Some became teachers. Still others took to commerce and industry. A few managed to go abroad – mostly to England – took advanced education, and more often than not aspired to become members of the ICS. Some took to social reform, journalism and other professions like medicine and accounting. Still others took to politics.<sup>29</sup> The introduction of western education in India was essentially guided by dual objectives. It provided cheaper administration through Indian subordinates as well as helped breeding a group of brown sahibs.<sup>30</sup> As Rajni Kothari reasoned in this connection in these words, “This was the new middle class of India. Through this class the British ruled the sub-continent. Through this class new ideas

of individualism and constitutional government gained currency. This class manned the new professions. And from this class, political leadership emerged to challenge the might of the British Empire. The overall effect was profound. The new middle class, created by English Education and drawn by the concepts of liberty, democracy and socialism was indeed the greatest legacy of the British Raj. This class eventually inherited power from the British and declared itself a modern nation and a "sovereign, Democratic Republic".<sup>31</sup>

Three quarters of a century of thought and struggle over defining the Indian nation, over freeing the country from alien occupation, and over the desirable shape of the social and economic order in a future independent India had provided the nationalist leadership at independence with a set of ideas and goals that helped to structure their responses to the problems of Governance facing the newly independent country.<sup>32</sup> The social reformers of the late eighteenth and nineteenth centuries were without doubt the great pioneers of Indian Nationalism. The awakening they brought among urbanized and educated Indians soon created a political response which, in turn, led the movement in another direction. No doubt, the founding of the Indian National Congress in 1885 was an historic event in modern Indian politics. Blessed by Englishmen and the local authorities, the congress was ultimately to grow into a mammoth organization, supplying a unified leadership to the Nationalist movement.<sup>33</sup> After Gandhi took over the leadership in 1920, Congress actually sought to force the British out of India. But, considering the character of the Raj, it waged struggles of largely non-violent nature for making it most effective. Again, this strategy involved certain consequences. First, since the pressure which a non-violent movement could exert in any arena or at any level of the colonial state structure was bound to be less severe than that which an armed insurgency might have generated, Congress had been able to maximize its effectiveness at every level at which the colonial state had an administrative presence.

The second thing which followed from the nature of the Congress struggle and of the Rāj was broadly inclusive character of Congress. The only way to overturn the Raj was to unite every possible section of Indian society in the struggle, so that Congress would become the sole authentic voice of India, an all-inclusive organization.<sup>34</sup> As James Manor pointed out, "In practice, Congress never succeeded in making itself an all inclusive body. It was not only that many of India's Muslims eventually decided to opt out by supporting the Muslim league at the elections of 1946, thereby rendering Pakistan inevitable, untouchables gained little more than token representation in Congress before independence, which poor, low-status 'caste Hindus' (those just above the level of untouchables) were sometimes desired even tokenism."<sup>35</sup> Therefore, during the pre-independence era, scheduled castes had largely been left out of the Congress's fold and it, for the most part, avoided supporting direct confrontation between the tenants and landlords in British ruled India in order to preserve maximum unity in the fight against the Britishers.<sup>36</sup> The Congress had arrived at independence largely by pursuing a non-violent path. Terrorist groups, though sometimes acknowledged as true patriots, were not condoned within the Congress. Nor did it tolerate the military style of nationalism promoted by the famous Bengali political leader, Subhas Chandra Bose, who resigned from the Congress Presidency in 1939 in the face of total opposition to him and his politics from Mahatma Gandhi. On the contrary, Gandhi's tactics of non-violent resistance to untruth and injustice, which included a variety of individual and mass protest techniques, had become embedded in congress ideology and practice. Some even argued in the Constituent Assembly that Satya-Graha was a fundamental right of the people. Other Congress leaders, however, opined that now that India was independent and functioning with a competitive parliamentary system, such techniques no longer had a legitimate place.<sup>37</sup>

However, the decisive linkage between anti-colonial mass nationalism and the advent of democracy remains indisputable. The two fold expansion that followed—in aims, towards progressively more definitive notions of Swaraj, Culminating with the Lahore demand for complete independence in 1929; in methods, particularly with Gandhi towards enormously widened mass participation was accompanied by a sharpening of notions of democracy.<sup>38</sup> He led powerful campaigns of “non-violent non-cooperation” with the government in 1921, 1930 and 1932. Essentially movements of civil disobedience and challenge to authority, Gandhi insisted on keeping them non-violent and disciplined, and launched them in the form of moral resistance to injustice rather than as mass agitation. This was the essence of Satyagraha.<sup>39</sup>

