Chapter - III

PARLIAMENTARY

DEMOCRACY IN INDIA
Parliamentary form of government, as adopted and enacted by the Constituent Assembly on 26 November 1949 and enforced on 26 January 1950, was, in one sense, a continuation of the long process of constitutional reforms started by the British rulers as early as 1858. The Government of India Act of 1858 brought an end to the rule of the East India Company and placed India under the direct control of the crown.

After the conquest in the battle of Plassey in 1757 the company rulers were almost kept on their toes by revolts of various dimensions like Santhal revolts, Sannyasin revolts and so on which were mostly subaltern in character. Since those revolts were sporadically generated on some local issues, they had neither long term objectives, nor well calculated programme of actions. So the British rulers did not have much difficulty in controlling them. But the Revolt of 1857 had a wider dimension and, to some extent, long term objectives, though not very clearly defined. But the Britishers had a tough job in encountering the rebellion. They therefore felt it wise to bring the British colonial administration under the direct control of the crown. This Act expressed the desire of associating non-official elements in the administration. This besides, Queen Victoria made a royal proclamation of ensuring a good government, freedom of belief and worship, rights to public services, impartial protection of law etc. to the people of India.\footnote{1}

The royal proclamation was hailed by the educated Indians. They were further elected by the Indian Councils Act of 1892 which introduced the system of indirect election for the non-official members of the Executive Council, nomination of some members to the Council by the Governor-General on the advice of the Provincial Councils and local bodies, confirmation on the Executive Councillors the right to ask questions and discuss budgetary provisions. The Act also increased the strength of Indian members in the Central and Provincial Executive Councils. The Act looked like a sort of constitutional advancement towards responsible government.\footnote{2}

In the meantime the Indian National Congress was formed in 1885 and Indian opinion was growing stronger for greater Indian participation in administration.
The Government of India Act of 1909, popularly known as the Morley-Minto Reforms, was enforced. Though the Act appeared to be an attempt of associating the Indians with administration, it was practically a ploy to tighten the British grip on Indian soil by dividing the electorate on communal lines. However, this benevolent despotic endeavour was rejected by all shades of opinion, liberal, extremists, Muslims and others.

The Act of 1909 was followed by the Home Rule Movement under the leadership of Mrs. Annie Besant. The British lady Annie Besant was a theosophist and came to India in connection with theosophical movement. She felt that India should have a rightful place as an equal partner in the British Empire. This feeling associated with her interactions with the then political leaders of varied orientations in England, led her to start the Home Rule Movement. Home Rule Movement steered a middle path between the moderates and the extremists. It also enlisted the support of Mohammad Ali Jinnah, who was then a nationalist and would balance the politics of the liberals in the Congress and that of the Muslim League.

The sessions of the Congress and of the Muslim League held at Lucknow in December 1916 were a turning point in the political life of India. After the break of the Congress into Moderates and Extremists in Surat in 1907 it was practically the untiring efforts of Mrs. Besant which brought together the moderates headed by Sir Chimanlal Setalvad, an eminent political leader and lawyer and the extremists led by Tilak. His latter political line might be just the opposite, but Mr. Jinnah, during this time, was the dominating force both in the Congress and the League. He played a key role in preparing a draft constitution for India and getting it adopted by the sessions of the Congress and of the League.

“The historical Lucknow Pact was an integral part of the Constitution. Under it, the Muslims led by the League promised to work with the Hindus to achieve freedom in return for the Congress conceding to the Muslims separate electorate with weightage far in excess of their numerical strength.
“The Pact, of which the moving spirit was Jinnah, was readily accepted by Mrs. Besant, Sir Chimanlal Setalvad and other Hindu leaders, anxious as they were to secure constitutional advance through Hindu-Muslim unity. Malavyaji (Madanmohan) opposed it. Gandhiji remained a silent observer.”

Tilak, inspite of mental reservations, supported the Pact. He said: “It has been said that we, Hindus, have yielded too much to our Muslim brothers; I am sure I represent the sense of the Hindu community all over India when I say that we could not have yielded too much. I would not care if the rights of self-government are granted to the Muslim community only. I would not care if they are granted to the lower classes of the Hindu population (Dalits as called to-day). Then the fight will not be triangular, as at present it is.”

