

CHAPTER - 5

The leaders of India's freedom movement visualized that in the new regime, following political freedom, the people would have the fullest opportunities for advancement in the social and economic spheres, and that the state would make suitable provisions for ensuring such progress. Among the fundamental rights adopted by the All Parties Conference (1928), were provisions entitling every citizen to free elementary education; maintenance of health and fitness for work of all citizens; a living wage for every worker; protection of motherhood; welfare of children; and assistance in old age, infirmity and unemployment⁽¹⁾. Similar provisions were also contained in the Declaration of Fundamental Rights, adopted by the Indian National Congress in 1931, which, in addition, specifically declared: 'in order to end the exploitation of the masses, political freedom must include real economic freedom of the starving millions, and that the organization of economic life must conform to the principles of justice'⁽²⁾.

It was due to Gandhi's impact that the Karachi Resolution of 1931 stressed that the state should also aim at achieving the welfare of the individual in the social, economic, cultural and moral spheres, since for him 'true democracy lay in achieving village industries, providing primary education through handicrafts, removal of untouchability, communal harmony and prohibition'⁽³⁾.

Part IV of the Constitution, known as Directive Principles of State Policy embodies, in a somewhat diluted and abstract manner, some of these hopes and ideals cherished by Gandhi.

A preamble to define the position to be accorded to these principles was incorporated in the Draft Report of the Fundamental Rights Sub Committee; which stated that "the principles of policy set forth in this part are intended for the guidance of the state. While these principles are not cognizable by any court, they are nevertheless fundamental in the governance of the country and their application in the making of laws shall be the duty of the state". In addition, the Draft Report contained eleven clauses⁽⁴⁾. These clauses give direction to the state to promote international peace and security as well as internal peace, and covered the whole range of the political, economic and social well-being of the state and the citizens.

These clauses, when placed for discussion, were severely criticized. One criticism was that these principles were borrowed from foreign countries and that the Advisory Committee had bodily adopted the provisions of the Irish and some other Constitutions without giving much thought to their usefulness and their relevance to, and practicability in, Indian conditions.

Subsequently, in the course of his tour of the U.S.A., Canada, Ireland and the United Kingdom, B. N. Rau discussed the

position of the Directive Principles in relation to the Fundamental Rights, especially in the light of their working in Ireland. The Charter of the United Nations as well as the Universal Declaration of Human Rights also influenced this part of the Constitution. Yet, it is true that our constitutional fathers presented in it a novelty as regards its scope. They marked it not only for general guidance, but also as 'fundamental in the governance of the country', and the duty of the state was to utilize these principles in framing laws. The chapter on Directive Principles has become the bedrock on which future programmes of social and economic legislations for achieving the objectives of the 'welfare state' would be based.

Commenting on the fanatical borrowing of phraseologies from foreign countries to frame our Directive Principles, Mahavir Tyagi said, during discussions of the Draft Constitution, that there was nothing Gandhian in the Directive Principles⁽⁵⁾. Many others pointed out the need for greater emphasis on Gandhian principles. And in order to reframe the Constitution along these lines, some members introduced amendments in the Draft Constitution. They intended to incorporate provisions like 'prohibition', 'swadeshi', 'cottage industries', 'ban on cow slaughter' and 'Panchayati Raj'.

While speaking on the Supplementary Report on Fundamental Rights, Vishwambhar Dayal Tripathy pointed out the need to make adequate arrangements for cow protection⁽⁶⁾.

Pointing to the Directive Principles, he welcomed the provision on education (Section-8) ⁽⁷⁾ but expressed his anxiety over the provisions on economic rights. He expressed his dissatisfaction at the half-hearted and hesitant introduction of the provisions, meant for removing the disparity and inequality to which the poor millions were subjected. He said: 'the need is that the poor may realise and feel that they have also the strength to rise to the highest level and that they also have the same facilities for advancement as others have' ⁽⁸⁾ .

