

## NATION'S PROGRESS: A SEAMLESS WEB IN REPECT TO INDIA

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### ABSTRACT

Indians have successfully ruled themselves against overwhelming obstacles for the short fifty years that they have had the throne. After recovering from the terrible distortion caused by the Emergency, the Constituent Assembly successfully woven a seamless web into the nation's Constitution that established the spirit of democracy and institutions, sparked a social shift to improve the majority of Indians, and preserved and enhanced the nation's unity and integrity. It is commonly known that each of its strands depends on the others in order to exist and grow. In particular, neither social revolution nor democracy should be pursued at the expense of the other. These were practically equivalent because of their interdependence.

Excessive pursuit of a specific strand or laxness toward another has resulted in, and many still do, serious web distortions that are a result of the nation's conditions, culture, and human weakness. These are on the list of upcoming tasks for the nation. However, it is true that representative democracy is widely accepted and well-established, and that the Constitution has become, to use the words of a respected figure. The nation is united and content in its unity. Many citizens have benefited from the social revolution, but it hasn't gone nearly far enough. The meager attempts by the government and society's 'haves' to extend liberty and social-economic reform to the 'have-nots' should be a source of national shame, as should the exploitation of elective and appointive position only for personal gain. Indians have learned that their government, like others, is not perfect and that they, like all other people, are sometimes bad at running their business.

### INTRODUCTION

Before continuing, a little explanation and recapitulation. Indians used a variety of methods to express the concept of the seamless web. The "three Pillars" of "socialism, secularism, and democracy" are one. As we have seen, there are various definitions for each phrase. But given its dual definitions, "socialism" needs special consideration. In general, it was used interchangeably with the term "social revolution," referring to national social, economic, and political reform with the implicit inclusion of ideals like special treatment for underprivileged individuals. In essence, it stood for both political and social equality. In its narrowest sense, it had a more traditional connotation: central planning, the dominance of the state sector in the economy, etc. It had an urban rather than a rural meaning, and figuratively speaking, it varied as to whether it included land reform and the eradication of zamindari. Without explicitly stating their intended meaning, citizens and leaders could use the terms interchangeably. "Socialism" shone in the heavens like a light, guiding people or just being appreciated.

### The Well-Shaped Cornerstone (THE INDIAN CONSTITUTION)

Looking back, it has been established that having a written constitution is important for a society that is defining new standards for itself. All citizens have been able to claim both positive and negative rights as their own, and to use them as standards for gauging both their own and the government's performance. In a society where old traditions of hierarchy and privilege have sanctioned exploitation, the Fundamental Rights and Directive Principles, as well as the unique protections for the "weaker sections" of society and for minorities, have proven to be especially important. The longevity of representative, constitutional democracies is due to the specificity of their rules. Questionable decisions made in the lack of clearly defined constitutional conventions, like the president's and governors' powers, appear to be remnants of the past. Constitutional institutions are now securely in place, have endured self-serving behavior, and are able to control the political kerfuffle inside their borders. Procedures and practices are standardized thanks to the Constitution's administrative and power-sharing provisions. The Constitution has clearly created the foundation from which change may proceed, even if some of these provisions and the acts taken in accordance with them could now be changed.

The second part of the nineteenth century saw the beginning of the bending of the twig that tilted the tree of India toward democracy, social revolution, and nationhood. Its zenith was the 1935 Government of India Act.<sup>1</sup>, has been a durable foundation for an independent constitutional system used daily by citizens, Whatever the subcontinent might have developed into without the British presence, British imports started India from what it was to what it would become: imports, such as a well-organized bureaucracy and representative governance; the concept of social-cultural traditions subject to laws established by non-religious and countrywide codes; the primacy of individual rights; and a national sense. The leader of the Constituent Assembly believed that these elements, blended with others from their own traditions, would make the soundest foundation for the new republic. Citizens of India have taken this Constitution as the text, the scripture, even a new Dharma sastra for public

<sup>1</sup> (26 Geo. V & 1 Edw. VIII Ch. 2)

life.<sup>1</sup> For if it seemed to fit their society ill, it suited them well, embodying the ideals for, and the constitutional means to, build a reformed society in which they would be free from traditional repressions.