The nationalists accepted the Lucknow Pact conceding to the Muslim minority a privileged position in the hope of building a united front against the British. The Hindus even accepted the condition of exercising majority rights in political matters only when permitted by the Muslims. During this time the nationalist Jinnah was highly critical of the separate electorate for the Muslims as provided in the Morley-Minto Reform of 1909, but accepted it in the hope of bringing the Muslims under his leadership into the nationalist camp. Jinnah then cherished the “high hopes that under his leadership the Hindus and the Muslims would secure constitutional reforms which would broaden out into Dominion Status for India as in Canada.” The Lucknow Pact was welcomed by both the communities. “No one could then foresee”, comments K. M. Munshi, “that the Pact was to blossom [later] as the two-nation theory.”

However, Mrs. Besant created a two pronged pressure on the British, one through the Home Rule Movement and the other through her “permanent friends in Great Britain”. Montague, the Secretary of State for India, was thus compelled to announce on August 20, 1917 the British Government’s policy of “increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive
realization of responsible Government in India as an integral part of the British Empire."  

As a result came the Government of India Act 1919 popularly known as the Montague-Chelmsford Reforms. It was for the first time a British Act spoke of representative Government. But the worst feature of the Act "was the perpetuation of vested interests in religious communities, by giving communal representation to Muslims, Sikhs in the Punjab, Indian Christians in Madras, and Anglo-Indians and Europeans in specified Provinces." The Congress rejected the Reform (Act) in August 1920 and launched a campaign of non-violent no-cooperation under Gandhi's leadership. But Gandhi suddenly withdrew the movement for it lost its non-violent character by a mass attack on a police chauki in Chauri Chaura.  

But the constitutional parties continued following the Montague Reforms envisaged as the 'representative government.' An all white Simon Commission came to India in 1928 in order to judge the ground situation. The Simon Commission, though boycotted by the Congress, released its report in June 3, 1930. It looked forward to a "closer association with British India of the Indian States in matters of common concern for India as a whole" and proposed the new Act (whenever would come) should provide for a "Council for Greater India containing both representatives of the States and members representing British India." The Council, however, was to be consultative and deliberative. But the proposal may be said to have designed the process leading to the Federation of Greater India. The matter was raised in both the First Round Table Conference of November 12, 1930—January 19, 1931 and the Second Round Table Conference of September 7—December 1, 1931. And Gandhi-Irwin Pact also accepted a Federation. However, the character of the Federation was not clearly framed then.  

The Government of India Act of 1935 is considered by many as 'the last political gift of British imperialism.' But it was practically the culmination of the constitutional process started by the Government of India Act of 1858. Many hailed it as the 'new constitution of India', but it remained unimplemented so far.
as its major provisions were concerned. Though passed by the British Parliament in 1935, only its provincial part came into operation after two years in 1937. But its main part relating to the establishment of the All-India Federation remained unoperated because of the disapproval of the leaders of the Indian National Congress, the Muslim League and the rulers of the princely states for varying reasons.\textsuperscript{13} As pointed out by V.P. Menon in his \textit{The Transfer of Power in India} (p. 57), the rulers of princely states had their 'parochial interests' which stood in their way of joining the federation. But the greatest hurdle was created by the results of the provincial elections for operating the provincial part of the Act. The Muslim League did very bad in the election. The Congress was much ahead of it in almost all the provinces. Only in Bengal its winning seats (40) were short of 10 from that of the Congress (50). But it did not miss a single seat in C.P. and Berar, Bihar, Orissa, N.W.F.P. and Sind.\textsuperscript{14} Jinnah was disillusioned to find the Muslim League having no influence on Muslim masses.\textsuperscript{15} Under such circumstances it was unthinkable for him to cooperate with the Congress for operating the All-India federation. This political situation was very skilfully exploited by Mr. Jinnah with the help of British Indian bureaucracy for harvesting Pakistan. Mr. Jinnah started arguing very forcefully that the interests of the Muslim masses could never be secured if they were forced to live under the 'Hindu rule' of the Congress. Knowing fully well of the secular character of the Congress, the British bureaucracy all along castigated the Congress as a Hindu organisation and Gandhi as its Hindu leader. So on every issue they counterpoised the Muslim League against the Congress.\textsuperscript{16} Even during the post World War II period when there had been considerable change in the British imperial policy under compulsion of post World War II new alignment of world powers the British colonialists did not qualitatively change their attitude to the Hindu vis-a-vis Muslim. Viceroy Lord Wavell in his broadcast of 14 June 1945 announced that the Viceregal Executive Council would be reconstituted with the main \textit{[Indian] communities having equal proportions of caste Hindus and Muslims}.\textsuperscript{17} That the entire proceedings of the British rulers had been either to exist in
the country as the arbitrating rulers or to recast the Indian political situation in such a manner that the leaders of the two major communities would be satisfied with the pieces of lollipop called independence and the two independent countries of India and Pakistan would be well tied with the British Commonwealth. Dr. Rammanohar Lohia has aptly described the British desire:

