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5

Problematizing Legacy as a Concept in the Indian Political Lexicon: Perspectives from the Nehruvian Era and Beyond

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The Indian national movement succeeded in gaining independence for India in the way she imagined. The gamut of leaders including Nehru had a guiding force in Gandhi and was essentially seen as able candidates to lead the country. Soon after the demise of Gandhi, Nehru took up the responsibility of sailing the nation through its initial years of difficulty with his vision of national unity, parliamentary democracy, industrialization, non-alignment, secularism, socialism and scientific thinking. Quite often, there are binary approaches to Nehru's legacy by the scholars and very few have given a balanced view of his legacy. The first group of scholars speak in complete favour of Nehru and see him as a statesman who was flawless and the other group finds everything problematic with him and they discuss him with lone virtue of being the first Prime Minister and a companion of M K Gandhi. This research is an exercise in understanding Nehru's legacy not from the big achievements he made in his life in pre- and post- independent era, but from the point of view of rediscovering some of the historical anecdotes. This exposes the weaker side of Nehru but remains as legacy due

to the grace he showed in accepting them and rectifying. The logic behind this research has been also to extract lessons from the history for the present day parliamentarians and their conduct in the parliament. Nehru did not have a prior experience of being a parliamentarian in the true sense of what we see today though he was exposed to elections during the freedom movement. The issues of procedure and how to deal it independently were learnt by him. His effort was to set example and he never claimed it as perfect one. The issue has surfaced in present day Indian politics due to the mad race for appropriation and misappropriation of some of the leading figures of freedom movement. It is not strange to the students of Indian politics as the same set of problems existed during the early years of independence. What saddens one is the unwillingness of the political class to learn from the legacy (failures that were accepted gently and rectified further by Nehru) left behind to reflect upon.

This research would concentrate on three important aspects: Ordinances, Conduct in the parliament and Elections. With regard to the case of ordinances, the issue has surfaced again and the present government seems to be taking rescue in quoting the number of ordinances issued by previous governments. The real issue is in debating whether ordinances are democratic at all. It would open up debate on two fronts. Firstly, if the promulgation of ordinances were completely wrong in a democracy, then why it was included in the constitutional provision? Secondly, if it is justifiable to use it, then what could be the ideal way of doing so and how many are acceptable. Rather than quoting something to justify, which is essentially wrong route in parliamentary democracy, the present government seems to, be targeting the first type of legacy (being flawless) claimed by the Congress party. In a rather unusual way, if we look deep into the type of exchanges happened between the first Lok Sabha speaker Mr. Ganesh Vasudev Mavalankar and Nehru, one would be enlightened to see acceptance of ordinances as undemocratic by Nehru as the legacy we have missed out in the present day discourse in India. To be precise, the provision for the promulgation of ordinances in the constitution Article 123 says: Power of President to promulgate Ordinances during recess of

Parliament, (1) If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinance as the circumstances appear to him to require, (2) An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance- (a) shall be laid before both House of Parliament and shall cease to operate at the expiration of six weeks from the reassemble of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and (b) may be withdrawn at any time by the President Explanation where the Houses of Parliament are summoned to reassemble on different dates, the period of six weeks shall be reckoned from the later of those dates for the purposes of this clause. The correspondence between Mavalankar and Nehru is also interesting as the former was worried about setting wrong examples in the beginning whereas the latter was concerned about not making enough progress being a new born independent country and was essentially apprehensive of not being able to realise his vision for the nation. Writing to the Minister of Parliamentary Affairs¹ on 25 November 1950, Speaker Mavalankar stated:

The procedure of the promulgation of Ordinances is inherently undemocratic. Whether an Ordinance is justifiable or not, the issue of a large number of Ordinances has psychologically a bad effect. The people carry an impression that Government is carried on by Ordinances. The House carries a sense of being ignored, and the Central Secretariat perhaps gets into the habit of slackness, which necessitates Ordinances, and an impression is created that it is desired to commit the House to a particular legislation as the House has no alternative but to put its seal on matters that have been legislated upon by Ordinances. Such a state of things is not conducive to the

development of the best parliamentary traditions.