Between 1937 and 1939, Congress began to assume the shape and the crucial role that it eventually took on after independence. It displayed the first sign of becoming a partisan political machine, or rather a cluster of regional political machines, distributing goods, services and resources among a carefully selected array of interests. This enabled it to begin to integrate the institutions of state and the most powerful elements in the socio-economic order. During this period, some category of people, the dominant landed groups, in particular, swelled the ranks of Congress as they anticipated that they were going to be an indispensable part of the post-independent political set-up of the country.<sup>40</sup>

As James Manor writes, “For them, Satyagraha, which until recently had been a counterweight to careerism, became a spring-board to a future in politics. For this latter sort of Congress activist, the brief spell in power between 1937 and 1939 rendered liberal, representative politics acceptable. For many it was not something that they thought much about, nor was it the result of a philosophical commitment to basic liberal values. It was more a case of liberal politics, which they had long used to manage the internal affairs of Congress, becoming the

natural way to conduct public affairs in general. It was also, crucially, a kind of politics that did not threaten the interests of congress and of their landowning peasant supporters but actually served the interests of both quite effectively. There seemed little reason to suppose that it would even cease to do so."<sup>41</sup>

It is well known that Gandhi was opposed to the dirigiste and westernizing visions of Nehru. For Gandhi, the enemy was not only British imperialism, but the enemy within: the cancers of materialism and envy and excess which can take root in the minds of men and women, irrespective of colour, caste or creed. Swaraj, or self-rule, would be found, Gandhi argued, in a politics of truthfulness (Satyagraha) that would deliver the body from false desires. Bose, Patel and Nehru within the Congress Pantheon, were neither in Gandhi's compass nor did they buy Gandhi's logic in its entirety. Both Bose and Patel advanced agendas for Post-independence India and that were at odds with those of Gandhi and Nehru. Interestingly both Bose and Patel had strong bases of support. But, it is a fortuitous combination of factors that catapulted Nehru at the centre stage of Indian politics from 1950. Nonetheless, it was not clear in the mid 1940s that Nehru's blueprint for a future India would survive either the 'leftist' politics of Bose and his allies (not to mention the communist insurgencies in Bengal and Telengana) or the conservative political instincts of Patel and his many supporters.<sup>42</sup> In any case, India would initially have adopted a liberal, representative model at independence. It is unthinkable that a ruling party led by Jawaharlal Nehru would have done anything else. But this wider acceptance of liberal politics was important in ensuring that the model was roughly adhered to in this vast, complex polity in the uncertain early years after independence when the great mass of Indians was taking part in the system for the first time and gradually and unevenly understanding and accepting it.<sup>43</sup>

## **The blooming of the key ideas of the Nationalist leaders at independence and the Constituent Assembly Debates**

The constitution making body (which also became the Indian Central Assembly after 15 August) was formed through Indirect elections, chosen by Provincial Legislatures that had been elected in early 1946 on the basis of the 1935 Act franchise of around 10 percent. Thus, the Congress tacitly withdrew from what had been a central programmatic objective since 1936. In any case, Constitution making began, with the Muslim League staying away, and with the eight point resolution and aims and objectives moved by Nehru on December 13, 1946, the foundation of which eventually became the preamble. The resolutions defined India as an "independent Sovereign republic", to be formed through a "union" of British India and Indian States, in which all power would be "derived from the people."<sup>44</sup>

When Nehru moved the historic objectives Resolution of 13 December, 1946, the focus was on the territory and powers of Government inherited from the British. Since the crown was pulling out, it stated that the power and authority of independent India was derived from the people. Another phrase that would be resonating in the Constitution, was to guarantee and secure to the people of India:

Justice-social, economic and political; equality of status of opportunity and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality.<sup>45</sup>

But who were the individuals who would breathe life into these aspirations? In 1938, Nehru had stated that the Congress "has proposed that the constitution of free India must be framed, without outside interference, by a constituent assembly elected on the basis of adult franchise. However, the final arguments were made in such a hurried manner that, there was no time for such elections, so the members of the Constituent Assembly were indirectly elected from

