CHAPTER - I

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Interaction of economics and politics being a major premise of the present study, a meaningful first step to the understanding of the nature of the Indian Constitution seems to be to trace the historical roots of the relationship between the two significant factors: viz. socio-economic ideals articulated at the time of the making of the Constitution and the social-political background of the forces who were found to take one or the other side without going straight into the controversy of what constitutes the 'Supra' and the 'infra' of social structure such as must be explored in a base-superstructure paradigm, it is necessary first to locate the ideas and forces that have been at work in shaping the Constitution of India and the way they might have been the precursors of any eventual socialist transformation of the country.

The Constitution and the Constituent Assembly:

The starting point of an enquiry into the economic antecedents of the Indian Constitution is, necessarily, the Constituent Assembly which reflected fairly precisely a cross-section of the dominant economic interests in the country and, therefore, largely determined the shape of things
such interests would, at least, not oppose for the sake of social transformation. Politically speaking, "The constituent Assembly was, a one-party assembly, in the hands of the mass party, the Indian National Congress. Yet it was representative of India, and its internal decision making was democratic."¹

In and outside the Assembly, the Congress members held social, economic and political views ranging from the reactionary to revolutionary. Although the leaders of the Assembly wielded considerable powers, the actual method of decision-making was democratic. One notable feature of the making of the Indian Constitution, unlike the American or the French, was the presence of a party system which provided a regular platform to the dominant socio-economic forces.²

Although there was no formally recognised socialist group in the Assembly, that did not make such difference insofar as the basic economic outlook of the constitution makers was, more or less, in favour of a regulated economy. Most of the members thought of themselves as socialists and had also the belief "that the best and perhaps the only way to the social and economic goals that India sought was by the road of Government initiative and control of industry and commerce".³

¹ Austin, Granville: The Indian Constitution - Cornerstone of a Nation, Oxford Univ. Press. 1966, p. 2.
The Constituent Assembly's task was to draft a constitution that would serve the ultimate goal of 'socio-economic' revolution, designed not only to bring about the 'real satisfaction of the fundamental needs of the common man', but also 'a fundamental change in the structure of Indian society'.

The Constituent Assembly conceded that it was the economic problem which disturbed the country most in the post-partition era. Destabilisation in the agro-Industrial sectors confronted the country with an acute shortage of essential commodities. The problem was further aggravated by the glaring inequality of wealth and income which presaged hardening of class attitudes within the society. To solve the economic problem was not an easy task because of the fact that, on the one hand, most of the Assembly members represented by the Congress Party, had open association and/or transactions with the propertied classes which pressed hard to defend the right to private property and, on the other hand, they accepted a programme, following the Karachi Resolution of the Congress held in March 1931, of social and economic change on the advent of independence. Thus, they had pledged to ameliorate the social and economic conditions of large sections of the society. Among these were the depressed...

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classes like poor peasants and workers, the scheduled tribes and castes who had hardly the strength to stand on their own against the other competitive forces. Most of the industrial and agricultural workers were not in a position to earn even a bare sustenance wage and that too, without security of work. The advent of independence had naturally fired among these sections high hopes and ambitions for a fair deal and a decent standard of living.

As is just referred to in the earlier paragraph, most of the representatives of the Constituent Assembly hailed from the propertied class. This would be evident from the procedure of election of the members to the Assembly. The Constitution was drafted and adopted in 1950 by a predominantly middle class 'body - men and women who were members of a Constituent Assembly that had itself been elected on the basis of restricted adult franchise. The two important qualifications for casting a vote in the 1946 election to the Legislatures - an election held under British auspices and the Government of India Act of 1935 - were that the elector must be either an owner of property or educated at least up to the matriculation level. When independence came a year later, partly in view of the upheaval caused by partition riots and partly because of the hurry to set the country on its feet,
it was decided to convert this middle class dominated body into Free India's Constituent Assembly. It was in fact a narrowly elected Constituent Assembly that was charged with the task of drafting India's first constitution.

Not only that, the Constituent Assembly was not sharply divided along political lines. Most of the members to the Assembly belonged to the Congress Party and they held heterogeneous views on political and economic questions. There were many, especially the elders, whose political ideas had been, to a large extent, inspired by the message of the American Declaration of Independence and the French Declaration of Rights. Thereafter, a profound change came about in the political arena. The writings of Marx, Engels and Lenin demonstrated that political affairs were not autonomous and that the problems which the Western world faced as a result of the unplanned Industrial Revolution bore not merely a political but a social and economic outlook which had little to do with a poverty-ridden society like India. These new concepts had gradually been transplanted on to the Indian soil by the time the Second World War came and though they had not yet attracted large sections of society, their influence was quite perceptible. A group,

though small but influential, had gathered around Pandit Jawaharlal Nehru and this group gave to the concepts of equality and justice the social and economic accent both in the preamble and the Directive Principles. This was perhaps the reason why the constitution-makers did not generally oppose the socialist ingredients built into the constitution. But they actually conceded a milder form of socialism for fear of a possible social upheaval in the country because of the existence of communal differences and safety of interests of the minorities so as to create in them a sense of security?