Dr. P. S. Deshmukh expressed his displeasure at the nature of the Constitution which was emerging. He condemned the attitude of large-scale borrowing of phraseologies and provisions from foreign sources ⁽⁹⁾ , especially from the Irish Constitution ⁽¹⁰⁾ . He asked: ".....why not take the opportunity of fashioning something original, something that is in keeping with the genius of our people, and something that will be in perfect conformity with the historical background of the ancient civilization of this land.....?" Dr. Deshmukh expressed his dissatisfaction at the inclusion of the economic rights in the non-justiciable list ⁽¹¹⁾ . He also considered the provisions intended for ameliorating the condition of the common masses as inadequate and half hearted ⁽¹²⁾ .

Additions were made subsequently to the final draft when it was discussed by the Constituent Assembly. The Draft Constitution of India contained thirteen articles (28 to 40) in the part relating to 'Directive Principles of State Policy'. But

during its detailed, clause-by-clause discussion, due to the relentless demands and persistent efforts of some members to incorporate more Gandhian ideas, three more articles were added, namely, articles 40, 48 and 50. To article 34 of the Draft, corresponding to article 43 of the final version, was added: 'the state's endeavour to promote cottage industries on an individual or co-operative basis in rural areas'; to article 38, corresponding to article 47 of the final, was added: 'the state's endeavour to bring about prohibition of the consumption, except for medicinal purposes, of intoxicating drinks and of drugs which are injurious to health'. Further, article 40 of the Draft, corresponding to article 51 of the Constitution, finally adopted, was redrafted with minor changes and the additional clauses read: 'to encourage settlement of international disputes by arbitration'.

Thus the changes made by the Constituent Assembly, along with the provisions of the Draft Constitution, represent, in some sense the intention of some of the members to honour the wishes and aspirations of the Indians, for the fulfilment of which Gandhi strove.

Special mention may be made of the concept of Democratic Decentralisation and Panchayati Raj which was accepted as a Directive Principle but was rejected as the basis of the political structure. This structure was to be based on decentralisation of power, with the village as the basic unit of adminis-

tration and the Panchayat as the electoral college for electing representatives to the provinces and to the centre.

Article 30 (article 38 of the present Constitution) of the Draft Constitution declared the solemn resolution to introduce a revolution to achieve social, economic and political justice. Article 31 (article 39 of the present Constitution) of the Draft Constitution in its five clauses tried to create a zone of economic freedom for the common man and the labourers and an assurance to them in their various hazards of life. Article 32 (article 41 of the present Constitution) tried to make available the scheme of social security. Article 33 (article 42 of the present Constitution) assured that the state would make provisions for securing just and human conditions of work and for maternity relief. Article 34 (article 43 of the present Constitution) of the Draft ensured a living wage and decent standard of living for the wage-earners. Article 35 (article 44), provided for a uniform civil code throughout the territory, and article 38, (article 47) introduced a caution for public health. These are certainly the issues for which Gandhi had struggled and suffered.

Article 30 of the Draft (article 38 of the present Constitution) states: "the state shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life."

During discussion on the Draft Constitution, Damodar Swarup Seth moved an amendment to this article, and reminded the House that the Indian National Congress, in its election manifesto, promised the transfer of ownership of the means of public utilities, communication, production, credit, exchange to the ownership of the public. The Economic Committee's Report of the Congress also accepted this principle. Without that he said 'a social democratic order securing the real welfare of the masses could not be established' .⁽¹³⁾ Naziruddin Ahmed moved an amendment and sought re-wording of this provision so as to make it a positive obligation on the part of the state⁽¹⁴⁾ .

According to Mahavir Tyagi, this was a very important article which contained at least a fourth part of the aim which the framers of the constitution had in view. The aim of securing justice, equality and fraternity, as embodied in the Preamble, found expression in this article⁽¹⁵⁾ . He supported the amendment moved by Naziruddin Ahmed and demanded this article to be more strongly worded⁽¹⁶⁾ .

Article 31 of the Draft (article 39 of the present Constitution) states: "the state shall, in particular, direct its policy towards securing - (a) that the citizens, men and women equally, have the right to an adequate means of livelihood; (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good; (c) that

the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment; (d) that there is equal pay for equal work for both men and women; (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens, are not forced by economic necessity to enter avocations unsuited to their age or strength; (f) that childhood and youth are protected against exploitation and against moral and material abandonment".

These provisions can be compared with some of the provisions of the Universal Declaration of Human Rights as well as the International Covenant on Economic, Social and Cultural Rights.