"The string of partition of India must have been there in the Indian office of Britain for a very long time. On my knowledge of the doings of the British as of any other experienced government, I have safely deduced that it was there well before Mr. Jinnah started talking of it around 1940." Mr. Jinnah was promised partition if he did not come to terms with Gandhi in Congress.

Gandhi was a visionary and he rightly felt that 'Swaraj' could never be meaningful if the Indian social fabrics were torn into pieces, so he not only said that the country could be divided on his dead body. He even went to the extent of advising the colonial rulers to transfer the power to the Muslims. But Gandhi's lieutenants did not see eye to eye with him. Sardar Patel was a down to earth man, and a strict adherent to non-violence. He was not a dreamer like Jawaharlal Nehru. Patel was guided by self-confidence in administration. It was for this reason he ruled out the possibility of another '42 Movement like struggle for freedom. We should wrest as much as possible from the British under the prevailing situation. So, he had every reason to be an accomplice in the British effort of partition.

Nehru was a dreamer. But the difficulty with him was that his dream was so fast moving that it ultimately turned into a utopia. The 'Discovery of India', which he wrote, is a masterpiece. It gives a thorough knowledge of India's long history of socio-economic and political development. Yet it reads like a history written by an onlooker. Nehru himself wrote in the Preface of the book (dated 29 December 1945): "It is mine and not wholly mine as I am constituted to-day, it represents rather some past self of mine which has already joined that long succession of other selves that existed for a while and faded away, leaving only a memory." He admired Indian tradition and heritage, was open hearted in
recognising the role of the masses, but when he emphasised the importance of social forces, he became more international than national. He accepted that India is a unity in diversity but he recognised only the diversity in caste, religion and language. He failed to recognise that there are so many subdivisions with these three as well as overlappings. These sub-divisions and overlappings are often turned into social forces which need be harmonised within the greater stream of the country's socio-economic life. This fact of Indian social life is difficult to be comprehended with a Western outlook.

Nehru's concept of democracy was more westernized than that of Gandhi and Subhas Chandra. The intellectual and social influence of the West have largely moulded his democratic ideas. Western society is not as complicated as the Indian society. So when Nehru worked as the guiding philosophical force behind our country's constitution-making, the intricate fabrics of Indian social composition remained outside the horizon of his mental frame and that created unending problems later.

Nehru was a believer in liberal democracy. He wanted free India to be built up fully on democratic lines. Democracy, in the early years of the struggle for independence, meant, for Nehru, the ideal of self-rule or responsible government. But during the later years his ideas of democracy, influenced by his socialist ideas, stressed more on its economic aspect. Democracy implied a mental approach applied to political and economic problems. Democracy meant equality of opportunity in the political and economic field for all and freedom for the individual to develop to the best his personality. Democracy was thus a dynamic concept for Nehru.