Above all, the Constitution has been the foundation of the nation's political stability and open society. It is incorrect to describe Indian stability as the lack of caste-based violence in rural areas, decorum in legislatures, faction-free political parties, or unrest in state governments. These already exist and, given that the latter are democratic, social revolutionary stirrings, will inevitably continue to do so. Continuity and a respectable level of predictability are the components of stability. It cannot be compared to the status quo since reform and the status quo are mutually exclusive. Even when governments have not been stable, the stability directly derived from the Constitution has been visible in the generally orderly conduct of the nation's business and in the stability of the system. Revenues are collected and distributed among the central government and the states. Elections for state and federal legislators frequently take place. Power transitions between prime ministers as well as between chief ministers have often gone without a hitch. Industry and commerce are often conducted. The military is a professional, apolitical institution. The open society and stability mutually support one another. Freedom of expression, association, movement, and the protection of other essential rights are unlikely to exist in an unstable public life. Repression and minimal progress toward reform would be present in unstable governments. On the other hand, a society is more likely to be stable and less in danger of uprisings brought on by repressed dissatisfactions if chances for upward mobility and the freedom to criticize the government exist.<sup>2</sup>

No matter how "living," a constitution is inert. It doesn't actually "work"; instead, it is operated by people or citizens whose actions it can influence, whose energies it may channel, but whose personalities it cannot develop and whose jobs it is unable to complete. One of the ideas that many citizens and politicians had to disabuse themselves of was the belief that, by some magic, reform would arise from the Constitution rather than from the work of those utilizing it intelligently. This includes the opinion, held by a number of well-known people, that the country would govern itself more effectively under a presidential system; opinions that a president would be free from political pressures when choosing experts for his cabinet; opinions that he could make policy without being constrained by the legislature; and opinions that he would thereby unquestionably be a strong leader of a strong government. Political situations and cultural foundations became increasingly obvious to citizens and leaders as they worked with the new Constitution. Indians were faced with two seeming incompatibilities as a result of the politics involved in implementing the Constitution: the first was between elements of their culture and efforts to create a democratic and reform society, and the second was between constitutional provisions carrying the threads of the seamless web. The aims of democracy, social revolution, and unity-integrity weren't always in perfect alignment and occasionally appeared to be at odds with one another. Given the circumstances in the nation, these challenges had to be overcome, avoided, or accommodated. Great issues developed to challenge leaders and citizens shortly after independence, and because genuinely great issues are rarely ultimately resolved, future generations would also have to deal with many of them. Our investigation starts with a very brief analysis of the circumstances, then we go on to politics and culture before looking at how challenges were resolved.

### **Conditions**

The population, which was confined to an area roughly the size of the Mississippi river of the United States in 1950, has increased from 250 million to nearly a billion people.<sup>3</sup> There are vast disparities between the other castes and the Scheduled Castes, between the rich and those living at the level of subsistence. The diversity of the 18 languages listed in the eighth schedule as well as other smaller languages, each of whose speakers represents a unique culture with a long history, is also condensed here. And here are adherents of various major religions, each with its own internal faiths, especially Hinduism, which is multireligious.

Similar differences exist between states, such as between affluent and impoverished, well-watered and desert, full and empty of natural resources, and successful and unsuccessful in terms of commercial and industrial development. This environment has proved impossible for the citizen to escape. The Indian was stranded where he was born unless he relocated to the city because the land had been filled in since the latter half of the nineteenth century. There was no "frontier," like in the United States, with actual or imagined greener pastures to which he could flee. The components like unity, democracy, and a reformed society had to be put together. Fortunately, there were skilled builders, but since disparity, compression, and diversity all generate conflict as well as collaboration, the builders had to manage the shop while building the country. The tasks were inseparable.

### **The Fourth Strand: Culture and the 'Survival Society'**

The seamless web is said to have a fourth strand, ubiquitous, visible and invisible culture. The term "culture" as used here refers to specific opinions, characteristics, ingrained experiences, and attitudes that are fundamental to a citizen rather than the diverse grandeurs in art, music, dance, theatre, literature, and scripture for which the nation is well renowned. These characteristics, along with the more concrete circumstances previously outlined, have had a significant impact on governance in terms of politics, administration, and judicial procedures. For someone who is not Indian, entering the cultural realm is extremely perilous, made even riskier by the fact that it involves generalizing complex issues. However, it should be tried since, to shift the metaphor, "culture" as used here is the undercoat over which the shiny or flat top coats of the country's everyday affairs were painted. Older Congress stalwarts like General Secretary Shankarrao Deco held the opinion that India's soil was unfit for democracy because of this definition of "culture." The fourth strand created many problems for the democratic and social-

