

DEMOCRATIC TRADITIONS IN ANCIENT INDIA AND GOVERNANCE AFTER INDEPENDENCE

SUJIT KUMAR SRIVASTAVA¹

¹Associate Professor, Department of Political Science, DAV PG College Azamgarh, U.P. INDIA

ABSTRACT

The concept of democracy and representative institutions were not even new to ancient India. In fact, the Mahabharata discourses the topic of 'Rajdharmā' (King's Duty), discloses that in the very early periods of civilizations, in the country great importance was attached to 'Dharma' (Duty) and it was self-imposed by individuals. Consequently everyone was acting according to 'Dharma' (Duty) and there was no necessity of any authority to compel obedience to the laws. The existence of such an ideal stateless society is graphically described in the following verse: "There was neither Kingdom nor the King, neither punishment nor the punishing authority. People were acting according to 'Dharma' (Duty) and thereby protecting one another. No one is superior or inferior. All are brothers and should strive for the interests of all to progress collectively. All have equal rights in articles of food and water. The yolk of chariot of life is placed equally on the shoulders of all. These concepts of democracy expressed by Rig-Veda depict the true nature and spirit of democracy in ancient India which can be a model example for democratic institutions for any modern polity.

KEY WORDS: Democracy, India, Ancient age, Modern Democracy, Self Rule

The above verse gives a clear picture of an ideal state, which appears to have existed in the past. When some persons, out of selfish worldly desires, began to flout 'Dharma' (Duty), there arose the need to search for a remedy. This resulted in the discovery of the institution of King and establishment of his authority. However formation of government in India was a political development of the peculiar social organization of the Ancient Hindus i.e., 'Kul' (Dynasty) was the basic social as well as political unit in Aryans, having oldest male member as its head. The 'Karta' (Head) was empowered to take decisions on behalf of the 'Kul' (Dynasty) and all other members were to obey his orders.

The 'Vishah' (Gathering) was originally an Assembly of the heads of these 'Kuls' (Dynasties) to administer the tribe, on the other hand, the King was also elected by these heads. There are many references to the election of the King, in Indian literature. Rigveda speaks of a King elected by 'Vishah' (Gathering). Atharvaveda also makes reference of the elections of the King by a body of the elected persons of all families. Adiparva also records the election of the King, Jammejaya after the death of Parikshita. Though, the long list of the successive rulers of various dynasties in Puranas proved that Kingship gradually became hereditary, but it must not be overlooked that the people had the final say in the selection of the King. It is also noteworthy that the popular assemblies like "Sabha" (Assembly) and 'Samiti' (Committee) exercised an effective control over the King. The most important function of 'Samiti' (Committee) was to elect the King. The importance of 'Samiti' (Committee) can be realized from the fact that it could also

relect a King who had been banished from the realm. Though there was election of the King but it used to be unanimous.

The Vedic tradition of democracy found sufficient references in Mahabharata Parva and Arthashastra. The Shanti Parva of the Mahabharata contained excellent rules concerning democracy. The coronation oath treated Kingship as a dedication of life for the cause of people. The oath narrated in Mahabharata is "I will constantly protect the 'Dharma' (Duty) and aid on the Earth by the 'Vedas' (Scriptures) in thoughts, words and deeds; I will fearlessly carry out the established laws in accordance with the 'Dandaniti' (Punishment rules); I will never act capriciously". The welfare of the people was his highest 'Tapsaya' (Penance).

The State, therefore, was not a personal property of the King, it was a trust and the King was its trustee. The King received his powers from 'Dharma' (Duty) and was responsible for it. He was in fact a limited or Constitutional monarch who was under 'Dharma' (Duty) 'Sabha' (Assembly) and 'Samiti' (Committee). When these 'Sabha' (Assembly) and 'Samiti' (Committee) disappeared, the pious 'Rishis' (Saints) were Patrons of the sacred law, they were supposed to judge, whether the King was working within the spirit of 'Dharma' (Duty). This principle of 'Dharma' (Duty) not only worked as a check on the powers of the King but also established equality and fraternity which are the basic principles of the Democracy.

The appointment of the King was made, to perform various duties which were proper maintenance of 6 finance, foreign policy and war regulations. Village and nagar administrations, provisions regarding council of Ministers and

various committees to assist and guide the King were there. Satapatha Brahma placed both monarchy and popular assemblies on the same footing as divine institutions. It is, therefore, not strange that monarchy and republics continued to work simultaneously for a long period in ancient India.