Provincial Legislatures. And the members of these pre-colonial period legislatures had been elected on a highly restricted franchise in which tax, property and educational qualifications limited voting rights to the top ten percent of the population.<sup>46</sup>

The minutes of the sub-committee on Fundamental Rights, however, indicated that social justice was not accorded as high a priority as previous pronouncements had suggested. It was constitutional advisor, B.N. Rao, who advocated the distinction between Fundamental Rights and Directive Principles on the model of the Irish Constitution. He was of the view that the right to work, for instance, could not be guaranteed but personal rights could. Another consideration that was put before the members was that the State should not guarantee what it could not afford. Several members were unhappy with the concept of non-justiciable rights. K.M. Munshi wanted right to work to be one of the fundamental rights. K.T. Shah feared that this would reduce them to 'Pious wishes'. Raj Kumari Amrit Kaur and Mrs. Hansa Mehta urged for constitutional provisions that would commit the state to fulfil the directives within a definite time-frame. But they were unsuccessful except for verbal alterations.<sup>47</sup> As Prof. Amal Roy has brilliantly brought out the reasons for this contradictions in these languages, "More of the dominant groups in the Constituent Assembly was committed to a social revolution in depth. The Socialists and the Communists were not represented in the Assembly, nor did the downtrodden have any voice in its deliberations. The elitist dominance was so pronounced that the masses did not figure in discussions except for some rhetorical purposes. Thus, the Nehruvian view got diluted because of the elitist dominance of the political process. This contributed to the relegation of basic social rights aimed at justice and the focusing of civil rights in the constitution."<sup>48</sup>

According to Euro-American Constitutional tradition, the state is essentially a civil state, and hence, civil rights are integral to constitutionalism. The concept of social justice is post-constitutional

phenomenon, and the basic social rights are not generally acknowledged as an essential aspect of the fundamental law. Hence, the basic social rights such as right to freedom from hunger, right to a living wage, right to education, right to health care, etc. received only peripheral importance in the constitution, while the civil rights accorded top priority. A system of preferential treatment was devised in the constitution only in regard to certain categories of the population such as scheduled castes and scheduled tribes in order to alleviate the conditions of these historically disadvantaged groups. It is also seen that the dominant groups were generally in sympathy with the aspirations of the propertied class. The Constituent Assembly debate on the provision of the right to property corroborated to this. Pandit Pant proposed an amendment, as he would have preferred to leave "the mode and manner of compensation entirely to discretion of the legislatures concerned." This had frightened many leading members of the constituent Assembly. A.K. Ayyar was so disturbed that he immediately shot off a letter to Sardar Patel suggesting that if what he had heard of Pant's amendment was correct, it would have the effect of making capital shy and driving it in some measure out of industry. However, it was finally found that Pant's amendment was not directed at Industry. It was actively meant for Zamindars.<sup>49</sup>

Indian Federalism is often grounded, in rather over-formal ways, in late colonial British constitutional experiments: notably, diarchy, followed by the 1935 Act Colonial rule, which in the interests of more effective domination and exploitation had integrated the sub-continent for more tightly than ever before, had also begun to feel the need for a measure of decentralization for financial and administrative efficiency from the late nineteenth century.<sup>50</sup> A perceptive observer of India's Colonial History writes in this context, "It should be obvious that the connections between such imperialist "federalism" and the post-colonial structures were not only indirect, but operated mainly through reason. Thus the evidently divisive nature of the colonial schemes in

fact strengthened the centralizing, as distinct from the more "Federal", tendencies within "mainstream" nationalism, by evoking fears of Balkanization."<sup>51</sup>

While the resolution did differ sharply from the subsequent constitutional structure, however, the precise content of its "Federal" dimension, as the Clause-III explicitly stated that the Indian "Union" would be one where the constituents "shall possess and retain the status of autonomous units, together with residual powers ..... save and except such powers and functions as are vested in or assigned to the Union."<sup>52</sup> In the course of the next six months or so, this residual powers provision would be progressively whittled down, till on July 5, 1947 the sub-committee on Union Powers decided "that the constitution should be a federal structure with a strong centre", where there would be three "exhaustive" lists, "Union, State and Concurrent", with "residuary powers for the center".<sup>53</sup>

