

# 1. Dadabhai's Constitutionalism And Its Relevance to Modern India

**D**ADABHAI WAS INDEED THE FIRST great constitutionalist (though let us hope not the last) that India produced. This brief paper concerns itself with tracing Dadabhai's contribution to the growth of constitutionalism in this country and the lesson to be learnt from his experiment in constitutionalism.

Very broadly Dadabhai understood constitutionalism to mean adherence to the principles of established law and custom. Dadabhai did not understand constitutionalism to mean the preservation of the *status quo* in and under all circumstances. Constitutionalism did permit change but the change was not to be by violent or revolutionary means. It was to take place within the constitutional or established principles of law and custom, by what Dadabhai chose to describe as constitutional agitation.

Dadabhai considered the Queen's Proclamation and the various pledges made by the British monarch and authorities in India, and above all else, the established principles of English Common Law, as his constitution. He claimed that England could not govern her White subjects by one law and her Indian subjects by another. "Britain is the parent of free and representative government", he argued., "and we as her subjects and children are entitled to inherit the great blessings of freedom and representation". He believed that the denial of common law benefits to Indian

subjects was "Un-British". Dadabhai used the terms "Un-British" and "Un-constitutional" as interchangeable. Dadabhai understood constitutionalism to mean such values (derived from English constitutional history) as the responsibility of the Government to the governed, fair-play, equal justice among men, rule of law, and compromise and conciliation as the proper means of settling disputes. In short, it meant allegiance to all that parliamentary democracy implied.

Dadabhai did not embark on any elaborate discussions of first principles. He was no political theorist. He rarely spoke in terms of abstract equality or freedom. He always spoke in terms of the freedom or equality as promised in the Queen's Proclamations and in the various Charter Acts. The fact that the Queen and her Government were British did not seem to perturb Dadabhai as much as the fact that the Government sought to maintain deliberately its Un-British character on Indian soil. He spent his whole life urging that British rule be based on British principles, institutions and citizenship and not on despotic and arbitrary whims of a few white bureaucrats.

Dadabhai's goal was to introduce self-governing parliamentary institutions in India gradually and through constitutional methods. He wanted to build up an indigenous tradition of representative and responsible government. Hence he seemed less eager to eliminate

British rule as to use it for educative purposes. He considered himself a friend of political reforms and an enemy of revolution, but the reforms he wanted were calculated to revolutionize British-raj. He was more concerned with the responsibilities of power than with its immediate seizure. He aimed at a gradual transfer of power which would proceed along with the inculcation of such habits of mind as are ordinarily associated with parliamentary democracy viz. legality, tolerance and compromise in settling political disputes and effecting political change.

An upsurge of political interest amongst thinking Indians occurred around 1850 as the Charter of the East India Company was to be renewed in 1853. Calcutta and Madras led the way by forming political associations viz. the British India Society (1843) and the Madras Native Association (1851). In Western India, Dadabhai and others started the Bombay Association at about the same time (1851). The earliest thing the Bombay Association did, under Dadabhai's Guidance, was to draw up a petition criticising the government of the East India Company and demanding a more enlightened system of government.

This demand caused a minor rift in the Association. Some members like Maneckji Cursetji issued a pamphlet urging the Association to go slow in its demands. "First creep, then walk, then run" was their refrain. But Dadabhai rejected this contention that we must first deserve and then desire. His reply was, "It is futile to tell me that we must first wait till all the people are ready. The British people did not so wait for their parliament, ... We can never be fit unless we actually undertake the work and the responsibility". Dadabhai was aware of the fact that the British may not easily concede freedom and the path was long and arduous. But then he reminded the people that even in Britain this had been the

case. He reminded the people of the long fight put up by Bright and Cobden for the repeal of the Corn Laws and of the prolonged agitation for the reform of parliament. Dadabhai was determined to follow the methods which he considered had proved so successful in Britain.

These early political associations were the precursors of the Indian National Congress that was founded in December 1885. At the very first session of the Congress, Dadabhai demanded the setting up of Legislative Councils. It was the unshakeable faith Dadabhai had in the efficacy of parliamentary institutions that made him seek election to the British House of commons. As he put it he wanted an opportunity to put India's just case directly before the rulers. Dadabhai's maiden speech in the House on 9th August 1889 brings out his faith in parliamentary institutions and the British people. "I stand here" he said,

...as an Indian to speak freely in the English language of any grievance India may be suffering under, with the conviction that though he stands alone, with only one vote, whenever he is able to bring forward any aspirations and is supported by just and proper reasons, he will find a large number of other members from both sides of the House ready to support him... It is that conviction that enables us to work on, day after day, without dismay for the removal of a grievance.

Dadabhai, in particular, looked to the British liberals for support since they had (under Gladstone) supported the demand for Irish Home Rule. In 1905, when the liberals did come to power, Dadabhai wrote to Gokhale, "It is in parliament that we have to fight our last fight and say our last word".

Dadabhai's constitutionalism did not imply passively accepting the raj. If Dadabhai's

constitutionalism contained a conservative strain which emphasised law, order and the existing political order, it also contained a progressive strain tending to project an ideal order which was to evolve from and replace the existing order. This is why Dadabhai was constantly urging people to agitate for their rights. Agitation was the life blood of constitutionalism. This comes out clear in his following passage :

What is wanted for us is to learn the lesson from the British themselves, to agitate most largely and most perseveringly by petitions, demonstrations and meetings, all quite peacefully but enthusiastically conducted... Agitation is the life and soul of the whole political, social and industrial history of England... Agitation is the civilized, peaceful weapon of moral force and infinitely preferable to brute physical force when possible.