Although some of the republican states existed up to Gupta period but they ceased to have a major position in Indian politics after invasion by Alexander. These republics were strong enough to have a courageous and appreciable fight against the victorious armies of the Greek invader. His invasion made the Indian mind feel the pressure for a united Empire to protect the country from foreign attacks. This plan was executed by Chandragupta Maurya under the guidance of Kautilya. Despite the movement of unification of republics, it remained the Constitutional monarchy and not the absolute monarchy.

In India, as elsewhere, the monarchical state, grew and replaced by the republican and other forms of organizations. Besides, the democratic institutions, the system of autonomous and self-sufficient village committees also came into existence. Though during medieval and Muslim regimes, the political system was autocratic and there was no formal election system, yet at grass root level, trade corporations and 'Gram-Panchayats' (Village Council) continued to manage their affairs democratically. During the rule of East India Company, the deep rooted traditions of democracy were dismantled to a great extent. However, minor democratic institutions in the form of customary practices still prevailed, at the village level. So, yet it will not be prudent to evaluate the ancient democratic structure on the parameters of modern democratic patterns which are diverse in many ways. Sir Aurobindo: "Indian scholars have attempted to read the modern ideas and types of democracy and even a parliamentary system into the past of India, but this seems to be an illjudged endeavor.

The Government of India Act 1858, by which, the governance of India, was transferred from company to Crown, formed the turning point in the political and constitutional history of India. In fact, the act described as "an act for the better government of India," was considered an important milestone on the road to re-democratization. Under this act, an office of the Secretary of State for India was created and a legislative council of India was also established to assist him, who was responsible to the British Parliament. No doubt, the concept of responsible government was introduced but this responsibility was not towards the people who were governed but towards an alien government. Therefore, in spite of a change in government, it was not responsible to the demands and inspirations of the people of India. In order to establish some link between the rulers and the ruled, the Governor General and Governors, were allowed to increase the strength of their Executive Councils, by nominating not less than six and less than half of the 8 additional members were to be non-officials.

Therefore, Indians began to feel that they cannot expect justice at the hands of the English and they felt that the Britishers were serving their own interests. It was during 1855, Indian National Congress was founded to fight for the rights of people. In its very first session, the Indian National Congress made a demand of greater participation of Indians in the Government and administration. The British Government passed the Indian Council Act 1892, wherein the strength of the Council was increased. The number fixed for Central Council was not to be less than ten and not more than sixteen and for Provincial Councils at Bombay and Madras, it was to be not less than eight and not more than twenty. The number fixed for Bengal was twenty and for the Northern Province and Oudh fifteen. Two fifth of the additional members were to be non-officials. Technically non-official members were to be nominated by the Governor General and the Governor, as the case might be.

In fact, only those members were to be nominated, who were recommended by the Provincial Councils, Municipal Boards, Trading Associations, and Senates of the Universities etc. Four, out of ten non-officials members of Central Council were to be elected by non-official members of Provincial Councils of Madras, Bombay, Bengal and North West Provinces and the fifth was to be the representative of Calcutta Chamber of Commerce. The reforms made in Indian Council Act 1892, didn't give, much satisfaction to the people of India. The only satisfaction; however was that with all its drawbacks, the reforms made in this Act had some improvement on the pre-existing state of affairs which paved the way for further improvements. Already dissatisfied with the so called reforms and opinion of Lord Curzon's 9 convictions that Indians were incompetent, further aggravated the situation. His repressive actions proved to be counterproductive.

National movement, under the leadership of Indian National Congress gathered momentum and assumed new dimensions. Increasing impact of Congress became a matter of concern for the British rulers, who in turn looked for some Muslims leaders having no connection with Indian National Congress. Thus, for implementations of the policy of divide and rule through the effective dose of communalization of politics, the Indian Council Act 1909 was passed. Morley Minto Reforms further, enlarged the size of the Legislative Councils. The number of additional members of Governor Generals Council was increased to a maximum of sixty from sixteen. As regards Madras, Assam, Eastern Bengal, Bombay, Bihar, Orissa and the Lieutenant Governor of Bengal, the number of members were increased up to fifty and in case of Punjab, Burma and others, it was fixed at thirty.

