

Ideas of Mahatma Gandhi on Legislative Activity

Dr. Kripa Shanker Yadav

Associate Professor & Head
Dept. of Political Science
J.S.(P.G.) College, Sikandrabad, Bulandshahar, U.P.

***Abstract:* Democracy can only represent the average, if not less than the average. Therefore, democratic institution to be pure has to attend to the all - round education of the humblest and the lowliest. It must take in its sweep all superstition and social abuse. In such a society there will be no Christian and non-Christian, there will be no distinction of sex. If best persons are women all ministers will belong to that sex, if Parsis they will be all Parsis. That good day may be far off. What is to be done in the meanwhile? Those who feel that they are left out should have patience and rise by dint of service and merit. Those who happen to be ministers should mete out even justice which must include extra effort to raise the neglected and down - trodden. They should make all feel at every step that they are servants, not masters of the nation.**

***Keywords:* Politics, Council, Voter, Minister**

To the Aspirants after the Membership of Councils

Gandhi had said: I observe that many candidates have come forward for the choice of the would-be electors for the reformed councils. It must be granted that it is possible to render some service to the State by entering these councils. But it is my firm belief that many can serve the country better by remaining outside. The late Mr. Keir Hardie used to say that it was practically impossible for a true Christian to remain in the British Parliament. Carlyle called it the talking shop. When there are many candidates, those who have accepted service of the land as an article of faith would do well to stand outside the lists, and they will find that they will be better occupied by educating the electorate and keeping the elected members to their promises at the polls. Even in England one sees the most effective service rendered by those who keep themselves outside the House of Commons. The real affairs of the English nation are conducted not by the seven hundred odd M.P.s but by the larger body who really control them. I would therefore venture to suggest to the larger body of those whose only ambition is to serve India, not to trouble about entering the councils. To the aspirants after membership of councils I would respectfully urge: " Pray avoid the councils if it is any axe of your own which you want to grind there, for it can be ground elsewhere. In a chamber where only national interests are supposed to be conserved and where a stiff fight has to be put up against strong vested interests, how can you think of serving your own little interest? Surely, you will not wish to injure the national cause by mixing your own with it. " I do not know who are the aspirants, But I draw my inference from what happens over municipal council elections. We shall benefit by our people entering the councils if they are true men filled with humility and love of the country, courageous, fearless and versed in the subjects they have to handle.¹ The Reforms Act is full of defects which must be remedied. But even as a razor with the keenest edge is useless in incompetent hands, so may a most perfect constitution be rendered nugatory

if it is handled by selfish or ignorant councillors. The most expeditious manner of reforming the Reforms Act would be to send to the councils only those who wish to serve the nation. In their hands, even a defective constitution may be utilized for the good of the nation, even as an able artisan effectively manages indifferent tools and even makes them better.²

What should the Voters do?

Gandhi had devoted his article on the forth coming elections to the choice of the voters in the columns of Navajivan. Given below is the substance: Many who had hitherto no concern with council elections will be shortly called upon to vote for the reformed councils. The powers too of elected members will be found to have increased. This adds to the voters ' responsibility. In all our cities the citizens have been exercising the municipal franchise. And of these elections it cannot be said that the electors have always acquitted themselves in a wise manner. Electors ' private relations with the candidates have often weighed with them more than the candidates ' qualifications. It would be well if we set up a better standard for the elections to the legislative councils. Only thus shall we be able to make the best use of the councils. I suggest also that voters should not identify themselves with any party or its quarrels. They should consider candidates ' views and not their party. Their character should weigh more even than their views. A man of character will make himself worthy of any position he is given. Even his mis take will not matter much. I consider it impossible for a man without character to do higher national service so that if I were a voter from among the list, I would first select men of character and then I would understand their views.³ My attempt is to point out that we need an electorate which is impartial, independent and intelligent. If the electors do not interest themselves in national affairs and remain un concerned with what goes on in their midst, and if they elect men with whom they have private relations or whose aid they need for themselves, this state of things can do no good to the country, on the contrary, it will be harmful.⁴

Now it remains to be considered what the electors should do if they do not receive satisfactory answers to their questions or if they cannot find men of character. It is an established custom with regard to elections that electors, if they do not find any candidate to their liking, they need not register their votes. In such a case abstention amounts to an exercise of one's votes. Exception was taken to this procedure, that if good electors refuse to make their choice bad electors would make the worst choice. This is to a certain extent true. But suppose in a certain place all candidates being drunkards the better portion of the electorate abstain from voting and the candidates manage to secure votes from their kind, can they exercise any influence in the councils? No doubt their vote has its numerical value, but their views and speeches cannot influence the council. Moreover, an intelligent abstention has its own effect. The electors having once failed to find a proper candidate will next time take steps to find out a suitable man and elect him, and by so doing they will raise the level of their own place. In a growing nation people are able to understand the national affairs and they are expected to purify the political atmosphere they live in and to maintain its purity. All enlightened and thoughtful voters will find that occasionally situations must arise when they will have to purposely refuse to register their votes. I earnestly hope that on such occasions our electors will have courage to do so. I hope that when they do exercise the vote, they will give it to the best man no matter to which party he belongs.⁵