The debate on the aims and objectives resolution revealed very interesting differences of emphasis and attitude. Nehru, while moving the resolution (as well as when ending the debate on January 22, 1947) kept discreetly quiet over the residual powers issue. But Purushottam Das Tandon, seconding the resolution, immediately made clear his reservations: "For the sake of securing Muslim league's co-operation, we have been accepting many things against our ideal. We should now put a stop to that. Personally, I would oppose the grant of residuary powers to the provinces in the best interests of the country."<sup>54</sup>

The Constituent Assembly made only a modest concession to Gandhian ideology by establishing as a principle of state policy in the Directive Principles of the constitution - the goal of decentralizing power and participation to the sub provincial level.<sup>55</sup> Political participation is especially significant for the deprived sections of population because it helps them to improve their conditions of life and equalize their opportunities through political activity. Karl Marx had himself advised

that a right to vote means a significant share in power. A basic assumption of democracy is political participation. At a theoretical level, participation alone may not be the criterion of political influence but, it is definitely a fundamental requirement of democracy and it could be said with some measure of certainty that in actual practice the right to participation is an important source of political influence. Right to participation and voting, either actual or potential, does contribute in helping the underprivileged to exert influence on the elite and gain benefits.<sup>56</sup> Charan Singh, an ardent Gandhian, lamented that the whole structure of the new Indian State ran counter to the ideology of Gandhian decentralization, which not only was meant to provide for direct participation by the people in planning for their own economic improvement but to minimize the role of the centralized state and its bureaucratic agencies in the ordering of the economy.<sup>57</sup> The British ruled India through a bureaucratic system, whose primary functions were the maintenance of law and order and the collection of revenue. The fear of disorder and disintegration of the new Indian State at independence, occasioned by the partition of the country, communal violence, and the problems involved in integrating the princely states into the Indian Union might have influenced the leadership of independent India to rely heavily on the existing bureaucratic apparatus and to put aside any ideas of reform. Although they are subordinate at the highest levels to the most powerful political leaders and at the lowest levels to powerful local politicians, the higher grades of the Indian bureaucracy dominate routine decision making and, in the frequent absence of ministerial leadership, general policy making in both the central and state governments. They are no longer the elite "rulers of India" but the leading elements of a vast dominant class, whose members are the principal beneficiaries of the benefits and resources produced and distributed through the agency of the Indian State.<sup>58</sup>

Nourished and nurtured by in the English liberal traditions of freedom, justice and law, the dominant group within the Congress which led the National Movement, was supposed to represent the country in the post-independence era. But it had its own limitation because of contradictions and complexities essentially arising out of clashes of perspectives between Gandhi and Nehru on major themes of state-craft and priority determinations in the domain of Development. Yet this group managed to lead in the name of the people of India despite their failure to be identified with the masses, the ordinary people of the country.<sup>59</sup> Subhash Kashyap, former Secretary General of the Lok Sabha, makes it abundantly clear when he comments, "It was, however, perhaps the class character and elitist composition of the constituent assembly that was responsible for distribution of basic human rights into the enforceable fundamental rights and non-enforceable directive principles of state policy. The poor, illiterate, hungry masses had no use for most of the rights like the right to property, freedom of thought and expression, equality of opportunity in matters of public employment etc. In any case, they were in no position to claim any benefit from these rights. The rights they needed were those of freedom from hunger, right to a living wage etc. All these were relegated to the non-enforceable principles."<sup>60</sup>

The background provided on the legacies of British rule in India, and these inheritances of arrested Development, political centralism and limited Democracy Constituted the context within which a newly independent India was to be fashioned, and a template against which this new India could be imagined and counterposed. The invention of modern India was also fought out between several of the constituencies that had taken shape under the Raj-big business, various landed elites, organised political groupings and was sternly contested within the ranks of what became the Congress Party.<sup>61</sup> At independence, the leaders of the country quite self consciously maintained many features of the colonial legacy. They also adopted some new features derived

from the political practices of Great Britain and the United States. However, most of the specific features of the constitution of India and the administrative structure retained or adopted at independence represented borrowings from abroad, which had to be adapted to the social structure, traditions, and practices of an entirely different society.<sup>62</sup> As David Washbrook cautions in these words, "Democracy was 'conceded' in ways meant to separate power from responsibility, to diffuse opposition and to protect elite authority. Development was a synonym for conservation, for interposing state power to protect privileges and relations of erstwhile dominance, which changing conditions in the market place were undermining. A starting point for re-definition of these concepts would be to emancipate them from the historical legacies of the late colonial era."<sup>63</sup>

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