

Constitutional Framework and Structures of Governance in India: A Historical Perspective

Series of Weekly Lectures by Sri Devendra Swarup

LECTURE I, Saturday, June 30, 2012

SUMMARY

The first talk in this series raised the core issues and questions that force us to rethink about the constitutional framework and the structures of governance that India has evolved during the British times. Shri Devendra Swarup began his talk by raising the question whether the India that we see today, three generations after Independence, was the free India for which our forefathers had fought and sacrificed so much. Is this the India that our forefathers had seen as a beacon for the world? Is this the India the vision of which had inspired many generations? Why have we failed to realise that vision?

Part of the reason perhaps lies in the fact that the new constitution that we adopted for ourselves after Independence preserved, more or less intact, the entire structure of public institutions that the British had evolved for ruling India. The Constitution of India failed to bestow and we have over the last six decades failed to evolve any new institutions of our own. We have persisted with the institutions of the colonial state, and have kept merely multiplying these institutions in geometric progression.

Take for example the system of education. Rabindranath Tagore, Arvind Ghosh, Mahatma Gandhi and several other national leaders explicitly rejected the system of education that the British had imposed upon India and even in the course of the struggle for freedom they carried out several experiments in education. But, independent India has perpetuated, expanded and multiplied the system established by the British. In 1857, there were 3 universities in British India, today there are hundreds of universities, all created in the same mould and all purveying the same British kind of education.

Similarly, the entire administrative and judicial system instituted by the British has been retained and expanded. National leaders have worried about it since the early years of our Independent functioning. Referring to this situation, Shri Ram Manohar Lohia once said that the government of Independent India under the Congress was the same as the British government, minus efficiency, plus corruption.

We have not only continued to work with the institutional structures left behind by the British, we have also tried to pursue the same ambitions and objectives in the domain of

economics. Gandhiji, in his Hind Swaraj, severely condemned the western model of economic development. In his later speeches, writings and experiment, he sketched a fairly detailed picture of an India rooted in economically self-sufficient and frugal people and their villages. Gandhiji remained steadfast in his vision of Hind Swaraj till the end. But Independent India did not follow his path; India did not even take a single step towards the fulfilment of that vision. Gandhiji said that India lived in her villages. Today, we are only trying to develop cities and even villages want to turn into cities.

Another question that we need to dwell upon is as to why and how the English were able to influence and alter India. Their rule was relatively brief. From 1757 to 1857, they were busy fighting and establishing their control over the land. They ruled without hindrance for just 90 years, from 1857 to 1947. This was a much shorter duration compared to other spells of foreign rule that India had experienced. Islam obtained a foothold in the Indian region in the eighth century A.D. The Sultans and the Mughals ruled over a fairly large part of India for several centuries. But though the number of Muslims in India did increase both through conversion and a relatively less significant import of mercenaries, soldiers and administrators from foreign Islamic lands, yet the Indian ideas, institutions and lifestyles remained more or less intact, even in their greatly enfeebled state. The invaders before the Muslims were not at all able to disturb or disrupt India; they simply got submerged in the Indian milieu and identity.

The British, however, succeeded in establishing alien ideas and institutions which we continue to stand-by even today. Why did this happen? Gandhiji asserted strongly that India wanted nothing from the West. Annie Besant also said that Englishmen needed to learn much from India and not the other way round. Swami Vivekanand said that India might learn from the West ways of alleviating poverty, but she needs to learn nothing else. Aravind Ghosh in his Uttarpara lecture said that the world would arise only when Sanatan Dharma rises. All these leaders dreamed of India presenting a vision and a message to the world. But today's India is busy in emulating the world; it seems to have no message for anyone. How have we reached this stage?

We have made politics the basis for all our efforts to remake our society and build the nation. We have placed great emphasis on the importance and sanctity of the Constitution, even though we have carried out a large number of amendments in it. This has happened, in spite of the fact that many great leaders of India have been critical of this Constitution from the beginning. Leaders like Meher Chand and Minoos Masani trenchantly criticised the Constitution. The great Jai Prakash Narain said that the Constitution was not representative of India; this is a sentiment that echoed repeatedly in the deliberations of the Constituent Assembly. Yet, we continue to revere the Constitution.

It seems to me that one of the main causes of the problems that we face as a nation is the Constitution of India. It has created a polity that has necessarily led to the division and

fragmentation of the society; it has put a premium on politics based in caste and minority identities. It has made smaller identities much more important than the larger national identity. It has made coherence and harmony in public life nearly impossible. It has erased all sense of national purpose and patriotism from public life.

Many important leaders of the national movement were part of the Constituent Assembly. Therefore there is a strong, though mistaken, belief that we made this Constitution for ourselves. To know how this Constitution came into being and what were the ideas and thoughts that animated this exercise, we need to go into the detailed history of the making of the Constitution and to the earlier periods when the various ideas and institutions enshrined in the Constitution slowly evolved through the contingencies of imperial and colonial governance.

We believe that our leaders made this Constitution with a great deal of deliberation and effort. In the next lecture, we shall go into the details of the actual making of the Constitution and the key people involved in the effort. We shall see how the Assembly was constituted, how it functioned and who were the people actually involved in the framing of the Constitution? Was it made by our leaders or by the then British Viceroy?

The lecture was followed by a lively discussion and brief remarks by some important scholars and leaders.

Shri Bajrang Muni of Ambikapur made an impassioned plea for a group of scholars to come together and create an outline of a constitutional framework suitable for India. At least the main features of such a framework need to be outlined before we can undertake a successful public campaign for an alternative constitutional framework. He promised to extend all help in this effort.

Shri T. N. Chaturvedi, former Governor of Karnataka, appreciated this effort at understanding the constitutional framework of India in a historical perspective. He suggested we should also undertake serious, concerted and intense discussions, perhaps in a parallel format, on the issues arising out of this narration of the historical processes.

Shri Lakshmi Niwas Jhujhunwala chaired the discussion. In his concluding remarks he regretted that the command of Independent India was handed over to a person like Shri Jawaharlal Nehru, who had little interest in the Indian ways, ideas and institutions.

Dr. J. K. Bajaj of the Centre for Policy Studies coordinated the lecture and the discussion. Shri Padma Chand Gupta of Citizens Council Delhi presented thanked the speakers and the participants.