Articles 23, 25 and 27 of the Human Rights Charter deal with-right to work; maternity and child welfare; and protection of the moral and material interests respectively (17). These can be compared with the provisions embodied in article 39(a), (e) and (f) of the Indian Constitution.

Again, articles 7, 10 and 11 of the International Covenant on Economic, Social and Cultural Rights deal with - just and favourable conditions of work; maternity benefit, protection from economic and social exploitation of the children and young persons; and adequate standard of living respectively (18).

K.T. Shah moved an amendment - "that for clause (iii) of article 31, the following be substituted:- 'that there

shall be no private monopolies in any form of production of material wealth, social service, or public utilities nor shall there be any concentration of means of production and distribution in private hands and the state shall adopt every means to prevent such concentration or accumulation" (19) .

Jadubana Sahaya supported the spirit of the amendment. He held this article to be the most vital because, in his opinion, the provisions contained in this article constituted the charter of economic democracy. But he failed to understand why the Assembly was not keen to the extent of clearly and boldly incorporating in this article 'that the means of production and the natural or material resources of the country shall belong to the community and through it to the state' (20) .

S. Nagappa also held the same view. He preferred these clauses being drafted in more unequivocal terms. Anyway, he requested the framers of the Constitution to see that every word of it was translated into action (21) .

A section of the Assembly members wanted to place greater emphasis on certain institutions and principles central to Indian practice, particularly, those glorified by Gandhi's teachings. By November 1948, there were scores of amendments to the principles. The majority of the amendments were directed towards the development of village life and economy and the panchayat

system of village organisation. Some 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 methods of animal husbandry and agriculture. A further provision demanded was the prohibition of harmful drugs and intoxicating drinks - a provision founded largely on Gandhian puritanism and directed primarily towards the socially and physically depressed industrial workers. (22)

A new article, 31A (article 40 of the present Constitution) was included, which previously found no place in the Draft Constitution. This article states : "The state shall take steps to organise Village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government" . (23)

Article 32 of the Draft (article 41 of the present Constitution) states: "The state shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education, and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want."

This article is analogous in content and phraseology to article 15 of Dr. Lauterpacht's Draft of an International Bill of Rights of Man (24) which states: 'states shall, within the limits of their economic capacity and development make provision for securing effectively the right to work, to education and to

public assistance in case of unemployment, old age, sickness, disablement and other cases of undeserved want'. Similar provisions can also be traced in the Human Rights Charter. Article 25 of this Charter speaks of security in the event of unemployment or other lack of livelihood (25) .

This article undoubtedly aims at furthering the welfare of the common men and a coverage at their distress. Hence it was unanimously adopted by the House without much debate.

Another article of the same nature, - article 33 of the Draft (article 42 of the present Constitution) states: "The state shall make provision for securing just and human conditions of work and for maternity relief". This article was added to the Constitution without any debate at all.

The suggestion to include the above rights in the Constitution of India was by no means new. Section (xvii) of article 4 of the Report prepared by the Committee appointed by the All Parties Conference (1928) to determine the principles of the Constitution of India stated: 'Parliament shall make suitable laws for the maintenance of health and fitness for work of all citizens, securing a living wage for every worker, the protection of motherhood, welfare of children and the economic consequences of old age, infirmity and unemployment' (26) .

Analogous provisions are found in the Human Rights Charter. Article 23 of the Charter deals with just and favourable

conditions of work (27) and article 25 deals with maternity welfare. (28)

Article 34 of the Draft (article 43 of the present Constitution), as modified, states that "The state shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the state shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas".

The securing of a "living wage" alone instead of a "minimum wage" for the workers had also been the aspiration and the ideal set forth in the Declaration of Rights, in the statement of the second session of the Indian Round Table Conference, and by the Indian National Congress and the representatives of the All Parties Conference.

The Indian National Congress, in its Allahabad session of 1933-34, included, in the Declaration of Fundamental Rights, a clause (clause 2(b)) which stated: 'The state shall safeguard the interests of industrial workers and shall secure for them by suitable legislation and in other ways, a living wage, healthy conditions of work, limited hours of labour, suitable machinery for the settlement of disputes between employers and workers, and protection against the economic consequences of old age, sickness and unemployment' (29)

The Human Rights Charter embodied similar provisions. Article 23 of the Charter envisages protection against unemployment; right to equal pay for equal work, and right to just and favourable remunerations ⁽³⁰⁾. Article 24 deals with right to rest and leisure, fixation of working hours and periodic holidays ⁽³¹⁾.