<sup>1</sup> GRANVILLE AUSTIN, WORKING A DEMOCRATIC CONSTITUTION: A HISTORY OF THE INDIAN EXPERIENCE 633 (Oxford University Press, India 2000)

<sup>2</sup> Existing along with the open society, in another of the country's paradoxes, is the government's conspiracy of alliance. Derived from the imperial desire to keep information from the natives and a belief that information released is likely to be used against the government, this appears in many shapes, including the confidentiality of the Transaction of Business Rules and the files concerning amendments to the Constitution.

<sup>3</sup> India's area is 1,270,000 square miles; the continental United States is 3,027,000 square miles.

revolution strands, but time has proved that the doubters were, for the most part, erroneous. It has, surprisingly, had minimal impact on the integrity and cohesiveness of the nation.

We may start with the common man's perspective on governance, which the intelligentsia does share to some extent. When government, or "the Sarkar," is referred to as Ma-Baap (literally, "mother-father," but more like a patron), it is paternal, the source of good, of assistance, as well as of authority and oppression, of disaster. There is no use in protesting, just like there is no use in life. Former Congress president S. Nijalingappa believed that "karma made us listless and apathetic, accepting that we can't change things."<sup>1</sup> In the words of the authority on Hindu law, Duncan Derrett, 'Power in fact stemmed from a state of affairs produced in a caste society; the state was a symptom or function of such a state of affairs.'<sup>2</sup> Although karma's determinism is being challenged by the Constitution's idea of individual freedom, this belief has been there for millennia and is slowly fading, especially among the poorest people who most need karma's consolation. In the same way that citizens have looked up to government for whatever it has provided, it still has a tendency to see people as objects whose concerns it is responsible for managing, or paternalism, which is typically kind and well-intentioned even when it is mistaken. This explains, among other things, the centralization of government administration, economic planning (and the states' limited role in it), and the recent reluctance to give village panchayats the authority to make them more than merely symbolic bodies. Decentralization, as Nehru once remarked, was a wise course of action even when villagers caused havoc.

The aspect of Indian society that has the biggest impact on governance is hierarchy. Its most obvious and well-known manifestation is caste. Following hierarchy are social oppression and economic hardship. Even after the son leaves the home, hierarchy surrounds him. Hierarchy starts at home. His father is an autocrat in the family, picking his wife and his work, and he still exercises a lot of control over the son even as an adult. The culture places a high value on loyalty to and duty for one's family, and secondarily, one's "in-group." According to G. Morris Carstairs, he owes unconditional loyalty to his father and other figures in authority in general, and he demands unconditional subservience from everyone who is lower in rank and power than him.<sup>3</sup> 'Domination' is the motif of society, according to Justice Jaganmohan Reddy. This training produces the combination of arrogance, servility, and adulation that appear in hierarchical relationships, including among politicians and civil servants. Dharma Vira accused post-Shastri state and central legislators of 'blatant interference in administration', 'browbeating officials so that 'any officer having the courage to advise freely and fearlessly is now likely to get into serious trouble.'<sup>4</sup> Hierarchy determines a person's worth, Jagjivan Ram was pointing out when he said that a Brahmin beggar had higher status than a successful business man from a lower caste. This, too, is changing as possession of money has begun to rival caste as a measure of status. But this is an urban more than a rural development, where possession of land continues to be the source of status and influence and where upper and, more recently, upper middle castes dominate landholding patterns. As N. A. Palkhivala has pointed out, possession of property is necessary for the fundamental Rights to be meaningful. More money little improves the status of members of the Scheduled Castes in the countryside and Scheduled Tribes, for they still are considered polluted. The Constituent Assembly laboured hard for equality, says Andre Beteille, the eminent Bengali student of society, but 'our practice continues to be permeated with inequality in every sphere.'<sup>5</sup>