Religious and Non-Religious Oath

An oath may be taken in the name of God and yet may not be styled religious. An oath that witnesses take in a court of law is a legal not a religious oath, breach of which would carry legal consequences. An oath taken by members of Parliament may be called a constitutional not a religious oath, breach of which may involve mundane consequences. Breach of a religious oath carries no legal consequences, but in the opinion of the taker does carry divine punishment. This does not mean that any of the three varieties of oaths is less binding than the others on a conscientious man. A conscientious witness will tell the truth, not for fear of the legal consequence, but he will do so in every case. The legislator's oath has an interpretation in terms of the Constitution which prescribes the oath. The interpretation may be given in the Constitution itself or may grow up by usage. So far as I understand the British Constitution, the oath of allegiance simply means that the legislator will in pushing forward his policy or point conform to the Constitution. I hold that it is open to the legislator consistently with his oath under the British Constitution to adopt measures in the legislature for complete independence. That to my mind is the saving grace of the British Constitution. I fancy that the members of the Union Parliament of South Africa take substantially the same oath as the members in India, but it is open to that Parliament today to declare complete independence without any violation of the oath of allegiance. It is because I have profound conviction that the British Constitution in theory permits of the fulfilment of the highest ambition of an individual or the nation of which he is a member that I advised the Working Committee to accept my formula for office acceptance. And it is in the same conviction that I am struggling to get the British Government to respond to it. I am painfully conscious that they would prolong the agony to the breaking point. But I know that if we have faith and grit we shall win at every point and reach our goal without shedding a drop of blood. The British people apply the same laws to the game of politics that they apply to the game of football which I believe is their invention. They give no quarter to the opponent and ask for none. The fundamental difference in our case is that we have abjured the use of arms. This has confounded them. They do not believe our protestations. They do not mind our agitation for complete independence so long as we keep it within the constitutional limit. What else can the legislators do or are they to do inside their assemblies? They may not take their pistols in their pockets. That would be a flagrant breach of the oath and also the law.⁶

Speakers and Politics

A member in the Assembly no doubt represents his constituency and his party but he also represents the whole of his province. A minister no doubt advances his own party but never at the expense of the nation as a whole. Indeed, he advances the Congress only so far as he advances the nation. For he knows that if he has no sword to give battle to the foreign ruler, he has it not to give battle to the adversary inside the nation itself. And since the Assembly is the place where all communities meet together willingly, it is the place where by winning over his opponents he expects to forge sanction which can be made irresistible. All the problems that affect the body politic including communal unity can be solved if the Assembly is regarded not merely in terms of the Government of India Act but as an instrument to be used for solving questions which representatives of different communities composing the nation can be expected to solve if they had unrestricted powers. And the Government of India Act does not prevent the use of the Assemblies for solving the many problems which are outside its scope but which are necessary for national progress.⁷

Looked at from the point of view here suggested, the Speaker's position assumes very high importance, greater than that of the Prime Minister. For he has to discharge the functions of a judge while he occupies the chair. He has to give impartial and just rulings. He has to enforce decorum and laws of courtesy between members. He has to be calm in the midst of storms. He has opportunities of winning over opponents which no other member of the House can possibly have. Now if a Speaker outside the House ceases to be impartial and indulges in party polemics, he cannot possibly carry the weight he would if he observed impartiality and calmness everywhere. I claim that if a Speaker cultivates the habit of uniform impartiality outside his own very limited sphere, he will enhance the Congress prestige. He can, if he realizes the unique opportunity his office gives him, pave the way for the solution of the Hindu - Muslim tangle as also many others. Thus, in my opinion the Speaker, if he has to be that not only inside but outside House, must be a first-class Congress man. As a man too he has to have a character without reproach. He must be able, fearless, naturally just, and above all truthful and non - violent in thought, word and deed. Then he may stand on any platform he likes. ⁸

What about Women?

My appeal to women, therefore, is that they should intelligently become the personification of renunciation and thereby not only adorn but also raise the status of their sex and the nation. So long as considerations of caste and community continue to weigh with us and rule our choice, women will be well as viced to remain aloof and thereby build up their prestige. The question is as to how best this can be done. Today few women take part in politics and most of these do not do independent thinking. They are content to carry out their parents ' or their husbands ' behests. Realizing their dependence, they cry out for women's rights. Instead of doing this, however, women workers should enrol women as voters, impart or have imparted to them practical education, teach them to think independently, release them from the chains of caste that bind them so as to bring about a change in them which will compel men to realize woman's strength and capacity for sacrifice and give her places of honour. If they will do this, they will purify the present unclean atmosphere. So much for women. As to men, they should consider it their duty to come out of the impure atmosphere wherever it exists. They will not be guided by considerations of caste and community if these are banished from their own minds. Where capable women have been left out men should make amends. It is their duty to give such encouragement to women as will enable them to outshine men. If both parties act as suggested the atmosphere will soon become pure. Whether men do so or not, women's duty is, to my mind, clear. ¹⁰

Soil corrosion eats up good soil. It is bad enough. Caste corrosion is worse, it eats up men and divides men from men. Letters continue to come from Christians, Parsis, naturally from Scheduled castes and women. They require representation in the ministry. Provincial competition is already there. The makers of ministries are not free from the taint and even when they do not favour it, they will lose caste if they dare to do the right thing and restrict their choice to merit only.

References:

1. M.K. Gandhi, Compiled and edited by V.B. Kher, Political and National Life and Affairs, Vol. I, Navajivan, Ahmedabad, 1967, p. 73-74. Young India, 19-5-20, p. 5

2. Ibid. Young India, 19-5-20, p. 5
3. Young India, 19-5-20, p. 5
4. Young India, 19-5-20, p. 5
5. Young India, 19-5-20, p. 5
6. Harijan, 22-5-37, p. 116
7. Harijan, 16-7-38, p. 184
8. Harijan, 16-7-38, p. 184
9. Harijan, 16-7-38, p. 184
10. Harijan, 16-7-38, p. 184