In reply to the above letter, Prime Minister Jawaharlal Nehru wrote on 13 December 1950:

I think all of my colleagues will agree with you that the issue of Ordinances is normally not desirable and should be avoided except on special and urgent occasions. As to when such an occasion may or may not arise, it is a matter of judgment. Not only are the Government of a State, but private members of Parliament continually urging that new legislation should be passed. Parliamentary procedure is sufficient to give the fullest opportunities for consideration and debate and to check errors and mistakes creeping in. That is obviously desirable. But, all this involves considerable delay. The result is that important legislation is held up. Every Parliament in the world has to face this difficult problem and various proposals have been made to overcome it.

The interesting fact that appears in the above conversation is that of Mavalankar cautioning the procedures carried out in parliamentary democracy. The first general elections were not complete and it was only a Provisional Parliament till the 1st Lok Sabha was constituted in 1952. These interventions speak volumes of some of the luminaries such as Mavalankar who wanted to set the legacy for future parliamentary proceedings. Unfortunately, in the hurry of realising the dream of modern India, Nehru introduced number of ordinances in the first Lok Sabha. This led to another round of correspondence between Mavalankar and Nehru. In a letter dated 17 July 1954 to the Prime Minister, Speaker Mavalankar stated:

The issue of an Ordinance is undemocratic and cannot be justified except in cases of extreme urgency or emergency... We, as first Lok Sabha, carry a responsibility of laying down traditions. It is not a question of present personnel in the

Government but a question of precedents; and if this Ordinance issuing is not limited by convention only to extreme and very urgent cases, the result may be that, in future, the Government may go on issuing Ordinances giving Lok Sabha no option but to rubber-stamp the Ordinances.

Nehru being elegant and in his usual gentle way wrote to Speaker Mavalankar on 19 July 1954 stating:

We have been reluctant to issue Ordinances and it is only when we have felt compelled to do so by circumstances that we have issued them. You will appreciate that it is the responsibility of the Government to decide what steps should be taken in a particular contingency. The Constitution itself has provided for the issue of Ordinances where such necessity arises, and that discretion has to be exercised by Government. We have issued in the past a very limited number of Ordinances and we have always placed before Parliament the reasons for having issued each one of them. I am myself unable to see why this should be considered undemocratic. Of course, this power, like any other power, may be abused and Parliament will be the ultimate judge as to whether the use of this power has been right or wrong.

Though at times it is very clear that Nehru was trying to assert the supremacy of the parliament in many of these matters and tried justifying his actions, what comes out as revelations is also the fact that he was aware and was cautioning the abuse of it in the years to come. Numerically speaking, the number of ordinances in 1950 was 21 and after the correspondence between Mavalankar and Nehru, the number of ordinances came down to 10 and never again. Nehru ventured into it more than 9 in the years to come. The grace that is shown by Nehru is very much visible as if it were to be the case of just asserting oneself in the power politics of being

Prime Minister, probably we would have been a witness to the *Ordinance Raj* during his tenure. This is the legacy that leaders like Nehru have left for the successors to embrace and this healthy tradition is often forgotten. Mavalankar and Nehru's dialogue became important as part of the procedure in the parliament as the successive governments did not pay attention to the proceedings. It was apparent in the year 1971 when Gurdial Singh Dhillon was the speaker, he raised some important questions with regard to the number of ordinances that were issued. Mr Dhillon stated:

I personally think it is not a light matter to be ignored. Certain observations have been made by my predecessor Shri Mavalankar based on very sound judgment. I would invite the attention of the Government to see that there is real emergency or urgency justifying the issue of an Ordinance

The history kept repeating year after year and regime after regime and none of them seems to have learnt lessons from these proceedings but would want to appropriate their respective leaders only for the important achievements during their tenure. The issue of ordinances has come up again and the present NDA government and there is a blatant argument being up by the ruling party quoting Nehru narrowly to put forward their agenda.

With regard to the conduct in the house, Nehru was at most cautious of his behaviour though there was no Loka Sabha or Rajya Sabha Television channels then. His elegance was witnessed not just once but on many occasions. Sudarshan Agarwal recalls a legacy much forgotten by the later political class referring to a commemorative work on Sarvepalli Radhakrishnan:

On an occasion, the Prime Minister, Shri Jawaharlal Nehru, was talking to his colleague Shrinati Lakshmi Menon at her seat in the House, in a manner that the Chairman noticed his back. With firmness Chairman (Dr. S. Radhakrishnan) said, "Mr. Prime Minister, what

are you doing?" The Prime Minister realised, walked back to his seat and apologized.²

