

## C O N C L U S I O N .

It is now evident that multifarious forces and factors had operated in favour of the final choice for a Euro-American type of constitution in clear preference to a Gandhian one. In outlining the structure of the Indian political system, the Constitution of India followed the familiar pattern and merely consolidated the prevailing political-administrative arrangement emerging from Indian constitutional history. A half-hearted and positively unsatisfactory compromise had been achieved by incorporating some of the Gandhian ideas and principles ——— which were themselves not of major significance ——— within the framework of the Western type of parliamentary government. These ideas and principles found prominent expression mostly in the Part III and Part IV of the Indian Constitution ——— more in the non-justiciable, non-enforceable Directive Principles of State Policy than in the justiciable and legally enforceable Fundamental Rights. It has been conclusively established that the Gandhian concept of Rights, implying corresponding Duties, for the purpose of self-realization and universal total upliftment of the individuals, had never influenced the making of the Part III, nor could Gandhi's concepts of Sarvodaya, Trusteeship and economic order, political self-government and democratic decentralisation find their way into the provisions of this Part. Not that Gandhi and his thoughts and ideals lacked supporters. As the proceedings of the Constituent Assembly have revealed, there were a good many members who were really inspired by Gandhian ideology, who fought

tooth and nail against Dr. B. R. Ambedkar and the other decision-making personalities for incorporating Gandhian principles, who suggested repeated amendments to the Draft Constitution to give practical shape to Gandhian principles and ideals, and who bitterly lamented the exclusion of his thoughts and ideas from the final text of the Constitution. Although Gandhi was dramatically proclaimed as the "architect of the Assembly" and of "India's political destiny", leader of the people and the father of the nation, and since the Objectives Resolution, tabled by Jawaharlal Nehru, had so faithfully reflected Gandhi's constitutional philosophy, the classificatory scheme of the Rights and the dichotomy introduced in the final stage of Constitution-making between justiciable Fundamental Rights and non-justiciable Directive Principles may be looked upon as a subtle device to transfer the major Gandhian concepts like democratic decentralisation, Sarvodaya and economic order to the Part IV containing 'over-programmatic' and immediately unrealisable ideals. There have been significant deviations in several substantive spheres of freedom, namely, in Articles 19, 21 and 31 as they finally emerged as a result of compromise among conflicting pulls, pressures and interests. The provisions in the non-justiciable Part IV bear by contrast, more direct and immediate impact of Gandhian ideas. The principles contained in this Part can be directly traced to Gandhi's "Constructive Programme", and reflect the best part of Gandhian ideas and ideals. Special mention may be made of social justice and

and removal of social and economic exploitation, social order for the promotion of the welfare of the people, organisation of village panchayats, free and compulsory education for children, promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections, prohibition of consumption of intoxicating drinks and drugs, ban on cow slaughter, promotion of cottage industries, settlement of international disputes by peaceful means, and similar other provisions, which were inspired by the Gandhian ideals. In these spheres, Gandhi's concepts exerted influence on the formation of such provisions in the body of the Indian Constitution. Nevertheless, here too, one notices only superficial attempts and not comprehensive efforts at incorporating all that Gandhi stood for. For example, it has been shown how the concept of democratic decentralisation and Panchayati Raj was accepted as a Directive Principle, but was rejected as the fundamental basis of the political structure based on decentralisation of power, with the village as the basic unit of administration and the Panchayat as the electoral college for electing representatives to provinces and the centre. The inclusion of Article 40 is indeed a poor attempt towards implementing Gandhian ideas on this vital subject.

In tracing and identifying the major causes of deviation from Gandhian principles, the differences between Gandhi and the Indian National Congress, especially the younger generation of intellectuals and the socialists, have been noted, and it has been shown that only a minority in the Congress shared Gandhi's

convictions. While Gandhi remained the undisputed leader and the centre of gravity during the 1920's, his influence on Indian leaders and statesmen gradually declined, and the roots of departure lay as much in the whirlpool of political events and the emerging reality of the political process as in the clash of personalities and ideologies. The character of the Congress had already changed, with a new type of leadership, a new psychology and a new programme. The non-Gandhian influences of leaders like C.R. Das, Motilal Nehru, Subhas Chandra Bose, the impact of the Congress Socialist Party, and the contradiction between profession and practice among the followers of Gandhi, acted as very prominent factors working behind the gradual decline of Gandhian influence. One of the most significant contributory factors has been the relation between Gandhi and such architects of the Indian Constitution as B. R. Ambedkar, Sir B. N. Rau, Sardar Vallabhbhai Patel, K.M. Munshi, and even Jawaharlal Nehru, Maulana Azad, and Dr. Rajendra Prasad, who unceremoniously rejected the basic tenets of Gandhi in building the superstructure of the Constitution and opted for a Western type of political system. Ambedkar's antipathy to Gandhi had been well-known. But one cannot so easily explain the transformations in the attitudes of Nehru, Azad, Patel and Prasad, the four men who really decided policy on the floor of the Constituent Assembly. All of them played vital roles as Chairmen of major Committees, and with Sir B. N. Rau, a Europeanised intellectual trained in Euro-American constitutional precedents, as the

Constitutional Adviser, and B. R. Ambedkar, as the Chairman of the Drafting Committee, it was no surprise that the emerging Constitution should represent such a wide departure from Gandhi's ideas. Other immediate causes, and circumstances immediately after Independence, had also played their part in this process of disowning Gandhi.

Finally, on the question whether Gandhian ideas and ideals have been a continuing process in the nation's life and the constitutional history of the country during the last thirty years, attention has been focussed on such concepts as Sarvodaya, Panchayati Raj, Social Welfare, Khadi and Cottage Industry, Education, Welfare of the Weaker sections, Prohibition, Prevention of Cow Slaughter, Social Justice and Minority Provisions, Religious and Educational Equality etc., and it has been seen that although the heritage and the message have not been forgotten, there has been a big gap, constitutional amendments notwithstanding, between the ideals proclaimed in a 'programmatic' Constitution and their actual translation into concrete governmental implementation.

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