Neither the Sub-Committee on Fundamental Rights, nor the Draft Constitution made any mention of the use of swadeshi and promotion of cottage industries in the rural areas -- the programme which became the heart of the National Movement under Gandhi's leadership.

During the general discussion on the Draft, Mahavir Tyagi reminded the House that Gandhi was very keen on cottage industries to be organised on the basis of self-sufficiency; and as such, this item had a top priority in his 'Constructive Programme' ⁽³²⁾.

He (Tyagi) moved an amendment to the effect that "the state shall encourage the use of swadeshi articles and promote cottage industries, especially in the rural areas with a view to making as far as possible those areas self-sufficient" ⁽³³⁾.

T.A. Ramalingam Chettiar intended to add to the end of this article - "And in particular the state shall endeavour to promote cottage industries on co-operative lines in rural areas" ⁽³⁴⁾.

H.V.Kamath reminded the House that the concept of economic and social democracy had formed the basis of the content of most

Congress resolutions that had been passed since 1936; he made a special reference to the Meerut session of the Congress, which gave a definite meaning to the concept of economic and social democracy. He hoped that the nation would move towards creating a casteless and classless society as envisaged by Gandhi ⁽³⁵⁾. He (Kamath) further hoped that "the government would act up to this article and see all workers are secured work, a living wage and a decent standard of life" ⁽³⁶⁾.

At this stage, Dr. Ambedkar conceded to the demands of the House and accepted the addition to this article ⁽³⁷⁾. The Constituent Assembly, however, did not support the inclusion of - "use of swadeshi" but agreed to add that the "state shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas".

Gandhi had made cottage industries, particularly home spinning, for psychological, if not for economic reasons, a central part of the independence movement. Gandhi's economic aims were two: to attack village poverty and to provide an alternative supply of textiles to the hated foreign cloth. In the Assembly there was, as even Ambedkar admitted, a considerable amount of feeling ⁽³⁸⁾ in favour of government encouragement for cottage industries, and this sentiment forced him, as the spokesman of the Drafting Committee, to accept the amendment placing the promotion of cottage industries in the Directive Principles ⁽³⁹⁾.

Articles 36 and 37 of the Draft Constitution (articles 45 and 46 of the present Constitution) dealing with the provisions for free and compulsory education for children, and with the promotion of educational and economic interests of scheduled castes, scheduled tribes and other weaker sections respectively, were inspired by Gandhian ideas.

These provisions can be compared with article 26 of the Human Rights Charter ⁽⁴⁰⁾ and with article 13 of the International Covenant on Economic, Social and Cultural Rights ⁽⁴¹⁾.

Article 36 of the Draft states: "The state shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years".

The members of the Constituent Assembly were almost unanimous on this issue; as such, this article failed to produce any storm in the House and was adopted forthwith.

This particular right found favour with many important members of the Constituent Assembly. Provisions to this end were made by B. N. Rau in his Draft Scheme on Fundamental Principles of State Policy and by Sardar Harbans Singh, K.T. Shah and K. M. Munshi ⁽⁴⁵⁾ in their notes on Fundamental Rights .

During general discussion of the Draft, a few members, especially Z.H.Lari, expressed their displeasure in view of this

provision being included in the Directive Principles. He wished that this provision should have been placed in the justiciable Fundamental Rights with much more emphasis on it ⁽⁴³⁾.

This article, read along with articles 29 and 30 in the Chapter on Fundamental Rights, guarantees what is known as the right to education. But these articles, taking together, cannot claim to have established the scheme of education as contemplated by Gandhi. In fact, the Assembly debate manifests clearly that the members did not have much faith in the usefulness of the plan Gandhi devised.

Gandhi said "by education I mean an all round drawing out of the best in child and man -- body, mind and spirit I would begin the child's education by teaching it a useful handicraft and enabling it to produce from the moment it begins its training" ⁽⁴⁴⁾.