The rule 236 of House says that when speaking, members are to speak from their seats and rise while speaking. A member disabled by sickness or infirmity is, however, permitted to speak while sitting. The commendable conduct of Nehru is evident from Rajya Sabha debates records. It states:

When the Minister for Home Affairs (Shri Govind Ballabh Pant) moved a Motion for reference of the Constitution (Fourth Amendment) Bill, 1954, to a Joint Committee, the Chairman suggested to him that if it was more convenient to him to sit down and speak, with the permission of the House, he might do so. He accordingly did so thanking the Chairman and members for permitting him to speak while sitting. When, however, the Prime Minister, Jawaharlal Nehru, who was unwell and was replying to questions in the Rajya Sabha, a member requested, through the Chairman, the Prime Minister to reply sitting and that he need not stand every time, the Prime Minister said, "Sir, I would like to preserve the decorum of the House."³

Nehru being the most busiest person having more than one portfolio in the government, being Prime Minister and also External Affairs Minister would always find time to be in the parliament on daily basis except the days of his committed travel. There are some scholarly works that recall the late nights Nehru would spend in going through the parliamentary debates which were missed. He would do so to be prepared to take on the valley of questions being thrown at him by a well-informed opposition to whom Nehru had high regards. Often, he would begin his speech with an apology if he had missed any important debate. Sudarshan Agarwal states one of the speeches of Nehru which essentially brings out the fine parliamentarian in Nehru:

Mr. Chairman, I must begin with an apology to you and to the House for not having been present for the greater part of the time during this debate on the President's Address for three days. I wish to assure the House that no discourtesy was intended.... as the House knows, we have now a distinguished visitor in Delhi and because of my pre-occupations-I had to meet him, attend to him, and go to various functions-it made it impossible for me to come here frequently. I have tried to remedy that lapse partly by reading the notes prepared by my colleagues of the speeches and addresses and partly by reading the actual speeches, the record of the actual speeches, in the small hours of the night. Naturally that cannot take the place of attendance and listening. All I can say is that I am deeply sorry that I should have been put in this position by circumstances.⁴

Mridula Mukherjee⁵ also resonates the same in one of her writing where she states that:

He treated Parliament with great respect and was often seen sitting patiently through long and often boring debates as an example to his colleagues and young parliamentarians. He spoke frequently in Parliament, and used it as a forum to reach his ideas and views to the people of the country. Despite the majority enjoyed by the Congress party, he ensured that Parliament reflected the will of the entire people, and a very large number of non-official bills were passed during his tenure, a practice that has declined since.

There are several other anecdotes in the history which show that Nehru was tolerant to several criticisms in the parliament. One such instance was that of Mahavir Thyagi criticising Nehru. Akshobh Giridharadas recalls the instance stating:

Trying to palliate the Chinese occupation of Aksai Chin, Nehru brazenly stated that "Not a blade of grass grows in Aksai Chin," the a Kashmiri territory disputed by India and China. At this point, parliamentarian Mahavir Tyagi's riposte began by pointing to the Prime Minister's bald head saying "Nothing grows here, should it be cut off or given away to somebody else?" Hard to imagine that the Prime Minister would tolerate such a churlish tone, let alone see levity in it. But he did, and to go one step further, Tyagi and Nehru shared a convivial relationship. This perhaps is the legacy of Nehru's character.⁶

Apart from the above mentioned instances, there are also several other occasions which throws light on the parliamentary etiquette, decorum and dignity which were highly regarded by Nehru. On 2 June 1951, he used the word "lies" in parliament. It was objected to as being unparliamentary. Nehru readily substituted the word "untruths". But, that was not all, Nehru felt so remorseful for having uttered an unparliamentary word that in a letter to the Chief Ministers dated 15 June 1951, he recorded:

The constitution (Amendment) Bill gave rise to heated and sometime passionate debate and, I fear, tempers were frayed and hard words said. I am sorry to confess that I fell from grace on one occasion during this debate and listening to constant accusations and denunciations was too much for my patience.⁷

The official language Bill was introduced in August 1963. The atmosphere in the parliament was not at all conducive and there were also some unbecoming behavior by some members of the House. There was one particular member whose behavior was not desirable and Nehru spoke about this tendency in a strong manner:

