

The Indian Republic

POINTS TO DEVELOP

India as a republic governed by its Constitution; how far have we followed its tenets?

Elections held regularly to change governments; but quality of governance leaves much to be desired.

Literacy and life expectations have increased, death rate is down, but progress could have been more; equitable distribution lagging behind, though GNP has increased.

Social differences-caste and communal—are not allowed to die down, as vested interests try to maintain the differences.

Do we need to review the Constitution?

Republics are created by the Virtue. public spirit and intelligence of the citizens. They fall, when the wise are banished from the public councils, because they dare to be honest, and the profligate are rewarded, because they flatter the people, in order to betray them.

JOSEPH STORY

JANUARY 26, 1950—Indian became a Republic. Since then, the Constitution of India has been the governing principle of this country. Or at least it is supposed to have been so. It is, of course, tempting to try and overview our achievements and failures in upholding the tenets of that document. It is equally tempting and easy to point at the failures-the poverty, the illiteracy, the unemployment, the decadence in values, the paucity of skills that matter, the all-embracing corruption, the distance from the goals of social and economic justice and fraternity that we, as the people of india, promised to give ourselves. Indeed, it is also necessary to look at the shortcomings rather than crow over the successes, because only then can we pay attention to these factors and do something to overcome them.

That we have managed to survive as a democratic state capable of holding elections and voting our leaders to power is no mean achievement. considering that we are a nascent republic in a region in which dictators and military takeovers are none too rare. We still have troubled areas in the North-East and, particularly, the Kashmir problem that cannot be wished away, but the overriding

fear of balkanisation has receded. Democratic traditions seem to have become rooted in our way of thinking. But when we see the quality of governance, if indeed there is any sign of it. we see how we have failed. Unless there is a firm adherence to the rule of law, there can be no development worth the name. Unless there is a firm commitment to the equality of law, we will remain a mediocre force in world polity and economy; we will also be what is becoming a fashionable word these days-a 'soft' state. For, unless the law enforcing agency is free and unfettered of undue political influence, the common man will not try to speak out against injustice, leave alone act against it. Ultimately, unless the quality and vision of our politicians and lawmakers improve, the future does not seem to hold out much promise.

On the socio-economic front and the technological front, we have a mixture of achievements and failures. Certainly, our GDP has outgrown what has been called the Hindu rate of growth. Incomes have risen and so has spending power. The structure of the economy has been transformed, with the share of agriculture having come down from 49 per cent to about 25 per cent and the share of services accounting for more than 50 per cent. Food grains production has gone up several times from the 50 million tones in 1950-51. Industrial expansion has no doubt taken place Some industries have soared software and telecom, for instance. There are more brands of consumer goods available to the Indian buyer—at least the urban buyer. But the picture is highly lopsided. In core areas we have stupendous shortcomings; as somebody has pointed out, more Indian homes have televisions than toilets, and rural India still has little potable water and less power. Infrastructure is both insufficient and inefficient- a deadly combination that adversely affects our industrial progress. is no mean achievement. considering that we are a nascent republic in a region in which dictators and military takeovers are none too rare. We still have troubled areas in the North-East and, particularly, the Kashmir problem that cannot be wished away, but the overriding fear of balkanisation has receded. Democratic traditions seem to have become rooted in our way of thinking. But when we see the quality of governance, if indeed there is any sign of it. we see how we have failed. Unless there is a firm adherence to the rule of law, there can be no development worth the name. Unless there is a firm commitment to the equality of law, we will remain a mediocre force in world polity and economy; we will also be what is becoming a fashionable word these days-a 'soft' state. For, unless the law enforcing agency is free and unfettered of undue political influence, the common man will not try to speak out against injustice, leave alone act against it. Ultimately, unless the quality and vision of our politicians and lawmakers improve, the future does not seem to hold out much promise.

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We have immensely bright young scientists and economists working abroad, most of them products of our technology institutes and centers of higher learning. Life expectancy and literacy are up and the death rate is down to less than 9 per thousand. But we are still way behind some of the other nations of Asia in the field of literacy and primary school education. The state has failed in this sector, for it was the state's duty to see to it that the children of this country are educated. There are two India's—one which enjoys access to Internet and all the modern amenities that technology is able to produce, and another that does not know even the alphabet and lacks the purchasing power to eat one square meal a day. We have mastered the technique of sending satellites into space and mapping groundwater and minerals, but the reach of these facilities is grossly restricted. The day-to-day life of a majority of Indians remains unaffected by science and technology. The equitable distribution that was once dreamt of is still a dream. There are so many Indians still lacking basic health facilities, who have to trek miles before they can avail of a modicum of medical attention. But we have to admit that several deadly diseases have been brought under control and there is an attempt being made at immunisation of children to protect them from disability.

Social uplift is seen to be feasible only through reservations, and not through encouraging merit and providing equal opportunity to one and all. A policy that was supposed to have been in place for ten years, to enable the downtrodden to catch up with the more fortunate, has been extended automatically to serve political ends; now more and more sections of the populace want to jump onto the bandwagon of reservations.

Are we secular? Even if by 'genes' we are so, vested political interests have turned the very term to mean different things to different people. Communal riots still dog

And we bicker about who is more responsible for them. Over the years suspicion between communities has risen, not diminished. Most of the responsibility for this state of affairs lies With the politicians who exploit religious sentiments to create vote banks.

In view of persisting problems, does the Constitution need a review?

If we look at some of the amendments of the past, the Constitution appears to have been modified in no small way. As the eminent constitutional historian, Granville Austin, has pointed out, neither the idea of reviewing the Constitution nor the topics to be discussed is new. There have been major 'reviews' in the past, he says, starting with the one that produced the Ninth Schedule to protect certain government-selected laws from judicial scrutiny. Yet another review began with the Golak Nath case of 1967, extending through the Nath Pai Bill and producing the 24th Amendment and finally the Supreme Court's "basic structure doctrine" in the Keshavananda Bharati case. Then came the Swaran Singh Committee in 1976 and the consequent 42nd Amendment, which many have called a 'mini constitution', so deeply did it alter the very form of the Constitution and threatened the very democratic structure of the country. Then there was a review, this time positive, to overturn some of the drastic changes brought in by the 42nd Amendment, and the 43rd and 44th Amendments came about. In the 1980s came yet another review, by the Sarkaria Commission, whose report has, unfortunately, been gathering dust over the years. As for ensuring stability, he points out that governments will become stable not through constitutional amendment, but when factionalism and its causes decline. The Constitution, as Granville Austin says, needs less to be reviewed than to be implemented.

Indeed, most of the ills that beset us today, whether it is on the economic front, the social arena or in the educational field, may be attributed to the poor quality of governance, and unless the matter gets the attention it deserves no development is possible.