He felt that our education needed to be revolutionized. The brain must be educated through the hand. He, therefore, prescribed, for the children in the schools, instruction through handicrafts. This scheme was known as the New or Basic Education or 'Naya Talim'. This education, according to Gandhi, was meant for transforming the village children into model villagers. 'It develops both the body and the mind, and keeps the child rooted to the soil with a glorious vision of the future in the realisation of which he or she begins to take his or her career in school' ⁽⁴⁵⁾.

However, the Assembly members did not pay much heed to this aspect of Gandhi's wishes, and, as a result, the new Constitution of India failed to incorporate this scheme within its body.

Article 37 of the Draft states that "the state shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation".

This article goes a long way in ameliorating the conditions of the weaker sections, the hitherto oppressed and down-trodden people by ensuring them economic and social justice. It is this social and economic injustice for the elimination of which Gandhi struggled throughout his life.

During general discussion on the Draft Constitution, the members were quite serious about the inequalities the different communities suffered from. Jainarayan Vyas drew the attention of the House at the Harijan communities who were not allowed to enter into the temples, and asked for necessary steps to abolish this evil system (46) .

Yudhisthir Mishra demanded more clear manifestation of economic democracy in the constitution. He suggested - nationalisation of wealth and state-ownership and control in the matter of production and distribution (47) . Viswambhar Dayal Tripathi also emphasised economic democracy. (48)

Dr. P. S. Deshmukh hoped that, although the framers of the Constitution had not been able to frame a constitution more akin to the genius of the Indian people, yet they would be in a position to accommodate, by means of amendments, some such provisions that the ordinary citizen, might feel that their Raj and their Kingdom was going to dawn (49) .

Another article, bearing a resemblance to Gandhian ideas, was - article 38 of the Draft (article 47 of the present Constitution). The Draft only stated: "The state shall regard the rising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties".

No provision was made in the Draft Constitution regarding 'prohibition', which has always been considered as the first tenet of Gandhi's 'Constructive Programme'. The omission was seriously resented by some members of the Assembly.

Mahavir Tyagi was very much displeased in the absence of 'prohibition' within the Draft Constitution. He pointed out that Gandhi had always been keen on total prohibition in the country. He was anxious that in India as a whole there should be complete prohibition but the Constitution did not say a word about it (50) . He moved an amendment and reminded the House that Gandhi's foremost plank of 'Constructive Programme' was 'prohibition' and the Congress repeatedly stood pledged to that programme. Therefore, in his opinion, if the idea of 'prohibition' could not be accommodated in the constitution, then that would mean the rejec-

tion of the wishes of Gandhi as well as the people (51)

Kazi Syed Karimuddin insisted that after article 30, the following new article be inserted - 30A: 'The state shall strive to secure the prohibition of manufacture, sale or transportation or consumption of intoxicating liquors for beverage purposes'. He further argued: 'Gandhi was preaching all his life that the use of liquor and the manufacture of liquor should be prohibited in India; and in fact in keeping with that policy, the Provincial Governments in India had been framing laws and were applying those laws'. He pointed out 'that thousands of families had been ruined and were miserable on account of this evil'. Therefore, he suggested that 'in the directive principles of the State they ought to have been embodied because the rejection of this would be the rejection of the wishes of Gandhi' (52)

(53) Shibban Lal Saksena and Mohamed Ismail Sahib (54) strongly supported the move taken by Kazi Syed Karimuddin.

Seth Govind Das also supported this move and said: 'It would really not be in accordance with the Indian traditions that when a new Constitution for India was in the making, no mention was made about prohibition'. He expected that 'every community of this land, will agree that the principle of prohibition must be accepted in this country and the Constitution should say something with respect to prohibition' (55)

Biswanath Das extended his support and strongly

demanding a provision to this effect, but he objected its inclusion in the 'Directives' which were characterised by him as the 'Sermon on the Mount' ⁽⁵⁶⁾ .

B. Pocker Sahib Bahadur heartily supported the amendment moved by Kazi Syed Karimuddin and argued that if the Assembly members had any real reverence for the views of Gandhi, they ought to have incorporated prohibition at least in the Directive Principles. Members here should not have allowed it to be said of them that soon after Gandhi's death, his wishes and views were also buried nine fathoms deep ⁽⁵⁷⁾ .