The family experience has other effects. A child's break from the closest association with his mother to association primarily with his father amounts to deprivation, says Carstairs. 'His confidence is shattered and from now on he mistrusts everything that pretends to constancy.'<sup>6</sup> Whatever its origins, this mistrust, this suspicion, is almost universally evident in the individual's sense that conspiracies lurk in nearly every corner, that national politics and international affairs are characterized by plots. 'We live in a paranoid world suspicious that our neighbours are conspiring to do us in,' says Ashis Nandy.<sup>7</sup> The 'foreign hand' ever is attempting to 'destabilize' India. The assassination of Mujibur Rahman in Dacca was seen by Prime Minister Gandhi as a sign for herself. Rajiv Gandhi thought that the collaboration between external and domestic forces of destabilization in India started "almost immediately" after Bangladesh's establishment and Indira Gandhi's historic participation in it.<sup>8</sup> 'The culture of India attributes much to conspiracy, despite some event or situation probably having arisen out of conditions,' says historian Gopal Krishna, 'Indian politics has been brought up in an age of distrust', and because almost everyone thinks this way, 'it is a mark of a deeply divided society,' believes W. H. Morris Jones.<sup>9</sup> Such suspicion prevents political and administrative cooperation and progress. The appointment and transfer of judges have raised concerns, as was already mentioned. Mrs. Gandhi believed transfers were a good idea "because if they stay in one place they get involved with something or somebody." The judicial system was in danger from nominations influenced by "extraneous considerations," a law minister warned the Rajya Sabha. Rarely was a candidate's judicial ideology a factor in their appointment.

The individual's attention is concentrated on ensuring his own survival as well as the survival of those for whom he is principally responsible, his family, as a result of the social and economic uncertainties in the environment around him. From those at the top to those at the bottom of its enormous disparities, India is a survival society. The race to meet the Mandal Commission's definition of a "Other Backward Class" member in order to be given preferential treatment when applying for jobs is hardly a better illustration of this. The less fortunate people are physically attempting to consume two chappatis after only having one. Anyone who can is trying to change a system where "injustice is rooted in tradition and justified by popular religion," out of which "a people expect nothing beyond subsistence and regard prosperity as a temporary and delusory

<sup>1</sup> P. N. Haksar's view, the belief that one deserved his condition in society has prevented massive revolt by the country's oppressed section of the society.

<sup>2</sup> Derrett, J. Duncan M., 'Social and Political Thoughts and Institutions' in BASHAM, A. L. (ed.), A CULTURAL HISTORY OF INDIA 131 (6<sup>th</sup> ed., Oxford University Press, New Delhi, 1989).

<sup>3</sup> CARSTAIRS, G. MORRIS, THE TWICE-BORN, 159-69 (Indiana University Press, Bloomington, IN, 1967)

<sup>4</sup> VIRA, DHARMA, THE ADMINISTRATOR AND THE POLITICIAN, 9 (Punjab, Haryana, and Delhi Chamber of Commerce, New Delhi, 1979)

<sup>5</sup> BETEILLE, ANDRE, THE BACKWARD CLASSES IN CONTEMPORARY INDIA 2 (Oxford University Press, \*W Delhi, 1992),

<sup>6</sup> *Supra note 7*

<sup>7</sup> BONNER, ARTHUR, AVERTING THE APOCALYPSE 410 (Duke University Press, Durham).

<sup>8</sup> Inaugural Speech by Congress President Shri Rajiv Gandhi and the Centenary Resolve, at Bombay on 28 December 1985, 7 (AICC, New Delhi, 1985)

<sup>9</sup> MORRIS-JONES, GOVERNMENT AND POLITICS 198 (Hutchinson University Library, New York, 1964)

windfall."<sup>1</sup> In these circumstances, wrote Charlotte Wisner, an empathetic participant in village life in Uttar Pradesh for some forty years:

*"Each man feels himself directly responsible for his own family and its security.... . He has been taught this so firmly that he disregards the state of those outside his immediate family, be they of another caste or of his own. He is not disturbed if they go hungry while he has plenty, because he can never be sure that the next harvest will provide enough for his own family's needs."*<sup>2</sup>

### **The Fourth Strand: Democracy and Social Revolution**

Although there is a direct connection between culture and how the Constitution operates, this connection is frequently indirect and nuanced. Readers and the author should be careful about assigning wholeheartedly to Indian culture political conduct that is typical in other societies and about drawing direct connections where they are not.