Yesterday, one Hon'ble Member....behaved in a rather extraordinary manner in the precincts of this house. I do not know if the gentleman has the least conception of what Parliament is, what democracy is, and how one is supposed

to behave or ought to behave...but I am not prepared to see this behaviour in the name of language which spoils democracy.⁸

The two instances mentioned above are very crucial as they speak of a different Nehru in the parliament. In one instance he himself lost temper and used a particular language and in the other, he is condemning a member who used a particular language and behaved in a way unbecoming of a member of the house. Though on the very first instance it sounds hypocritical of Nehru, reading between lines what comes out in a subtle way is the striking difference he establishes through apologies and correcting himself and even going to an extent of expressing the same to his Chief Ministers. The second instance is an example where Nehru anticipated the member of the house to apologise and carry on the business in the house as anybody would fall prey to behave in a particular manner when tempers run high. His concern to set legacy is very much visible in both the cases.

Nehru was also a personality who would want to be criticised sometimes. Self-criticism of his government was also visible in the house many a times. During the provisional government he pronounced that "I have often wondered why the people of India put up with a person like me after all that has happened during the last few months. I am not quite sure that if I had not been in the government, I would put up with my government".⁹ There was an instance when the young Vajpayee attacked bitterly in a speech in the floor of the house. Later in the day Nehru happened to see Vajpayee in Rashtrapati Bhavan and greeted him saying 'today, you really mounted a very strong attack'. Such was Nehru's appreciation for men with substance and Nehru would accept such well-informed criticism with elegance. There were at times when emotions ran high on matters of national security, which were apparently the weak side of Nehru's understanding. Once he referred to Aksaichin as an area where not a blade of grass grew. There was a severe attack by a very senior member of the house Mr. Mahavir Tyagi as he referred to the bald head of Nehru and said 'there is not a single hair on this head but for that reason shall I surrender my head to the enemy?' Nehru was

dumbfounded but he enjoyed the rebuttal and humour imbult in it.

Though on several occasions Nehru was questioned and cautioned by the Speaker of the house, he never took them so personal to settle score. He held the position of the Speaker in at most respect. Addressing the parliament on the occasion of unveiling the portrait of Vithalbhai Patel, he stated:

Now, Sir, specially on behalf of the Government may I say that we would like the distinguished occupant of this chair now and always to guard the freedom and liberties of the house from every possible danger, even from the danger of executive intrusion. There is always that danger even from a national government that it may choose to ride roughshod over others, Speaker comes in to protect each single member, or each single group from any such unjust activity by a dominant group or a dominant government... the position of the Speaker is not an individual's position or an honour done to an individual. The Speaker represents the house. He represents the dignity of the House, the freedom of the House and because the House represents the nation, in a particular way, the Speaker becomes the symbol of nation's freedom and liberty. Therefore, it is right that that should be an honoured position, a free position and should be occupied always by men of outstanding ability and impartiality.¹⁰

This tradition of keeping the office of the Speaker on the highest position was never witnessed in the later years of the parliament though there were some luminaries who occupied chair. The dignity and the decorum was shown even when Nehru was criticised on many occasions, he for sure had differences but at the same time was also cautious of the legacy he was leaving behind.

With regard to the elections, Nehru was passionate to see his country becoming a true republic and democracy. The first step in the direction and realisation was to build institutions

that could carry forward the task. This idea of him got culminated in setting up of the Election Commission. In March 1950, Sukumar Sen, a former civil servant, judge and Chief Secretary of West Bengal was chosen as the election commissioner. No doubt that Sen was very much aware of the ground realities of the 1950's. Nehru was insisting and at times restless to see country's first general election sometime in 1950 itself. Sukumar Sen had to convince Nehru of the problem of illiteracy in the Indian society that would play a crucial role. At the same time Sen was not insisting on the knowledge of the people on elections as he was aware of the magnitude of the problem. Rather, he was only worried about some issues of identity. When the first draft of the rolls was published, it was discovered that the names of nearly 40 lakh women were not recorded in the list. They were simply listed as "wife of..." or "daughter of...". The Election Commission rightly refused to accept these entries and ordered a revision if possible and deletion if necessary. This virtually irritated Nehru as his vision of enabling people with universal adult franchise was delayed. Nehru thought it was best for him to press for the elections to be held as educating people on election or realizing the dream of becoming a complete literate country was a distant dream. He even wished it to be experimented as he was experimenting with India on several counts. Once the election schedule was announced, Nehru took the first position to lead by example for his party men and travelled 25,000 miles in all in which 18,000 was by air, 5,200 by car, 1,600 by train and 90 by boat. This was very crucial for Nehru. On the one hand it may sound that he wanted his position to be consolidated and party to win but on the other hand this was the greatest service ever rendered by Nehru apart from his several initiatives to see India as a successful practicing democracy through one of the important component of democracy being elections.