During this discussion, the members almost unanimously desired the revival of this issue at a later stage. When the issue was resumed, Shibban Lal Saksena moved an amendment that at the end of article 38, the following be substituted: 'and shall endeavour to bring about prohibition of the consumption of intoxicating drinks and drugs which are injurious to health except for medicinal purposes' ⁽⁵⁸⁾ . He drew the attention of Dr. Ambedkar to the fact that 'the Harijan and the labour population which earns money by hard labour spends a large portion of that in the toddy shops and the drink-shops', therefore, he hoped that 'the Directive Principle would not remain merely a pious wish' ⁽⁵⁹⁾ .

B. H. Khardekar objected to prohibition on economic grounds and accused the members of misunderstanding Gandhi. He argued that the essence of Gandhism was love, toleration, non-violence, search for truth and all those important

things. The externals of Gandhism or the outward trappings of Gandhism were khaddar and prohibition (60) .

At this, V. I. Muniswami Pillai expressed his sorrow and opined that B. H. Khardekar had failed to follow what Gandhi told the people. He argued that of the four constructive programmes, Gandhi had placed prohibition at the head of all the four, because he had found the country was going to rack and ruin, and the poors were spending all their earnings on drink and leaving their children and families in utter poverty and want (61) .

B. G. Kher was also offended at the speech made by B. H. Khardekar (62) . He reminded the House that Gandhi had said that he would not attach any importance to any other social reform so long as this question of the prevention of consumption of intoxicating liquors and drugs was not taken up by the states. The very first reform that he enjoined upon all the provinces was the stopping of this vicious thing (63) .

Lakshminarayan Sahu welcomed prohibition in the context of the wishes of Gandhi and the changed situation after independence (64) .

After this prolonged discussion, the clause 'the state shall endeavour to bring about prohibition of the consumption, except for medicinal purposes, of intoxicating drinks and of drugs which are injurious to health' was added to article 38 of the Draft.

Inspite of the opposition from the liberal elements in the Assembly, the advocates of prohibition had both social and doctrinal strings to their bow, and they were supported by the decade-old official dedication of the Congress to the cause of prohibition. Further, the Hindus relying on Gandhi's teachings, and the Muslims deriving their authority from the Koran, joined forces against the evil of drink.

Article 48 of the present Constitution (article 38A of the Draft) states: "The state shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle".

The origin of the basic contents of this article could be traced to a resolution moved by Thakur Das Bhargava and Choudhari Ranbir Singh, and was unanimously adopted by the Congress Party (65). However, the Draft Constitution of India did not contain any provision covering these aspects. As such, while Draft Constitution (66) was being discussed in the Constituent Assembly, Seth Govind Das, Thakur Das Bhargava (67), Shibban Lal Saksena (68), and Choudhari Ranbir Singh (69), regretting the omission, emphasised the need for such a provision.

Gandhi regarded 'ban on cow slaughter' as indispensable both on moral and economic grounds. The 'ban on cow slaughter' being primarily religious in character, there seems to have been

a lot of controversy on its inclusion. Objection was raised by some of the Muslim members. At this point, Thakurdas Bhargava made an appeal to consider the matter in the light of economic requirements of the country ⁽⁷⁰⁾. He also asked for an amendment stating: 'the state shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds of cattle and prohibit the slaughter of cow and other useful cattle, especially milch and draught cattle and their young stock' ⁽⁷¹⁾.

Seth Govind Das ⁽⁷²⁾ and Shibban Lal Saksena ⁽⁷³⁾ also emphasised the economic side of the issue, and stated that Swaraj would be futile in the absence of this provision in the Constitution. It was then accepted and the motion took the form of article 48 of the Constitution.

The last article of Part IV of the Constitution -- article 40 of the Draft -- (article 51 of the present Constitution) also represents the wishes of Gandhi. This article embodies the country's pledge for peaceful relations with other nations based on Gandhi's ideas of non-violence and truth, and was enacted after much deliberation. It may, however, be honestly admitted that the adoption of this article, as the guiding principle of future foreign policy of India, of which Nehru was the chief architect, was more a reflection of the national self-interest of the newly emergent nation, than a genuine fulfilment and recognition of

Gandhi's ideas. Notwithstanding the emphasis on non-violence, the real inspiration came from the Preamble and the Purposes and Principles of the UN Charter and other contemporary pronouncements rather than from the Gandhian approach to world peace and international relations.

