ABSTRACT

Objective:

Social Sciences in our time reflect the widely shared conviction that there is not only a regular interaction between the economic and political aspects of public affairs but they must reinforce each other for the maintenance as well as mutation of the social system. It is recognised that economic transactions do not take place in a vacuum sealed off from the rest of the society but operate in a concrete socio-legal context. At the same time, the framework of this socio-legal context is itself subject to and is often the product of the pulls and pushes of the economic forces. One would naturally expect, then, some degree of responsiveness on the part of the one when deliberate efforts are made to change the other.

The present study seeks to probe in the light of this inevitable interaction of economics and politics some of the basic premises of Indian Constitution and the extent to which such interaction would or would not justify the contention that the Constitution is capable of realising the ideal of socialist transformation of society.

The ideal of socialist transformation has been one of the much publicised principles of public policy in this country ever since the attainment of independence. In due course the intensity of this commitment has increased at the same time as public scepticism grew about the possibility of
its realisation through the instrument of the present Constitution. It is, therefore, quite legitimate to raise the question: how far and if at all the present Constitution is capable of ushering in those essential changes in the socio-legal framework of the economic process which, in this country, may constitute the necessary stepping stone to an eventual socialist transformation. Alternatively, the question may be reformulated thus: if there is a significant gap between the principles upheld by the Constitution and the policies pursued by successive Governments.

Methodology

The present study pursues this question from the standpoint of what may be called a socially conscious economic science that is honest enough to give politics its due. Without being much pretentious about an inter-disciplinary method of enquiry, it applies some of the known intellectual instruments used in both the sciences for interpretation of the changes brought about during the last three decades of economic planning in this country. At the same time it takes adequate note of the reaction in the legal circles regarding the possible divergence of the precepts and practices of our political leaders. The methods followed throughout the study are mainly two-fold:

a) Content analysis of the relevant provisions of the constitution, its Amendments and other public
documents such as the Five-Year Plans and the reports thereon.

b) Examination of the manner in which resources are being mobilized by the public and the private sectors of our economy and their implications for growth as well as distribution of the nation's wealth.

The period covered by this study roughly corresponds to the tenure of the first to the fifth Parliament and the five year plans which came under way during this period. The manner in which relevant data have been arranged and assessed is indicated in the statement of chapter arrangement given below:

Chapter Arrangement:
Chapter I deals with the economic ideas and forces shaping the Indian Constitution.
Chapter II deals with the public economic policies as an adjunct of Constitutional Socialism.
Chapter III deals with the public undertakings and their constitutional-legal foundations.
Chapter IV deals with the constitutional aspects of property relations and judicial conservatism.
Chapter V deals with socialism by amendment and the parliamentary response to judicial conservatism.
Chapter VI ends with the conclusion.