Democracy and its Institutions in India: A Legacy of Freedom Struggle

Kulvir Singh

Assistant Professor in Political Science,
Punjabi University TPD Malwa College (Neighborhood Campus,
Punjabi University, Patiala), Rampura-Phul Dist. Bathinda, Punjab
Email: kulvir.balu@gmail.com

Abstract

It's undeniably acknowledged that, man's political and social orders are largely fated by the political histories of each community. History of each country shapes the political orientations of their people. In comparison to the western democracies, India is very young in this context. The systematic decline of Mogul empire and the emergence of British power in India all happened with the military might. The constitutional developments also began during British Period. The National Movement started for the freedom of the nation. The aspirations of National Movement were not only liberate to India from colonial power but also provide an alternative administrative set-up for a free nation. The present paper is based on chronology of events which are persuading the rule making process as well as rule application mechanisms. It is a humble attempt to analyse the legacies of Indian National Movement in the context of development of democratic institution and constitutionalism in India.

Keywords: Constitutionalism, Ideology, Legitimacy, Political Development, Secularism,

Introduction:

The constitution of a country is a product of its past history and its future aspirations. To comprehend its true nature and function one needs to have a broad understanding

of the historical forces that have gone into its moulding and of the goal towards which its people are working[1]. Many structural changes were accrued during colonial Period. "New social classes emerged throughout India in the nineteenth century as a consequence of change in land –tenure system, the development of a new educational system, and the establishment of the modern occupations of medicine, journalism, law, and administration. By the latter half of the nineteenth century, these classes had begun to establish political associations. At the same time, spurred by the new political forms which the British government had introduced, those social classes that had existed earlier also formed and joined political associations"[2]. The political Developments were shaped by the founding fathers of Indian constitution. Their social and political philosophy impacted the policies. They try hard to construct an indigenous administrative system to fulfil the desired requirements of country's future polity. This does not imply that there are no intellectuals in every underdeveloped country, some of them in government, some of them in opposition, and some in journalism, and also in the universities. They are however in a marked minority. The traditions, by which they are sustained, although they do exist in some of the state, are frail"[3].The Indian national movement was undoubtedly one of the biggest mass movements modern society has ever seen, it was a movement which galvanized millions of people of all classes and ideologies into political action and brought to its knees a mighty colonial empire. Consequently, along with the British, French, Russian, Chine, Cuban and Vietnam revolutions, it is of great relevance to those wishing to alter the existing political and social structure[4].Legacies mean those customs, traditions, practices, patterns of beliefs, rules, etc which are inherited by a political system from the past and which make a lasting impact upon the working of the political system for years to come. According to the Random House dictionary legacy mean 'anything handed down from the past, as from an ancestor or predecessor' is called legacy[5]. Political legacy is different from constitutionalism because many negative tendencies may be the part of political legacy but the constitutionalism is always in favour of formal legislation[6]. Political legacy is also different from political development and political modernization because the former term concerned with past but the later terms concerned with the future of the polity. In

---

1   Ramaswamy, M. (1956). Constitutional Development in India 1600-1955. *Stanford Law Review*, 8(3), 326-287.

2   Myron, Weiner (1963). *Politics of Scarcity- Public Pressure and Political Response in India*. Bombay: Asia Publishing House.

3   Shils, Edward (1962). The Intellectuals in the Political Development of the New States. In Johan H. Kustsky (Ed.), *Political change in Underdeveloped Countries*. New York & London: Johan Willey and Sons, INC.

4   Chandra, Bipan (1989). *India Struggle for Independence 1857-1947*. New Delhi: Penguin.

5   *The Random House Dictionary of English Language* (1972): New Delhi: Allied Publishers Private Limited.

6   Post, Robert & Sieel, Reva (2007). Roe Rage: Democratic Constitutionalism and Backlash. *Harvard Civil Rights-Civil Liberties Law Review,* (42)2, 373-434.

this paper is a humble attempt to explore the impact of the legacies of National Movement on Indian political system which is still influencing the national politics in India.

Struggle for Freedom

Mahatma Gandhi, the vanguard of the Indian national movement, was key player who mobilized Indian National Congress for freedom. But at the same time, other smaller Political Parties and groups were also involved in the freedom struggle. These political parties and groups not only shaped and reshaped the ideology of Indian National Congress but also influenced the society for thinking and acting into particular way. Historically speaking, the colonial rulers conquer India not only in single instance or battle but they did so in an opportunistic manner. Further they did not set the uniformity of rule or laws but there was the diversity of ruling as it is convenient for exploitation. Hence, the pace of movement and level of consciousness vary over the regional perspective. Still, these phenomena are impacted over the post-colonial Indian society. For exploring the legacies of Indian National Movement over the present National Politics in India, we divide legacies into two broader categories. First, the legacies those are still playing role in the development of constitutionalism and providing the legitimacy to the government. These legacies are mainly shown in legislation which union and state legislatures enacted by various acts. The constitution of India is itself a product of the legacy of national movement of India. The second types of legacies are concerned with the developments which are impacted over the national politics and some time in regional specific. Someone can call them as non-institutional legacies of Indian national movement. These legacies are pivot of political development in Indian politics.