**Socialist commitments in the Constitution:**

The fundamental ideas of the Congress regarding the proposed constitution were (i) a parliamentary Government, (ii) a politically centralised but culturally diversified federal State, and (iii) a dynamic social order. The adherence to the policy of parliamentary government was also strengthened by the commitment of many members of the Assembly to socialism. Each and every group, ranging from the Marxist-socialists to conservative capitalists, with its own

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** That is why "'Planning' was taken in a very loose sense, and was equated more with ‘tatisme’, as in modern Turkey, than with a rational reorganisation of the whole productive system on basically socialist principles. In the case of the most ambitious effort by the nationalist party, the Congress, we find big business represented along with socialists and 'near Communists' on the National Planning Committee".

definition of "Socialism" maintained that 'Socialism is everyday politics for social regeneration' and that 'democratic constitutions are .......... inseparably associated with the drive towards economic equality'. In the objective resolution*** and also in the debate of the Constituent Assembly, it was established that the constitution must be dedicated to some form of socialism and to the social regeneration of India. One of the reasons for this acceptance of an ideology otherwise alien to Indian tradition is that it had gained worldwide social and political currency and the makers of the constitution did not like to appear back-dated in their social philosophy. In addition, there were manifest social needs and above all, Nehru's influence on Indian social thought.

10. See Appendix.

*** It read, "............ wherein all power and authority of sovereign independent India, its constituent parts, and organs of Government, are derived from the people; 
"and wherein shall be guaranteed and secured to all the people of India justice, social, economic and political; equality of status, of opportunity and before the law; freedom of thought, expression and belief, faith, worship, vocation, association and action, subject to law and public morality; 
"and wherein adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes;"
Ref. India's Charter of Freedom, Constituent Assembly, Delhi, 1947, p. 4.
Granville Austin, in this connection, observed: "What was of greatest importance to most Assembly members, however, was not that socialism be embodied in the constitution, but that a democratic constitution with a socialist bias be framed so as to allow the nation in the future to become as socialist as its citizens desired. Being, in general, imbued with the goals, the humanitarian bases, and some of the techniques of social democratic thought, such was the type of constitution that constituent Assembly members created." ¹¹


Presence of two broad alignments was discernible in the Constituent Assembly. One was devoted to the doctrine of liberty as formulated by the founders of the constitution of the U.S.A. and the leaders of the French Revolution. This group was principally concerned with perfecting a chapter on Fundamental Rights. The other group was more anxious about the socialist reconstruction of the Indian economy, and their views found expression in the chapter on Directive Principles of State Policy. The latter was not justiciable, and amounted merely to a compilation of objectives of which the Governments at the Centre and in the States, should keep themselves informed. The fundamental rights, on the other hand, were

justiciable, and have provided the High Courts and the Supreme Court with plenty of work for safeguarding them through writs and other judicial actions. 12

It would be wrong, however, to suppose that the socio-economic provisions of the constitution were incorporated as a virtue of necessity. On the contrary, "the constitution, while it does not commit the country to any particular form of economic structure or social adjustments, gives ample scope for future legislatures and the future parliament to evolve any economic order and to undertake any economic legislation they choose in public interests. In this connection, the various articles which are the directive principles of social policy are not without significance and importance". 13

It should, however, be pointed out that the constitution did not irrevocably establish any order of precedence between the rights and the directives. Justiciability apart, there was nothing in the framers' minds that precluded any reassessment of their relative weight at a later date when society might have attained further political maturity sufficient to call for an enhanced emphasis on whatever socialist objectives there were in the constitution. The Indian Constitution is at best a social document and most of the provisions in it try

to further social revolution by preparing the conditions inducive to such revolution. It is also possible to look upon the Rights and the Directives as supplementary instruments of social change rather than two incompatible sets of provisions juxtaposed for the sake of political expediency. Thus Austin finds in the fundamental rights and directive principles 'the core of the commitment to social revolution' of India. At the same time, one must concede that the contents and directions of social revolution cannot remain fixed by the attitudinal and aspirational forces prevailing at a particular juncture of history. Expectations change as experience accumulates. Hence, it will be more rational to take the view that the rights were not meant to limit the parameters of social revolution. They admit of flexible construction. As a constitutional expert points out — "The concepts of equality and freedom are indeed revolutionary and have great social content. But it is doubtful whether the fundamental rights proceeded much further than that. Secularism has long been accepted to be a condition of political stability, and India certainly can claim a great credit on account of this achievement. So is property a symbol of stable polity. But these are concepts which Europe achieved by 1848, one hundred years earlier than the making of the Indian Constitution. Social revolution in 1948 should evidently have a different content from the social revolution in 1848". 14

In fact, the conviction of the majority of political leaders of the nation was never out of accord with the notion of State responsibility for social justice and social revolution.