In his 1906 Presidential address at the Calcutta Congress Dadabhai pointed out how English newspapers from beginning to end contained views only of agitations, congresses and conferences and how from the prime-minister down to the humblest politician everyone's occupation was primarily agitation. Constitutionalism, as Dadabhai saw it, did not mean mendicancy. "These petitions" Dadabhai explained "are not begging for any favours any more than the conventional 'your obedient servant' in letters makes a man an obedient servant". In Dadabhai's view petitions were simply a conventional and civilized way of approaching authority for rights, for justice or for reforms and of putting (constitutional) pressure on parliament by showing how the public regard any particular matter.

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\* The practice hitherto followed was to hold these examinations in England, a fact which put the Indian candidates to grave disadvantage & inconvenience when compared to his English competitor.

In keeping with his unflinching faith in constitutional agitation, Dadabhai never spoke in terms of Natural Rights but always the "pledged rights of the British" linking up all his demands with the various royal proclamations and solemn pledges made by British statesmen. This constitutional approach of Dadabhai can be illustrated with reference to almost all the causes for which he fought, whether it was the demand for Indianization of the services, or the demand for a free press and representative institutions or equal financial relations with Britain.

Almost the first political subject that attracted Dadabhai's attention was the employment of Indians in the Indian Civil Service. The old system of nominations had just been replaced by recruitment by open competition and examinations, when all of a sudden, the India Office announced a reduction in the age limit from 23 years. As a consequence, young Wadia, the very first Indian student, was debarred from appearing for the examination. Dadabhai, who was then in London, took up the cause of young Wadia. The change in the age limit, he protested, should have been notified beforehand. Dadabhai got MPs like John Bright to take interest in the case and kept up correspondence with the British authorities till an assurance was given by the Secretary of State in a letter that, "No further changes in the the civil service regulations would at any time be made without due publicity being given to them at the earliest possible period."

Wadia's case made Dadabhai subsequently take up the larger issue of the desirability of holding simultaneous examinations in India and England for the ICS. \* With this objective in mind he entered into correspondence with the India Council reminding them of the pledges and the Proclamation. He persevered until in 1893 the House of Commons by a

majority declared itself in favour of simultaneous examinations.

Dadabhai vehemently protested against the Education department's policy of recruiting Englishmen. "We have BAs, MAs, M. Eds, he stated and yet are not found fit to teach our countrymen". Claiming that this policy of trying to squeeze in Englishmen, wherever it was possible, was against the pledged rights, Dadabhai demanded that "Just as the administration of UK in all departments.. is in the hands of the people of that country themselves, so should we in India claim that the administration in all services, departments, and details should be in the hands of the people of India themselves."

As a constitutionalist, Dadabhai was a zealous defender of the freedom of the press and never failed to remind the British of their duty to uphold this freedom. When the British India Government began to take strong action against Tilak and his paper, Dadabhai condemned this gagging of the press in no uncertain terms as not only a departure from the principles on which British rule was based but also as suicidal. "You are introducing the Russian system" he told the British, "under which a man can be arrested, imprisoned and sent away without trial and reason." Subsequently when Tilak was arrested and prosecuted, Dadabhai became more vehement in his criticism. "There never was a greater mistake" he warned the British. In a letter to his English friend Hyndman written in 1897, Dadabhai bitterly complained about the British attitude and India's helplessness thus : "John Bull does not understand the bark. He only understands the bite and we cannot do this."

Dadabhai always insisted with the British that they keep the people informed. Only informed subjects can be loyal, he argued. In this respect Dadabhai was ahead of his times in

insisting on the right to information.

Dadabhai's early loyalty to the British stemmed largely from his love of constitutionalism and fair play which he believed firmly were the two great gifts the British could bestow on India. It was this belief of his that made him urge fellow-countrymen "to work in harmony, with moderation, with loyalty to the British and patriotism towards our country." This early misplaced faith in the British character rings clear in Dadabhai's following words, "The peculiar happy combination of high civilization, intense love of liberty and nobility of soul in the British cannot but lead them to the desire of the glory of raising a vast nation, instead of trampling upon them."

As the British, however, paid no heed to Dadabhai, as they continued to drain the wealth away from India and denied a representative voice to Indians in legislation, Dadabhai began to lose patience and towards the close of his life became an angry man. His language turned revolutionary with each successive disappointment. Finally in 1905 in a letter to Dinshaw Wacha, Dadabhai spoke of self-government as the only panacea for all India's ills. In his famous 1906 Congress Presidential address Dadabhai finally gave the call for *swaraj* or "self-government like that of UK or the colonies". This was the first time the Congress officially formulated the demand for *swaraj*. By 1906 Dadabhai was too old to be anymore active in politics, but this did not prevent him from warning the British of a violent revolution if constitutionalism failed. The ultimate character of the revolution in Dadabhai's prophetic words would depend on the wisdom or unwisdom of the British government and actions of the British people.

Dadabhai's experiment in constitutionalism teaches us that constitutionalism can work only

in a society where the government has a conscience. Dadabhai was fully aware of this when he pleaded that we should "appeal" to the British precisely because they were a justice-loving and fair-minded people. It was only when the British showed beyond doubt that they lacked the conscience that Dadabhai had mistakenly thought they possessed that his tone and mood turned revolutionary. The lesson to be learnt from Dadabhai's experiment in

constitutionalism is not any less relevant to modern India.

**Note :** All quotations cited in the essay are from R. P. Masani, *Dadabhai Naoroji, the Grand Old Man of India*, George Allen, London, 1939; and *Essays, Speeches and Addresses and Writings of Dadabhai Naoroji*, edited by C. L. Parekh and published by Caxton Printing Works, Bombay.

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