Official and nominated members together constituted the majority, so that, they need not depend upon support of others. One of the features of the Morley Minto Reforms was the approval of the principal of the communal representation. The

vices of separate electorates showed its impact in a very short span as was desired by its planners. This led to a slinging competition for promoting selfish community interests entirely on communal bases. Sardar Patel condemned communal electorates as “a poison which had entered the body politics of the country” and he attributed the partition of the country to this slur. In fact, it didn't bring about any change in substance, because only such persons were allowed to participate, who would not support any attempt to make India fully democratic. Hence, the Act was not the proper measure to the people's demand for a responsible government.

Therefore agitation against the British rule was growing every moment in alarming proportions. In order to increase the association of the people in every manner in Indian administration and for the gradual development of self-governing institutions, the Government of India Act 1919 was passed. The Act consisted of one thirty five sections divided into fourteen parts. Under section 63-72, the Indian Legislature, at the central level consisted of the Governor General and two chambers i.e. Legislative Council and Legislative Assembly. The number of members of the Legislative Council was sixty, out of which thirty four were to be elected and twenty six to be nominated. The method of election and nomination made it a representative house of capitalist class and mercantile aristocrats.

The central Legislative assembly consisted of one hundred and forty members out of which hundred were elected; twenty six were officials and fourteen nominated members. The Legislature consisted of more elected members than nominated, but it had no authority to override the decisions of the executives which could overrule the Legislature. The Act of 1919 made the communal representation an integral part of Indian electoral system by extending it to Sikhs, Anglo-Indians and Christians in addition. The provision of the Government of India Act 1919 provided for its revision, after ten years of passing the Act. On the date, when the Commission visited India, the whole country observed 'Hartal' (Strike). Several protesters were arrested and prosecuted. The opposition to the Simon Commission is a well-known historical fact.

Lord Birkenhead, justifying the exclusion of Indians from Simon Commission, challenged the Indians to produce an agreed resolution and submit the same to British Parliament. Accepting the challenge, an all Party Conference was convened at Delhi in February 1928 and again in Bombay in May 1928. This constituted a small Committee under the Chairmanship of Pandit Motilal Nehru, to determine the principles of the Constitution to be proposed. The Committee submitted its report on 10 August 1928, which came to be known as Nehru Report: The Nehru Report was acclaimed by Constitutional historians as “not only an answer to the challenge that Indian nationalism was unconstructive” but the “frankest attempt yet made by Indians to face squarely the difficulties of communalism”.

In brief, the Constitution embodied in the Report, was based on the principle of Dominion Status with full responsible government on the parliamentary pattern. According to the Report, the Legislative powers were to be with the Parliament which was to consist of the King, a Senate and a House of Representatives. The Senate was to have two hundred members to be elected by the Provincial Councils by the method of proportional single transferable 11 vote system. It also recommended that the House of Representatives was to consist of five hundred members and was to be elected by Constituencies determined by law. Every person of either sex who attained the age of twenty one and was not disqualified by law was to be entitled to vote. The communal electoral system introduced under the Government of India Act 1919, was criticized and even there was demand of adult suffrage.

The main parameter for determining a right to vote was subsequently lowered under the Act of 1935. This led to increase in the percentage of voters from three to fourteen. In addition to this limited franchise, there were severe constraints on the legislative and financial powers of the Legislative Council. In fact, the Central Legislature as contemplated under the Act of 1935 was more a Legislature by courtesy than by its powers. The Act provided a federal scheme but the scheme did not transfer any real powers to the Indians as the financial powers still remained in the hands of the Britishers. In this manner, they were not given any power and responsibility to work out their free will and requirements. The Indian National Congress, in its fourteenth session, held at Lucknow on 12-14 April 1936, totally rejected the system of governance provided by the Government of India Act 1935 and firmly declared that no Constitution imposed by an outside authority could be accepted.

Whereas, on 27 December 1936, in his presidential speech, at the Faizpur session of the Indian National Congress, Jawaharlal Nehru describe the demand for a Constituent Assembly, elected on the basis of adult suffrage, as the corner stone of Congress policy. In August-October 1937, a resolution reiterating the Congress demands for the withdrawal of 1935 Act and the convening of a Constituent Assembly to frame a new Constitution was adopted by the Provincial assemblies. Though this kind of resolution was moved in Legislative Assembly on 17 September 1937, yet in spite of some lively discussion on the resolution, no decision was taken. Mahatma Gandhi also strongly expressed his views for a Constituent Assembly elected, on the principle of adult suffrage, and joint electorate with the reservation of seats for minorities. 12 The demand for a Constituent Assembly was for the first time, officially conceded by the British government in an indirect way, with some reservations. By August 1947, the Constituent Assembly and its various Committees completed a great deal of the work. It settled the broad principles of the Constitution on 29 August 1947, so it adopted the resolution and appointed a Drafting Committee.