Institutional Legacies of National movement of India

The constitution of India is itself a product of national movement of India. In September 7, 1925 Motilal Nehru describe in his speech that "The first essential for the successful framing of a constitution is that we must agree as to what is to be the basis of that constitution"[7] (Rao B. Shiva-1967). The nationalist leaders during movement demanded the written constitution and a government which was based on constitution. Initially the Sawraj Party was demanded the written constitution for India and after that the Indian National Congress also demanded the same. The demand for a Constituent Assembly was voiced way back in 1934[8]. The Indian National Congress put its demand in the Faizpur session in 1936. After the Congress

---

[7]   Rao, B.Shiva (1967). *The Framing of Indian Constitution.* Delhi: Universal Law Publishing Co. Pvt. Ltd.

[8]   Singh, Gurmukh Nihal (1941) The Idea of an Indian Constituent Assembly. *The Indian Journal of Political Science*, (2)3, 255-272.

ministry resigned in 1939, the Congress working committee once again put forward its demand for a constituent assembly for framing the constitution. The long sought for demand soon saw the light of day in March 1942, when Sir Stafford Cripps on behalf of the British government assured the congress leaders that they would be allowed to set up their constituent assembly once the Second World War was over. The constituent Assembly was framed according to the provision of the Cabinet Mission Plan. The Constituent Assembly met on 9th December 1946[9] to accomplish the historic and the most arduous task of drafting a Constitution for free India. The framers got a free hand to draft the Constitution. So taking into account all the principles and ideals which had helped in the freedom struggle and keeping in mind the social, political and economic condition of the country, the Constitution was framed. In fact the ideology of the Constitution can be said to be a product of the freedom struggle.

The struggle for fundamental rights had also a great history in India[10].The inclusion of a set of Fundamental Rights had its genesis in the forces that operated in the national struggle during British rule. The Indian National Congress at its Bombay session in August 1918 demanded the inclusion of declaration of rights of the people of India as the British citizens in the new Government of India Act. The Declaration Included amongst other things guarantees in regard to equality before the law, protection in respect to liberty, life and property, freedom of speech and press and right of association. In its December 1918 session the Indian National Congress passed another resolution demanding for immediate repeal of all the laws, regulations and ordinances restricting all the laws, regulations and ordinances restricting the free discussion of political questions and conferring to the executive the power to arrest, detain or arrest any British subject in India outside the process o f ordinary civil or criminal law. The Common Wealth of India Bill finalized by the National Convention of 1925 embodied a specific declaration of rights. The resolution passed by Indian National Congress in 1927 at its Madras Session lay down that the declaration of Fundamental Rights should be the basis of future Constitution of India. The problems faced by the minorities in India further strengthened the argument. The Nehru Committee observed that the first priority should be to have Fundamental Rights guaranteed in such a manner which will not permit its withdrawal under any circumstances. The Indian Statutory Commission refused to enumerate and guarantee the demand of Fundamental Rights in the Constitution Act. Their refusal was based on Simon Commission's argument that abstract definition of such rights is useless unless there existed the will and means to make them effective. The Indian National Congress at its Karachi session in 1931 again demanded for a written guarantee for Fundamental Rights in any future Constitutional setup in India. This demand was also emphasized at the round table conference at London. A memorandum circulated by

---

[9]   Jayapalan, N. (1999). *Modern Governments*. New Delhi: Atlantic Publishers & distributers.

[10] Rddy, S. Sundara Rami (1980) Fundamentalness of Fundamental Rights and the Directive Principles in Indian Constitution. *Journal of the Indian Law Institute*, (22)3 399-407.

the Mahatma Gandhi at the second session of round table conference demanded that the new constitution should include a guarantee to the communities concerned to the protection of their cultures, language, scripts, profession, education and practice of religion and religious endowments and protect personal laws and protection of other rights of minority communities[11]. The Joint Select Committee of the British Parliament did not accept the demand for the constitutional guarantee of Fundamental Rights to British subjects in India. The Constituent Assembly includes the chapter of Fundamental Rights[12] in the constitution as a gift of freedom to the citizens.

The leaders in the national movement were basically from western educated class. They were proverbial with the democratic ideals. So they demand rights and greater share in government from imperial rulers. The many act which were related with social reforms such as Sati Prohibited act[13], Dowry Prohibition act (Sind Deti Leti Act, 1939)[14], Education of the women, Religious Reform Movement such as Gurudwara Act 1925[15] and many other legislations were part of national movement. These acts are still operational in the free India. The Indian society is a multi-religious society inhabited by the followers of many different religions including Hinduism, Islam, Christianity, Sikhism, Buddhism, Jainism, etc. When the Freedom Movement against the British started, the leaders tried to install religious unity among the different sections of the people belonging to diverse religious groups. The Congress tried to bring all the religious groups under one umbrella. The secular attitude[16] which was adopted by the leaders of the Freedom Movement made it possible to bring unity among the different sections of the society. Thus the concept of secularism which found its place in the Preamble after the 42nd Amendment of the Constitution can be said to be a legacy of the freedom movement.