One could be excused for expecting that these cultural characteristics would doom democratic processes and progress in the social revolution, but they have not, although they have limited the spread of democracy and social-economic reform, especially among the lowest castes and poorest citizens. Most important, cultural impediments have not denied the Constitution's gifts. Representative government and the vote have touched everyone and have become cherished for the empowerment they bring. Caste and community allegiances, while retaining their negative effects on democracy and social revolution, have favoured democracy by becoming the focus for political mobilization at all levels of society and by being vehicles for the pursuit of power and group interests. Because caste politics operate horizontally in society, they do not pose a threat to national integrity, as might territorially-organized interest groups.<sup>3</sup> The personalization of government and survival society complexes force open the political process as individuals scramble upwards on society's ladder in addition to hampering democracy and retarding social justice.

The Constitution's provisions setting goals for the social revolution, such as the Directive Principles, the Fundamental Rights, the articles protecting minority rights, those assisting the weaker sections etc. have somewhat diminished the repressions of hierarchy and the effects of indifference among the upper castes to conditions among the lower. Reservations in education, in legislatures, and in government employment have brought into universities and the political process many individuals who otherwise would have entered neither, and they attest to the paradoxical erosion of the caste system as caste allegiance facilitates upward mobility.<sup>4</sup> The use of public interest (or social action) litigation (PIL/SAL) and the rapid growth of private organizations devoted to consumer and environmental protection, citizens' rights, and grassroots development have taken place despite the strictures of traditional society. The mandated establishment of village panchayats (under the Seventy-third Amendment of 1992) initially will serve the power of dominant castes in villages, but over time it almost certainly will empower lower castes and women for whom seats on these now have been reserved, as have been seats for Scheduled Castes and Scheduled Tribes.

The Constitution's greatest gift to the social revolution and democracy has been an open society, if that is not a tautology. Open societies grow more open for all their citizens, although among them at varying rates. Speech and expression in India are free and communications widespread although landlords still regularly arrange the detention of lower caste individuals or local activists, and a low caste villager who insults an upper caste member may find himself beaten or even be murdered (today, the reverse may happen). Governments constant reiteration of the social justice theme has fostered expectations. The idea that 'we have rights' has spread rapidly and citizens at all levels will not forever tolerate their absence.

A lot may be learned about the social, economic, and political development of the nation from polls conducted in 1971 and 1996, albeit some of it is, like with any in-depth "polls," not always clear-cut. Between 1971 and 1996, the number of people reporting that they were able to vote increased from 78% to 87%, while the percentage of those stating that they were unable to vote decreased from 22% to 13%. The percentage of respondents who said it was "Not Important" to vote the same way as your caste group increased from 30% to 50% over this time. Responding to the question, 'Does your vote make a difference to how things run in the country?', the yesses rose from forty-eight to fifty-nine per cent from 1971 to 1996, Scheduled Caste /Scheduled Tribe members had a lower and upper castes a higher affirmative response, But this should be measured against respondents' assessment of personalities: fifty-eight per cent in 1971 and sixty-three per cent in 1996 said that the persons we elect don't care about us. In 1996, sixty-two per cent of respondents nationally believed caste relations had become more harmonious. In 1996, 43% of respondents thought there were fewer conflicts between the various religious groups. In Karnataka, twice as many people had this opinion as in Uttar Pradesh. In response to the question "Do government development programs go to the well-to-do or to the poor and needy?," between 50% and 55% of respondents in Karnataka and UP thought they did.. The upper castes and the OBC, thought they went to the poor and needy about twice as often as did members of the Scheduled Castes and Tribes.<sup>5</sup>

## **CONCLUSION**

<sup>1</sup> DERRET M. DUNCAN, SOCIAL AND POLITICAL THOUGHTS 139 (Oxford University Press, 1975) & 'Injustice is rooted in tradition': R. C. DUTT, RETREAT FROM SOCIALISM 159 (Oxford University Press, 1978)

<sup>2</sup> WISER, WILLIAM & CHARLOTTE, BEHIND MUD WALLS, 1930-1960 261 (University of California Press, Berkeley, C, 1971)

<sup>3</sup> S. Guhan has provided an excellent brief sketch of caste. It both aggregates and divides, and thus is fertile soil for 'mobilizational' politics in a democracy. Caste reigns, he writes, and is not bereft of social utility, for intra-caste solidarity and intra-caste ties kinship ameliorate class-based inequalities, induce *noble obligation* and mutual help and provide the bases for social capital and trust. Guhan, S., "Three Pieces on Governance unpublished paper prepared for 'Workshop on Governance Issues in South Asia', Yu? University, November 1997. Copy to the author courtesy of Professor Guhan.