Needless to say, this was all not without odds. The elections had to be postponed twice and finally held from October 1951 to February 1952. When the elections were held, Organiser, a magazine, wrote that Jawaharlal Nehru "would live to confess the failure of universal adult franchise in India". Such was the skeptical view from several organisations. Nehru wanted

to prove that we could grow beyond the mediocre level being limited to religion, caste and creed. He even had to prove to his own colleagues such as Rajendra Babu, Patel and Tandon. He was facing problems within the Congress party as the right wing of the Congress elected Tandon as the Congress president in August 1950 and his candidacy was firmly supported by Patel. Even the constitutional head of the State, Rajendra Prasad went against advice of Nehru to inaugurate the rebuilt Somnath temple in April 1951. Patel, as the deputy Prime Minister had announced the renovation of Somnath temple in 1947 itself. Nehru had to manage the party colleagues within and nation at large to make sure the Muslim sentiments were not hurt and the value of Secularism which he envisaged did not fail. A British member of the Indian Civil Service claimed that "a future and more enlightened age will view with astonishment the absurd farce of recording the votes of millions of illiterate people". The Hindustan Times claimed that "there is universal agreement that the Indian people have conducted themselves admirably in the largest experiment in democratic elections in the history of the world". The credit of introducing democracy to India goes to the courage shown by Nehru. Nehru was clearly aware of the system he was trying to build. It was a system that worked by gradualism, by permeation, by compromise, and by advice from think tanks, academics and technocrats.

This attempt in the form of research is in no way an exercise to highlight the greatness of Nehru nor to utterly criticise him for everything he did. The effort is to read him through his time and the difficult circumstances in which he operated and yet gave a legacy for the generations. This legacy is neither the one which is proclaimed as flawless nor the one which is not even worth mentioning. This legacy is essentially of a man who had the courage to accept several mistakes he committed in the course of shaping India and rectified without ego against the odds of being elevated to the level of god by some of his followers. The evolution of the idea in Nehru's mind during the crucial years of his life was essentially for the benefit of the country. What needs to be understood and practiced is the thought behind his actions which aimed at the generations of political leaders to come and witness a

legacy he has left behind and conduct themselves in the best possible manner for the interest of the country. This research is no way a complete work in any manner on the three important issues of Ordinances, Conduct in the parliament and Elections but is an essential exercise to relive the concept of legacy from a different perspective.

NOTES

1. See <http://164.100.47.134/itrinet/pract&proc/chapter-XXIII.pdf> and also For Speaker Mavalankar's observations on the floor of the House regarding promulgation of Ordinances, see Parliamentary Debates, (I), 22-2-1952, cc. 280-81 and Lok Sabha Debates (II), 19-12-1953, cc. 2580-82.
2. See Lakshmi N. Menon's article published in "Dr. Sarvepalli Radhakrishnan-A Commemorative Volume", Rajya Sabha Secretariat, 1988, p. 70.
3. See Rajya Sabha Debates 28.4.1964, c. 847.
4. See Sudarshan Agarwals work "Jawaharlal Nehru and Rajyasabha" Prentice Hall of India, 1989, p.20.
5. See Mridula Mukherjee's article "Indian Democracy: Debt to Jawaharlal Nehru" published in Mainstream, Vol. LII, No 23, 2014.
6. See Akshobh Giridharadas's article "Nehru's Legacy: 51 Years After his Death" published in the Diplomat, June 11, 2015.
7. See Jawaharlal Nehru's, "Letters to Chief Ministers", Oxford, New Delhi, Vol. 2 (1950-52), 1986, p.417.
8. See Lok Sabha Debates, Third series, Vol. 5, pp.95-96.
9. See Hiren Mukherjee's, "The Gentle Colossus", Calcutta: 1964.
10. See S.L. Shakdher's work Glimpses of the Working Parliament, New Delhi, 1977, pp.37-38.

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