

CHAPTER - VIIICONCLUSION:

It is now evident from the foregoing discussion that the most important event of profound socio-political implications of the present century should be discovered in the framing of our constitution by the Constituent Assembly that worked for a period of about three years to formulate the Basic Law of the Land. It was the most stupendous task before the Founding Fathers to start their monumental work on December 9, 1946, in the midst of several difficulties. The Constituent Assembly has rightly been regarded as the only machinery that is consistent with the principle of self-determination accepted to-day as much by the British as by the people of India, a principle according to which the Constitution should be framed by the Indians for the Indians in accordance with the Indian conceptions.

The Constituent Assembly of India, right from the beginning, was mainly a Congress Assembly owing to the very fact of this party's role in the freedom movement that had its decisive impact upon the selection of the representatives who were ultimately responsible for the framing of the Constitution. It should be mentioned here that elections to the Constituent Assembly took place in July, 1946, in which Provincial Legislative Assemblies took part. Out of the total 1,585 seats in the Provincial Assemblies, the Congress had won 925 or 58½ seats in the elections of 1946. It actually cleared the way for the thumping victory of the Congress Party in the elections held for the Constituent Assembly in the following year. The Congress candidates captured 203 of the 312 'General Seats' representing every

community, except Muslims and Sikhs); additionally, this party elected 4 Muslims and 1 Sikh candidates which gave it the strength of 208 out of 292 seats allotted to the Provincial Legislative Assemblies. Moreover, after the exit of the Muslim League on account of country's partition the majority of the Congress Party rose to about 82%. Besides this, the Congress had within its fold leading Hindus like Nehru, Patel and Prasad and eminent Muslims like Azad. Thus, the Constituent Assembly became a body where the Congress and its nucleus predominated.

In the framing of the Constitution of India, both Nehru and Patel (along with Dr. Ambedkar and other leaders) played a very important role, while Nehru was the Chairman of the States Committee, Union Powers Committee and the Union Constitution Committee, Patel became the Chairman of the Fundamental Rights Sub-Committee, the States Constitutions Sub-Committee and the Minorities Sub-Committee. What is noteworthy at this stage is the manner in which the five basic postulates --- federalism, secularism, democratic socialism, parliamentary government and independence of the judiciary -- were sought to be reconciled by both Nehru and Patel. In spite of the fact that there were differences of opinion and of political outlook between Nehru and Patel, these two leaders did a remarkable job in making a reconciliation between Fabianism (of Nehru) and liberalism and nationalism (of Patel). It has clearly been reflected in the drafting of the Chapter on Fundamental Rights.

It has rightly been observed that in the Fundamental Rights Sub-committee, Sardar Patel had to make a reconciliation between two extreme viewpoints. Some members wanted to include in the list all the commonly accepted rights as Fundamental Rights, while others wanted to restrict the area to the maximum extent possible.

On the protection of the right to private property, Patel had been very conservative. In his opinion, the State should be there to protect the right to private property of the individual of course, he allowed the State to acquire such a property for public purpose, but only on payment of fair and just compensation. This is an important area where there arose a conflict of opinion between Nehru and Patel, since Nehru believed that socialistic progress would be hampered to a greater degree if the right to private property was fully safe-guarded. Nehru and others who followed him wanted that the legislature should be armed with powers, in the greater national interest, to decide the nature and quantum of compensation to be paid to the individual whose property was to be taken of.

This led to the emergence of bitter controversy among the framers of the Constitution in general and between Nehru and Patel in particular. With a view to supporting his argument, Patel pointed out that the Congress Election Pledge of 1945 had guaranteed payment of fair compensation to the landlords. He was of the opinion legislatures should not be given free hand in the matter of expropriation of private property. It may not be out of place here

if we mention that Patel was supported by Dr. John Matthai, the Finance Minister <sup>who</sup> threatened to resign if this view was not accepted. Ultimately, the Constituent Assembly agreed to incorporate the idea of compensation under the supervision of the Judiciary.

It is within this broader historical perspective the present study has analysed in depth the role played by these two great leaders during the formative period of the Constitution-making process. The study establishes beyond doubt that it is meaningless to judge or analyse the activities of any leader without a proper historical setting. No single theory of leadership will be comprehensive for a detailed study of such a vast and complex leadership issue. The study is, therefore, ~~xxxxxx~~ based on the assumption that leadership studies should embrace within itself a study of the proper historical perspective with a definite bias towards the socio-economic conditions at a given time.

The study establishes the fact that in the Constituent Assembly and even within the Congress Party, both Nehru and Patel had a very important role to play. Though neither Patel or Nehru was actively involved in the debates in the Constituent Assembly, they managed things behind the stage.

The Constituent Assembly had to deal with a number of problems. Two of such problems were the problems relating to the former Indian States and the problem relating to minorities. The credit for solving these problems was entirely due to Sardar Patel

It was because of his able statesmanship and leadership qualities that these two very vexed problems could be solved through debates in the Constituent Assembly.

Thus, it may be said by way of concluding the discussion that both Nehru and Patel were at the apex of the whole Pyramid of Leadership. These two leaders agreed on many occasions to settle all controversies in the greater interest of the nation. There seems to have been no instance in which the decision could have been arrived at against the express wishes of both Nehru and Patel. Compromise had to be made only when there emerged wide gap of opinion between these two leaders.

When the deliberations of the Constituent Assembly were going on, Nehru was the Prime Minister and Patel was the Deputy Prime Minister and Home Minister. Patel, being the Home Minister, realised the importance of maintaining law and order of the country. He was of the opinion that private property should be protected. He wanted the proper tier class should not be frightened with the unsettling notion of social revolution or talks of ~~socialism~~ socialism. Nehru and Patel never agreed to the point. Patel was able to get the support of legal luminance's in the Constituent Assembly. Nehru readily accepted it. That is why, many concepts, not liked by Nehru, got their place in the Constitution itself. Thus, all things taken into consideration, it can be safely concluded that if one finds any conflicting principle in the framing of the Constitution, it is due to the ideological differences between Nehru and Patel.

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