

The Constituent Assembly and the Constitution of India

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The history of the Constituent Assembly is the history of the grand betrayal of the anti-imperialist, and anti-feudal aspirations of the people of our country. The very manner in which the Constituent Assembly took shape was incongruous and anachronistic. The members were elected to the Constituent Assembly on the basis of the Government of India Act 1935, which excluded 90% of the workers and peasants from voting right. Even the limited electorate did not directly elect all the members of the Constituent Assembly. The elected members of the State Assemblies formed themselves into an electoral college and elected certain members from their states. A few of the members of the Constituent Assembly were even nominated. Thus, the Constituent Assembly did not have a single characteristic of a Constituent Assembly of a FREE PEOPLE.

As Marx had said of the German Diet in 1852. It was the *"bastard child"* brought to light by the incestuous intercourse with the old colonial Constitution; and *"long since had sacrificed its virginity"* and young as it looked *"it was already turning grey hair and experienced in all the artifices of prating and pseudo diplomatic prostitution"*. It was an Assembly of liberal attorneys, and doctrinaire professors of British education and culture. It presented as the very essence of Indian intellect dominated by patriotism. In reality, it was nothing but a stage in which old and chicken-hearted political characters exhibited their impotence of thought as well as of action. After two years of debates and deliberations, which were not of even any theoretical value this great Assembly of incompetence produced the lengthiest Constitution in the world, *"strikingly similar to the 1935 Constitution"*. (*"Asian Drama"*, Page 266)

Is it any wonder that-this, so-called Constitution of independent India is strikingly similar to the 1935 Constitution? When the ruling class had decided to maintain the status quo in the economic and social conditions of the country, without any sudden change in the economic structure, without taking any step which would injure the existing structure - there could not be any fundamentally new Constitution other than the one that was already in existence. The mass of the people was deceived by the ruling class and its agents into believing that this Constitution is sacrosanct. But the bourgeoisie knows what it is adopting as the Constitution of India.

Alladi Krishnaswamy Ayyar, who was one of the architects of the Constitution proclaimed in the Constituent Assembly that *"we are not starting a constitution anew after a revolution. The existing administrative structure which has been worked so long cannot be altogether*

ignored in the new framework". (quoted in "Indian Economy Since Independence" by H. Venkatasubbaiah Page 29). The framers of the Constitution were clear in their minds that when the existing social, economic and administrative structure continues to function as in the past, a new Constitution, altogether, new from the existing one, is an impossibility. But to deceive the people, certain Directive Principles of State Policy were added to the Constitution, "on the plea that they give expression to the Leftist conviction of the People", and because it was thought to be "desirable to add these revolutionary desiderate to something which otherwise so much resembled the instrument of the defunct British Raj". (H. Venkata subbaiah: "Indian Economy Since Independence", Page 29)

Thus, the Constitution was nothing but a superstructure built on the readymade foundation carefully and laboriously laid by imperialism. The Constitution was meant to legalise the existing legal and administrative network with all its Acts and Rules; it was meant to strengthen the existing social and economic order. Thus, the Constitution finalised the betrayal of the Indian people by the bourgeoisie, represented by the so-called national leadership. With the enactment of the Constitution, the Indian bourgeoisie finally took over power in India to rule without serious prejudice to its structural integrity, constituted as it was at that time.

The danger of growing contradictions, inherent in such a situation, leading to social revolution is foreseen by some of the intelligent architects of the Constitution. Rajendra Prasad, as President of the Constituent Assembly declared just before the adoption of the Constitution: *"Our Constitution has provisions in it which appear to some to be objectionable from one point or another. We must admit that the defects are inherent in the situation, in the country and the people at large".*

What was it that was inherent in the situation and where would it lead to? Ambedkar who piloted the Constitution as Chairman of the Drafting Committee was a little more explicit in his reply to the debate *in the third reading of the new Constitution in the Constituent Assembly of India on 25th November, 1949. He said, "On 26th January 1950 we are going to enter into a life of contradictions. In politics we will have equality, and in economic life we will have inequality. In politics we will be recognising the principle of one man one vote and one value. In our social and economic life we shall, by reason of our social and economic structure, continue to deny the principle of one man and one value..... We must remove this contradiction at the earliest possible moment or else those who suffer with inequality will blow up the structure of political democracy which this Assembly has so laboriously built up."*

Thus, the Constitution was a bundle of contradictions existing in the social set up of the day. The Constitution was intended to perpetuate the existing social and economic foundation of imperialist exploitation and feudal landlordism. The Directive Principles of the Constitution were nothing but a sop, being *"prompted by the fear of the power of the masses for revolt". (H. Venkata Subbaiah: "Indian Economy Since Independence")*

The spectre of violent upheaval haunted the law makers, who adopted the policy of promises to the people through what are known as Directive Principles without sanctions and of concrete pledges with powers to implement, to safeguard all kinds of exploitation, including the perpetual grand loot of Imperialism and Feudalism.

Conclusion:

Thus we see that, at the height of the Indian peoples movement for national liberation, the British colonialists reached a compromise with the big bourgeoisie and the big land-Lords and turned over their rule to the latter two with the secret understanding that they basically kept the economic interests of the British Colonialists intact.

Consequently, in the course of my Statement the Court will find that foreign investments have not only been safeguarded but have been allowed to grow with stupendous speed.

Even though certain privileges of feudal princes and zamindars have been abolished, the feudal land system and in its wake feudal class and caste relations have not only been preserved as a whole but in some respects have been strengthened.

Added to this there has been increasing dependence of the Government on the foreign aid. Economic independence has become a mirage, even after 25 years of proclamation of independence.

India is a Semi-colonial and Semi-Feudal country even today, "with the result that in the words of Gunnar Myrdal" the action in this drama is speeding towards a climax... "tension is mounting, economically, socially and politically". "No one who listens to the public proclamations, reads papers, talks to people of various walks of life, watches the moves and counter moves in private and public affairs, compares pretensions with reality and declared aspirations with achievements, appraises the efforts and fulfillments, contemplates the extraordinary disparities.....present in almost everything that meets the eye, can fail to sense a fateful constellation of explosive potentialities for extremely rapid change and stubbornly formidable external difficulties and internal obstacles and inhibitions to change". ("Asian Drama": Page 34 and 35).

This tension today is at its height. The result is that Indian authority as represented by those in-charge of law & order, is more trigger happy in independent India than it was in British ruled India.

In the circumstance it is my duty to explain to the Court as to why I consider that the Indian National Liberation Struggle has not concluded and that we, representing the National Liberation Struggle today believe that it is the duty of the Indian people to continue the struggle with stead-fastness and vigour.

As Comrade Mao Tse Tung had declared *"the bourgeois democratic revolution can be considered to have achieved success only when the foreign imperialist forces and the domestic feudal forces have been in the main overthrown and an independent democratic state established"*.

"This democratic revolution aims at establishing a social systema society of democracy: this society will have been preceded by a feudal society (which was semi-colonial, semi-feudal society for the last 100 years), and its successor will be a socialist society". ("May 4th Movement")

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