Non-Institutional legacies of Indian National Movement

Many experts of national politics of India think that there are very marginal difference between the political parties and pressure groups in India. Sometimes pressure group plays the role of political party and some political party play as of pressure groups for a particular achievement. Most of the political parties in India emerge from pressure

---

[11] Pandey, J.N. (2004). *Constitutional Law of India* (41st Ed.). Allahabad: Central Law Agency, Allahabad.

[12] Dalal, Rajbir Singh (2009). Fundamental Rights in Indian Constitution: Provisions and Practices. *The Indian Journal of Political Science,* (70)3, 779-786.

[13] Pachauri, S.K. & Hamilton, R.N.C. (2002). Sati Problem-Past and Present. *Proceedings of the Indian History Congress*, (63), 898-908

[14] Hasan, Zeba (2014). Blasphemy of Dowry and an Insurgence of an Artist: Neelima Shekh against the System. *European Scientific Journal,* (2), 400-411.

[15] Snehi, Yogesh (2014). Vicissitudes of Gurdwara Politics. *Economic and Political Weekly*, (49),34.

[16] Bhargava, Rajeev (1998). *Secularism and Its Critics.* New Delhi: Oxford University Press.

groups[17].The Indian National Congress emerges as a pressure group of elite of that time. Their demands were limited but slowly they attained ideology and became the vanguard of national movement. Many other hundreds of establishments were formed during that time. They all were representative of their specific interests. Many other social reform movements were fought but later on many of these groups of various religions and identities were formed as political parties. In this context, we can consider the example of the emergence of Aam Aadmi Party from a pressure group.

Recognition to diversity and its elites is also rooted in freedom struggle. "The handful of Europeans who governed most of Asia and Africa could do their job because people they ruled were still governed throughout their lives by traditional systems. Habit, custom, and village relationships gave discipline and order to lives of most of people, and colonial rulers had to interact only with elite relationship at the top of society[18]."The manifold diversity, like ruling (because of local kings) religious plurality, languages and dialects, lack of communications and transportation, caste differences and hierarchies, ethnic differences, and continue attaining new identities by the various socio-religious reform movements make unequal pace of change and socio-political and economic developments[19]. Due to these phenomena the group formed in plural way and their demands were also plural in nature. These elite are still occupying the influential chairs in free India. But the important factor is that these elites come from diverse sections of society. Educational elites and urban settled leadership who have rural background also fall in this category.

Religious symbolism was responsible for Communalism in India. Colonialism led to religious revivalism and a sharpening of religious identities. India was a pluralist country with several religions, cultures and languages of which Hinduism and Islam were the main components. Unlike western movements where nationalism was strong and the symbols of unity were the national emblem, on the other hand, most of the nationalist leader in India use religious symbol to glorify there past. Religious symbolism became integral part of Indian national movement. A feeling of political competitiveness and hostility, aided and abetted by the imperial power, surfaced during the anti-colonial struggle itself. Problems of power sharing fuelled the hostility. However, the leaders of Indian National Congress were also determined to use secularism as the leading ideology of the nationalist struggle. There was one more important difference between the nationalist struggle in Europe and that in colonial countries. In Europe, secularism was not only a foremost ideology but was also hostile to religion. In colonial countries, on the other hand, even where secularism was a lead ideology, religion had to be accommodated (tolerated). There was no question of ignoring it, let alone being hostile. And this made all the difference. Often serious compromises had to be made with religious ideologies. During the freedom struggle, Islam and Hinduism often clashed and ultimately the nation was divided and

---

[17]   Weiner, Myron (1962). *Public Pressure and Political Response in India*. Chicago: University of Chicago Press.

[18]   Pye, Lucian W. (1972). *Aspects of Political Development*. New Delhi: Amerins Publishing Co. Pvt. Ltd.

[19]   KaviRaj, Sudipta (1997). *Politics in India*. New Delhi: Oxford University Press.

Partition accompanied freedom[20]. The concept of non-violence used by nationalist leader virtually converted to violence and mass movement converted into the violent mob demonstration and still affecting the free India. Thousands of people lost their lives in communal riots.

Conclusion

The freedom movement of India was fought with various ideologies and the leadership of their respective exponents. Plural nature of Indian society and many fold diversity of its regions played a great role in shaping the nature of freedom struggle. The legacies of freedom fighters and their struggle for freedom is playing great role in political development in India.

---

[20]   Pandey, Gyanendr (1990). *The Construction of Communalism in Colonial North India*. New Delhi: Oxford University Press.