B.R. Ambedkar was the Chairman of the Constituent Assembly which constituted various committees from time to time, to seek assistance in dealing with the basic principles of various provisions. The draft of the Constitution, as settled by Drafting Committee contained three fifteen articles and eight schedules. It was submitted to the Chairman of Constituent Assembly on 21 February 1948, which continued to function to deal with suggestions for amendments, to be made from time to time. During the discussions, in the Constituent Assembly, there was unanimity of thought, from the very beginning on most of the issues and a consensus of opinion emerged that the right to vote should be made available to every adult citizen. In order to ensure, this was decided to have independent machinery to control the electoral process. The nature of an independent Election Commission was envisaged to be free from all kinds of political, central and provincial- pressures and influences, on the elections.

India is regarded as the largest functioning democracy in the world with such a variety of cultures, creeds, races, languages, ethnic identities and so on. In the dawn of independence the founder of our constitution laid out the foundation of a truly democratic country which continues till today, which is quite surprising and a subject to flaunt and be proud of it i.e. its rich legacy of democracy. In the aspect of democratic establishment India is truly a nation that tops many a chart and it is a significant fact about India that she has been able to make a remarkable impression on the rest of the world as being one of the largest potential democracy. David Cameron” the British Prime Minister, during his visit to India regarded India to be the beacon of democracy in the world. Foreign observer from the British High Commission “KAMALJEET Rattan” said that the Indian democracy is one of the best in the world. People are silently involved in some kind of transformation so far as power is concerned. The entire system works like a well-oiled machine.

The concept of democracy is introduced as well as developed in India by the British government during her (India) colonial period. Historical circumstances link us to a country (Great Britain) where the parliamentary democracy was originated as well as reached its peak of development. In free India our constitution-framers consciously adopted the democratic form of government due to the changes introduced in our political life during her connection to the motherland of parliamentary democracy. It was the decision of the drafting committee of the constitution of India to build upon the foundations already laid though the country was not filled with the preconditions to have a proper democracy.

The preamble of Indian constitution holds India as “Sovereign, Socialist, Secular , Democratic, Republic and to

secure to all its citizens: JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship, EQUALITY of status and of opportunity and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation”. India comprise of twenty eight states and nine union territories including NCT of Delhi. President is the de jure head of this nation, the convention of parliamentary democracy are: every state has their own nominal head, “Rajyapaal”. The head of the nation is the central council of minister headed by Prime Minister. All the states have their council of ministers headed by Chief Minister as the head. She has both central and state level legislative body, the Parliament and state legislature respectively.

Judiciaries are also present in same manner – the Supreme Court of India is the highest appeal court followed by the various High Courts at state level. The constitution also grants adult franchise. It secures fundamental rights for the citizens by safeguarding the independence of the judiciary. Press in India is free and responsible. It is a multi- party system. She has total six registered recognized national party and fifty two registered recognized state party with regular election both in national as well as state level at an interval of five years in normal circumstances.

REFERENCES

- Alexander Fraser Tytler,(1854) *Universal History: From the Creation of the World to the Beginning of the Eighteenth Century*, Vol. I (1854), Book II, Chapter 6,
- Anthony Arblaster (1997) *Democracy, World View*, New Delhi,
- Barry Hindess (1983) *Parliamentary Democracy and Socialist Politics*, Routledge & Kegan Paul, London,
- Maurice Duverger(1974) *Modern Democracies: Economics Power versus Political Power*, The Dryden Press, Illinois,
- C.B. Macpherson,(1966) *the Real World of Democracy*, Oxford, Clarendon Press, chapters 2 and 3.
- Gandhi, M.K.(1969) *Collected Works of Mahatma Gandhi*. Vol.65. New Delhi,
- R.G. Gettell (195) *Political Science*, World Press, Calcutta,
- Savarkar, V.D. Hindu Rashtra Darshan (1949): *A Collection of Presidential Speeches Delivered from the Hindu Mahasabha Platform*. Bombay
- Tagore, Rabindranath.(1902) “The Message of Indian History” (1902), *Visva-Bharati Quarterly*. 22:2,