This article states: "The state shall endeavour to- (a) promote international peace and security; (b) maintain just and honourable relations between nations; (c) foster respect for international law and treaty obligations in the dealings of organised peoples with one another; and (d) encourage settlement of international disputes by arbitration".

The need for including a provision in the Constitution, in respect of the 'world order' was envisaged by the Objective Resolution moved by the Prime Minister in the Constituent Assembly on December 13, 1946.

V.S. Sarwate made an unsuccessful attempt to add the following new clause in the memory of Gandhi: 'foster truthfulness, justice and sense of duty in the citizens'. This he regarded as the provision which characterised Gandhian ideology. He appealed that this should not be rejected either because it was vague or that moral principles have no place in the constitution. However, he was opposed by many and the proposed amendment was rejected (74). H. V. Kamath demanded more attention of the House on international affairs so that the world could really become one

(75)
free world .

K.T. Shah wanted, first and foremost, the state in India to be pledged to promote international peace and security. He also moved an amendment in this direction ⁽⁷⁶⁾, and recalled in this connection the categoric declaration of Gandhi at the Round Table Conference: Gandhi declared that if he got swaraj, if the Congress was master in this country, one of the first things he would advise it to do would be to disband the army and the police, and anything else which savoured of violence in the organisation of the Indian State ⁽⁷⁷⁾. However, his attempt did not bear fruit.

Another fruitless attempt was made by Damodar Swarup Seth. He wanted to add the following words at the end of this article: 'It shall also promote political and economic emancipation and cultural advancement of the oppressed and backward peoples, and the international regulation of the legal status of workers with a view to ensuring a universal minimum of social rights to the entire working class of the world' ⁽⁷⁸⁾.

B. H. Khardekar wanted that certain indication should be showed in our foreign policy that we have remembered the principles of peace and non-violence as laid down by Gandhi ⁽⁷⁹⁾.

Biswanath Das pleaded for honourable and peaceful relations with other states, and, in this connection remembered Gandhi who taught to take honourable and open course of action in the relations between nations ⁽⁸⁰⁾.

In his speech delivered in the Constituent Assembly on 26th November, 1949, Dr. Rajendra Prasad made a special reference to this article and said: 'while a world torn with conflicts, was still depending on armaments to establish peace and goodwill, India was destined to play a great part, if she proved true to the teachings of Gandhi and gave effect to this directive principle of the Constitution' (81)

So far as the foregoing discussion is concerned, certain characteristic features of this part of the Constitution cannot escape our attention.

The provisions contained in this part/reflect the ideas and ideals for the fulfilment of which Gandhi strove and struggled throughout his life. They are lofty and pious, they are non-justiciable; nevertheless, if the administrators and the legislators remain true to their pledge to regard these principles as fundamental in the governance of the country, then there is no shadow of doubt that thereby they will be proceeding a long way in the fulfilment of Gandhi's aspirations. But, in a real sense, because these principles were over-programmatic in nature, and devoid of any enforcement-capability, they could not be proclaimed as a victory or vindication of Gandhian thought.

The Directive Principles are the embodiment of the ideals and aspirations of the people of India and the goal towards which they expected the state to march forward. They are the

ideals of a welfare state. These ideals were incorporated within the body of the constitution possibly to instil confidence in the minds of the people that what they had asked for, the state would strive after.

While the provisions of Part III of the Constitution primarily deal with the political rights, these provisions (Part IV), on the other hand, relate to the social and economic aspects of our life. These are directed towards achieving socio-economic equality in the community and to uplift the common people. As such, though nonjusticiable in nature, these provisions are much more important to the ordinary men than those justiciable rights enumerated in the first part of the Report. These are more important, because they cover the socio-economic hazards of life which should precede the political rights in order to ensure a just and equitable society, a society where each has a share. True to the dominant trend of the time, these principles constitute a new dimension of human freedom in the quest for the Great Society which President Roosevelt had in mind when proclaiming his four freedoms, especially the freedom from want and freedom from fear. These principles encompass the development of creativity or the effective capacity of men to unfold their personalities.

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