The congress had close touch with the Irish Nationalist Movement and the example of constitutional socialism as provided in the Irish Directive Principles of social policy, was not missed by many Assembly members. The Congress socialist party also supported the European type idea of secular socialism.

The directive principles had its root in the 1931 Karachi Resolution and also in the two streams of socialist and nationalist sentiment in India, prevailing since the late twenties. The idea that the State would look after the welfare of the masses was not entirely foreign to Indian history. Whether under a petty ruler, a Mogul emperor or the British Raj, responsibility for both initiation and execution of efforts to improve the lot of the people had lain with the government. In other words, what the government did not do or see done, usually was not done. The Assembly members also maintained that the problem of initiation of social revolution rested in the hands of the government.

In the rights sub-committee, the framing of the directive principles had wide acceptance of both the device of precepts and of the sentiments they expressed when the device
itself was put into question. It will suffice here to refer to the opinions of four Assembly members, viz. B.N. Rau, Ambedkar, K.T. Shah and A.K. Ayyar, whose suggestions went a long way towards implementation of socialist programmes.

B.N. Rau at first referred to the difficulty in defining 'the negative rights' and instead to 'set out the positive rights merely as moral precepts! He cited the 'constitutional precedents' of the Irish example of distinguishing between justiciable and non-justiciable rights and put emphasis on precepts rather than on justiciable rights. As a result, the members of the sub-committee were supplied with at least five out of the original twelve provisions and the preamble of the principles.

Munshi, Ambedkar and Shah disliked mere precepts and in the end supported them in the belief that half a loaf was better than none. Munshi included in his draft list of rights 'rights of workers' and 'social rights', providing in them the protection of women and children and the guarantee of the right to work, a decent wage, and a decent standard of living.

Ambedkar also submitted to the Assembly a detailed list of fundamental rights including the rights proper plus provisions regarding minorities, particularly the scheduled castes, and a social scheme to come into force in ten years. In his scheme, he used to argue that all key industries should be
owned and operated by the State, that all lands should be
nationalised and agriculture should become a state industry,
etc. But the scheme was rejected in the Assembly on the ground
that such provisions should be left to legislation and not to
be embodied in the constitution. This reveals that the members
were reluctant in incorporating the socialist measures directly
into the constitution and the task was shifted on to the country's
future legislators.

K.T.Shah supported Ambedkar and was in favour of a time
limit within which the directive principles would be made
justiciable. He opined that all natural resources should be
vested in the state along with the key industries and other
aspects.

A.K.Ayyar, in a note to the Rights sub-committee, doubted
the effectiveness of such precepts in a federal constitution;
although he favoured their inclusion in the constitution.

It is in the light of the above sentiments that the
relative significance of the directives in terms of their
constitutional legality as well as social urgency should be
judged. Article 38 of the Constitution enjoins, in this sense,
a very exacting task upon the State. "......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." This was, indeed, "a declaration of economic independence, a declaration that the privilege of the colonial era had ended, that the Indian people (through the democratic institutions of the constitution) had assumed economic as well as political control of the country, and that Indian capitalists should not inherit the empire of the British colonialists". 15 Thus the question whether India should go socialist was, at least, not negatived by the consensus that emerged in the Constituent Assembly. At the same time the questions of 'how, when and how much of socialism' were not sought to be answered in the constitution for the obvious reason that these were questions outside the ambit of law and were best left to be decided by the future governments of the country who had little to gain by being indifferent to the aspirations of the people so clearly appreciated by the constitution. Similarly the reason why the Directives were introduced with a preamble explaining that they were for the general guidance of the government and were not cognisable in any court of law, was to be found in the very just apprehension of the constitution-makers that matters of policy might be confused with issues of purely legal importance. After all, the synthesis of individual rights and social objectives of a constitution is the very soul of politics and the touch-stone of success for a responsible Government. It is true that in the absence of any juridical

protection, the directives might fail to receive the attention they deserved otherwise from the courts of law. But then the social outlook of the courts themselves has to keep pace with time.