<sup>4</sup> Ghanshyam Shah, 'Grassroots Mobilization in Indian Politics,' in ATUL KOHLI, THE SUCCESS OF INDIA'S DEMOCRACY 270 (Cambridge University Press, 2001)

<sup>5</sup> The polls were conducted by the Centre for the Study of Developing Societies in New Delhi in 2011, the premier organization for the study of the country's society, The sample size was 9,614 in twenty states, and longitudinal research will be continued with three thousands of these individuals. The questions asked and the breakdown of responses by caste, religion, education, occupation, etc. is most inadequately represented in paragraph here due to space constraints.

The social structure will determine how far and how quickly we can progress, argued André Beteille. A constitution may specify the direction in which we are to move. Two ideas are presented in response to this criterion. First, India's needs have been addressed by the Constitution and its seamless web. The failure to deliver on its promise should be attributed to individuals implementing it as well as to the economic and social conditions and circumstances that have resisted deeper economic and social reform over the brief fifty years since Indians began to govern themselves. Despite these challenges, the nation has made significant progress. Second, the Constitution's incentives as well as other pressures from both within and outside society have demonstrated that society and its hierarchical structure are significantly more adaptable and flexible than would have been anticipated. The citizens initially disparaged by many at home and abroad as too backward intellectually, economically, and socially to participate successfully in representative democracy, have embraced the vote and turned it to their own account. Their influence is strongly felt in state legislatures and increasingly in Parliament. They have used the weapon of their oppression, their caste(s), as the focus for mobilization, the grain of sand around which to build the pearls of upward social and economic mobility and political influence. No system other than representative democracy would have served society so well and justified the framers' faith that adult suffrage would break the mould of traditional society. The many who society continues to disregard will come to be heard through their million mutinies. Time's pace is not only petty but inexorable.

As to outside forces, citizens low as well as high have been greatly and continue to be increasingly influenced by what M. N. Srinivas names 'Westernization'. He means the concepts of positive and negative rights; codes of law; humanitarianism and egalitarianism; land settlement and an-end to local wars; and bureaucracy and police. He also classifies as Westernization the secularization of many daily practices, such as eating, which traditionally distinguish castes and families from one another. One could add to this list the courts, public interest litigation, voluntary organizations as means to assist the poor in pursuit of their rights, and the spread of agricultural and industrial innovation in the country's society. .

Srinivas's "'Westernization', economic development, and the Constitution's open door have combined to catalyse fundamental changes in the caste system. These, in their turn, are leading to opener society and governance. The sense of belonging to a high or a low status in the ritual hierarchy 'is gradually fading away', says Dhirubhai Sheth, along with the overlap of hereditary status and occupation. The ideology and organization of the traditional system has been 'vastly eroded', Sheth states. Affirmative action policies fostering modern education that have prepared individuals for non-traditional occupations have produced 'a new political leadership among backward castes'. New, broader caste-class groups are emerging, which, instead of being closed, as in traditional hierarchy, are relatively open-ended, Sheth observes, 'They represent 'a kind of fusion between the old status system and the new power system',"<sup>1</sup> The Constitution, for all its promise yet unfulfilled has opened the door to national rebirth.

Society's adaptability also may be measured in terms of the seamless web. Society's disparities and diversities have been accommodated to the point that the nation is united and its integrity assured. Overcentralisation did not succeed in fragmenting the nation. Nehru's question as to how shall we promote unity yet preserve the rich diversity of our inheritance has been answered, although not to the satisfaction of Hindu militants. Language issues, for example, so explosive during the Nehru years, have almost ceased to be an issue in relations between the Centre and the states and among and within states. Essential for national integrity, to use P. N. Haksar's succinct phrase, is understanding the concept of 'pluralism and transcendence'. Although the years of overcentralisation may have passed, not least because of the advent of coalition governments in New Delhi, the deliberated decentralization so necessary for the country's future, has scarcely begun.