Nehru had tremendous respect for the freedom of man. He believed that freedom and equality are necessary for the development of an individual. Both society and the individual must enjoy freedom so that human values may be preserved and promoted. The creative and adventurous spirit of man could grow only in an atmosphere of rights and freedom. Political, economic and social freedom were essentially related and inseparable from each other in Nehru's
democratic thought. Explaining the democratic principle of equality in the Indian context, Nehru said, “The spirit of the age is in favour of equality though practice denies it almost everywhere." So Nehru pointed out that democracy could grow and flourish only in an equal society.

Free discussion and an inquisitive search for truth constitute the essence of democratic theory. And it was for this reason that Nehru was fascinated by democracy as it was based on rationalism. His social objective was to establish an economic democracy which, in his terminology, was to be a socialistic pattern of society. Such a society was to be based on co-operative effort providing equal opportunity for all.

Nehru recognised that the “decay of the group system under British rule, and especially of the self-governing village, had caused deep injury to the Indian masses; even more psychological than economic.... they lost their spirit of independence, their sense of responsibility, and their capacity to cooperate together for common purposes.... The village can no longer be a self-contained economic unit, (though it may often be intimately connected with a collective or cooperative farm), but it can very well be a governmental and electoral unit, each such unit functioning as a self-governing community within the larger political framework, and looking after the essential needs of the village. If it is treated to some extent as an electoral unit, this will simplify provincial and all-India elections considerably by reducing the number of direct electors.” Nehru emphasised that if the village is treated as an electoral unit, that would give a truer and more responsible representation.

“In addition to this territorial representation, there should also be direct representation of collectives and cooperatives on land and in industry. Thus the democratic organization of the state will consist of both functional and territorial representatives, and will be based on local autonomy; some such arrangement will be completely in harmony with India’s past as well as with her present requirements. There will be no sense of break (except with the conditions created
by British rule) and the mass mind will accept it as a continuation of the past which it still remembers and cherishes.  

But in practice 'the conditions created by the British rule' vitiated the political situation of the country. The elitist parliamentary democracy, which was being shaped by the British rulers, was introduced by the Constitution makers. Our Western educated gems, who illuminated the Grand Con'semble, picked up chosen ideas from the garden of ideas in the West for the beautification of our Constitution, especially the Preamble to it. The work of beautification was so perfect that it enchanted the English political philosopher Ernest Barker to comment that the ideas incorporated into the Preamble to the Constitution of India, though have been taken from the West, are so nicely arranged that they have become something more than western.

The framers of the Constitution committed a great mistake. They adjusted the whole situation and needs from their own point of values. They did not care to consider whether our people would be able to appreciate the delicacy of the foreign imports. Thus foreign plants were imported for implanting into the unprepared Indian beds. This was something like driving a bullock cart by an automatic engine keeping aside the bullocks. They ignored the most important fact that the colonial British rulers made no attempt, as was natural for them, to socialise the Indians with the ideas like sovereignty, democracy, secularism, socialism, justice, liberty, equality, rights, fraternity etc., although many of these ideas originated in Britain and the people of Britain jealously guard them. The leaders of the Constitution felt that as we had been under the British rule for about two hundred years and the colonial rulers have gradually developed constitutionalism here we must have been accustomed with those ideas. This was simply an elitist outlook. It should be confessed that, despite the untiring efforts of Gandhi our freedom struggle did hardly cross the middle class elitist line. Naturally whatever ethos were created they were westernised middle class in nature to fly over the heads of common masses.
Apparently the Constitution of India was a nice making but as the days passed on it failed to encounter the growing problems. The government tried to stitch the gap by amendment after amendment. It is now a highly centralized instrument in the hands of the powers on whom or where it may rest.

Notes and References

2. Ibid., pp 32-33.
4. Ibid.
7. Ibid.
8. Ibid., p. 9.
10. Ibid., p. 3.
11. Ibid., pp. 30-32.
13. Ibid.
15. Ibid., p. 112.


22. Ibid., pp. 449-515.

23. Ibid., p. 634.


26. Ibid., p. 523.