Later on, two major currents of opinion surfaced as a reaction to the draft principles in the Assembly. According to one group, the directives did not go far enough towards establishing a socialist state. The other group thought the directives ought to have laid greater emphasis on certain institutions and principles central to Indian practice and to Hindu thought, particularly those glorified by Gandhiji's teachings. 16

Neither of these misgivings could be fully allayed by the accommodative gestures of the top echelon of the Congress Party. Nonetheless the consensus was in favour of giving the constitution a fair trial so as to see what it was ultimately capable of. We can conclude from the above analysis that the main outlook of the constitution remained political inspite of the inclusion of the directive principles in it. The economic philosophy of the constitution which was, at least, not against socialist reconstruction of the country was conveniently kept in the background to be gradually given prominence by the political majority in power. And, although the Congress Party which

retained through successive elections the power transferred to it by the British Government was, clearly, a divided house on questions of public economy, it nevertheless accepted the leadership of a man whose vision was far ahead of his contemporaries and even stood in sharp contrast to the economic conservatism which had been preached by his own preceptor, Gandhiji. Destined as he was to be the first Prime Minister of the nation and to lead it for more than a decade, Jawaharlal Nehru was largely committed to an ideology which sought to combine the best of the both worlds of socialist and liberal democracies.

While Gandhiji emphasized the role of the village panchayats, Nehru's emphasis was on state activities, such as planning, industrial development, relief of unemployment, nationalisation of key industries, etc. It is interesting to note that Nehru's socialist leanings were more empirical and less doctrinaire. Narendra Dev writes in this connection: "He (i.e. Nehru) is not wedded to any particular "ism" nor he is temperamentally fit to be the leader of a group. He believes in some of the fundamental principles of scientific socialism, yet he is not prepared to swear by everything taught by Marx and Lenin. He does not subscribe to any rigid ideology. He considers himself free to examine the claims of every system of ideas which professes to serve the social purposes, and he is always revising his ideas in
the light of new experiences gained." This approach of Nehru later on, had become the attitude of many Indians to their social needs and aspirations.

It was Nehru who took the responsibility for directing Government policy and Congress policy along socialist lines. At the Avadi Session (1955) of the Indian National Congress, several resolutions were moved on "the socialist pattern of society" as the goal of Indian policy. In one such resolution moved by him, Nehru stated that the state would necessarily play a vital part in planning and development. This resolution had a considerable political significance from the point of view of the Congress Party, which included many economic groups.

The broad features of Nehru's socialist policy are the following: First, by socialism Nehru meant equality and a departure from the acquisitive nature of the capitalist society. He held that equality could exist only in a democracy. This is evident from his letters 'Glimpses of world History'. Secondly, as pointed out earlier, Nehru's socialism was not dogmatic and doctrinaire. He could best be described as a pragmatic socialist. His ultimate objective was to raise the standard of living of


the people of India. Thirdly, the system of planning acted as the pivot of his socialist philosophy. He would argue that without planning, control of the economic destiny of the nation was impossible. Also, he laid high stress on heavy industry and application of science and technology in the sphere of industrialisation.

As a corollary, Nehru believed that the approach to socialism must be achieved by consent. This perhaps restricted the range of action possible and made planning in India more similar to western democracies than to planning in the Soviet Union. This, as Nehru himself pointed out, was not merely a matter of ideology but also a matter of practical politics in politically divided India and with a Congress Party based on many economic classes.
Citations from Nehru's writings and speeches:

(i) At the Faizpur Congress in 1937, Nehru as Congress President spoke "The logic of events would lead to socialism for that seems to be the only remedy for India's economic ills."

(ii) In the Discovery of India (p.410) Nehru commented bitterly on the deliberate restriction of industry, especially heavy industry in colonial India.

"The three fundamental requirements of India, if she is to develop industrially and otherwise, are a heavy engineering and machine-making industry, scientific research institutes, and electric power. These must be the foundations of all planning, and the national planning committee laid the greatest emphasis on them. We lacked all three, and bottlenecks in industrial expansion were always occurring. A forward policy could have rapidly removee these bottlenecks, but the Government's policy was the reverse of forward and was obviously one of preventing the development of heavy industry in India ........... But imperative as the needs of the war situation were, the future needs of British industry were always kept in view, and it was considered undesirable to develop any industries in India which might compete with British industries in the post-war years".

(iii) In his letters Glimpses of World History Nehru says, "Democracy, if it means anything, means equality, not merely the equality of possessing a vote, but. economic and social equality."
Capitalism means the very opposite; a few people holding economic power and using this to their advantage."

(iv) In his speech on the First Five-Year Plan he said, "If there is economic inequality in the country, all the political democracy and all the adult suffrage in the world cannot bring about real democracy. Therefore, your objective must be to put an end to all differences between class and class to bring about more equality and a more unitary society -- in other words, to strive for economic democracy. We have to think in terms of ultimately developing into a classless society. That may still be a far-off ideal; I do not know. But we must, nevertheless, keep it in view".

(v) In his speech to the A.I.C.C. on Jan. 4th, 1957 Away from Acquisitive Society he sets out his views: "I look upon it (i.e. Socialism) as a growing, dynamic conception, as something which is not rigid, as something which must fit in with the changing conditions of human life and activity in every country".