The social revolution has gained ground, although it has far to go. It has not taken half or more of the citizens to K. Santhanam's goal of a socialism of distribution. Paired with, and inseparable from, democracy, the revolution's inadequacy in assuring citizens their positive right of fulfilling their capacities has impaired progress in democracy. In an apparent paradox, socialism has impaired progress in the social revolution. But the retarding elements of socialism are on their way out. Yet government has not given firm evidence of understanding that in a survival society, without safety nets, redundant workers cannot be forgotten, and that economic liberalization needs to be accompanied by occupational safety and health, and other protections for workers in the private sector. Capitalism in India is in a very exploitative stage.

Nearly extinct now is "Hindu apathy." As the free society reveals the nation's talents, the oppressive consequences of hierarchy are disappearing. Unquenchable awareness of rights is growing. Nevertheless, India could evaluate itself using a domestic contentment index rather than its gross domestic product, as member of parliament Jaswant Singh said to an American audience several years ago. Constitutional democracy and representative government are well-established. Democracies are in full swing, as seen by the unrest and mutinies that have resulted, which has alarmed some. Public discontent with the way things are going is evidence of the spread of democracy, not the opposite. Even in rough and tumble politics, the Constitution is respected at all times. Even when tarnished by individual egotism and brutality committed by the police and upper classes, the free society is still a great accomplishment. India is one of the few modern democracies that, after learning the importance of vigilance, fell into absolutism before rising once more to freedom.

With the passing of the founding generation in the late 1960s, the nation lost its maternal immunity. It had a challenging youth over the following 20 years. As it matures in the 1990s, its most challenging years are still to come. It is inevitable that the democratic and social revolution threads of the web will clash. Absence of government efforts to bring about social-economic reform will engender conflict as the have-lesses, frustrated, struggle for opportunity; so, too, will government efforts at change result in conflict, for the have-mores will resist them as the havelesses capitalize upon them. Efforts toward long-term harmony between the strands make short-term conflict inevitable. Yet a number of smaller explosions may be preferable to fewer, larger ones later. Changes underway in society will breed more change, and, as tradition loses strength, the citizen will be freer of both negative and positive restraints on his conduct unless he has found a new faith, one that includes social consciousness. Democratic behaviour and social revolutionary aspirations are destined to conflict.

<sup>1</sup> V.A. PAI AND NANDY. CONTEMPORARY INDIA 34 Tata McGraw Hill, New Delhi 1998)

Governments then will be confronted by two conundrums. The first is how to stay in power through a reform programme tolerable to both have-mores and have-lesses—or to gain enough votes from the latter to do so. Nehru had the stature and the courage to attempt the former, and he succeeded only in part because the haves and their political allies thwarted him. Have-less votes brought Indira Gandhi to office in 1971, but she stayed there by not alienating the haves. The second conundrum will be how to avoid, or resolve, the apparently inevitable conflict between the executive and the judiciary. With or without government reform programmes, class violence in the countryside, especially, is predictable. Will government fulfil its responsibility to maintain law and order by siding with the haves, repressing the have-lesses, which long has been the rule more than the exception? If so, it will have violated its other responsibilities under the Constitution, Or will it side with the have-lesses by preventing retaliation by the haves against protesters? Either way, petitions against government actions will go to the Supreme Court, and the two branches will be in conflict over jurisdiction, power, and principle. Where, then, will the judges stand regarding democracy and social revolution? Article 14 of the Constitution says that “The State shall not deny to any person equality before the law or equal protection of the laws within the territory of India.’ The words in this article after the ‘or’ seem to place upon government the positive responsibility to give the have-lesses access to those rights they previously have been powerless to exercise. Government abstention from action will be leaving the have-lesses as they are now, at the mercy of the haves. Governments will be forced to decide between social intervention or none. The principle and purpose of such intervention would be quite the reverse of the dampening economic interventionism of ‘licence, permit, quota *raj*’.

Rajni Kothari wrote that his society is ‘involved in a democratic churning, which affects the social fabric, the institutions of the state ... and both political and economic as well as cultural and ethical ferment.’<sup>1</sup> The country’s citizens will need patience and determination to preserve the gains they have made and the Constitution that made their attainment possible. But unless Kothari’s ‘churning’ produces extensive social and economic reform, the society and its constitutional system will have failed the challenge in Mahatma Gandhi’s ‘*talisman*’.

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<sup>1</sup> KOTHARI RAJNI, THE INDIAN ENTERPRISE TODAY 58 (Black Swan Publication, Delhi, 2010)