CHAPTER – III
NEHRU’S IDEA ON STATE

Jawaharlal Nehru expressed his idea for a free independent India, which can play an active part in the contemporary world affair. In his presidential address of the Congress Party at Lahore in 1929 Nehru expressed, ‘If the Calcutta resolution holds, we have but one goal to-day, that of independence. Independence is not a happy word in the World today for it means exclusiveness and isolation. Civilisation has had enough of narrow nationalism and groups towards a wider co-operation and inter-dependence. And if we use the word independence we do so in no sense hostile to the longer idea. Independence of us means complete freedom from British domination and British imperialism. Having attained our freedom I have no doubt that India will welcome all attempts at world co-operation and federation and will even agree to give up part of her own independence to a larger group of which she is an equal member’.1 Regarding the controversy of choosing either independence or Dominion status by the Congress Party, he firmly declared in his speech that ‘we have had much controversy about independence and dominion status and we have quarrelled about words. But the real thing is the conquest of power by whatever name it may be called. I do not think that any form of

1. Nehru Papers (Pre 1947) S. No. 204, pp. 36-37, NMML, New Delhi.
dominion status applicable to India will give us real power. A test of this power would be the entire withdrawal of the alien army of occupation and economic control. Let us therefore concentrate on these and the rest will follow easily. We stand therefore today for the fullest freedom of India. This Congress has not acknowledge and will not acknowledge the right of the British Parliament to dictate to us in any way. To it we make no appeal. But we do not appeal to the Parliament and conscience of the world, and to them we shall declare, I hope, that India submits no longer to any foreign domination. Today or tomorrow we may not be strong enough to assert our will. We are very conscious of our weakness and there is no boasting in us or pride of strength. But let no one, least of all England, mistake or underrate the meaning or strength of our resolve. Solemnly, with full knowledge of consequences I hope we shall take it and there will be no turning back. A great nation cannot be thwarted for long when once its mind is clear and resolved. If today we fail and tomorrow brings no success, the day after tomorrow will follow and bring achievement'.

Nehru made up his mind and tried to resist the British persuasion to maintain India as an unit of British Empire as 'we are told that independence is narrow creed in the modern world, which is

2. Nehru Papers (Pre 1947) Serial No. 204, pp. 40-41, NMML, New Delhi
increasingly becoming inter-dependent, and therefore in demanding independence we are trying to put the clock back. Liberals and pacifists and even so called socialists in Britain advance this plea and chide us for our narrow nationalism, and incidentally suggest to us that the way to a fuller national life is through the 'British Commonwealth of Nations'. It is curious how all roads in England-liberalism, pacifism, socialism lead to the maintenance of the Empire. 'The desire of a ruling nation to maintain the status quo', says Trotsky, 'Frequently dress as a superiority to 'nationalism', just as the desire of a victorious nation to hang on to its booty easily takes the form of pacifism. Thus MacDonald, in the face of Gandhi, feels as though he were an internationalist'.

Nehru tried to establish that the so called internationalist British tried to utilise the potential resources of India for the industrial need of themself. He expressed that 'Recent development have shown all over the world how the various imperialist systems are isolating themselves more and more by autarchy and economic imperialism. Instead of the growth of internationalism we see a reversal of the process. The reasons for this are not difficult to discover, and they indicate the growing weakness of the present economic order. One of the result of this policy is that while it produces greater co-

operation within the area of autarchy, it also means isolation from the rest of the world. For India, as we have seen by Ottawa and other decisions, it has meant a progressive lessening of our ties and contacts with other countries. We have become, even more than we were, the hangers on the British industry; and the dangers of this policy, apart from the immediate harm it has done in various ways, are obvious. Thus Dominion status seems to lead to isolation and not to wider international contacts'.

Nehru had faith on representative government as an acceptable system of Government, working successfully in England for changing the system from Absolute monarchy to limited monarchy and democracy. But, he tried to establish it that democracy is a form of government which is not only a political process but it should be a way of life, which the Britishers consciously neglected to their colonies due to their own prosperity as well as economic interests. Nehru had in his mind the idea of a sovereign state, which the Britishers after taking the charge of governance of India never tried to establish.

Regarding the administration of India, British Parliament made laws after the famous proclamation maid by Queen Victoria at The Queen's Proclamation on November 1, 1858, assuring the Princes that

their territories would remain safe in their hands and comforting the people that she would treat them as she treated her British subjects, and would strive to promote their welfare.

The first effort to make the entry of Indians in the administration of India was made by the enactment of the Indian Council Act, 1861 and Policy of Association, which enlarged the membership of Viceroy's Executive Council from 4 to 5 and started to include a body of non-official Indian members as additional members. These additional members and Executive Council made Viceroy's Legislative Council, whose function was strictly limited to legislation, and was not competent to control the executive, audit, and could not ask questions, move resolution and discuss the budget. But this act for the first time gave the Indians the right to access into the legislation in the administration in Executive Council and it paved the way for future Indian association with British administration of India. With this Indian Councils Act, 1861 for the first time in British India, the nominees from Indians to Executive Council got the right to sit for legislative purposes. And British converted her autocracy into benevolent despotism with which Indians were to be associated. So, the system of legislature to make laws had started in India in its embryonic form and Britishers changed their despotic rule to benevolent despotism.
The Indian Council Act of 1892, which was passed after 7 years from the establishment of Indian National Congress in 1885 made provisions to increase the number of Indian members as well as the enlargement of powers and functions of legislative council was done. The Act introduced a kind of indirect election of non-official members. Moreover, Councils could influence the executive. The right of asking questions and discussing the budget was given for the first time. The Act of 1892 thus sowed the seeds of responsible government, and the significance of the Act was that it had enlarged the Legislative Council in numbers and powers.

The next step taken by the Britishers was in 1909. The rise of extremism in Indian National Congress under the leadership of Lokmanya Bal Gangadhar Tilak, the agitation against the partition of Bengal, the victory of puny Asiatic power Japan over mighty European power Russia in the Russo-Japanese War (1904-05), establishment of Muslim Leagues (December, 1906) and other factors led to the enactment of the Indian Council Act or Monley-Minto Reforms Act. 1909. The main constitutional aspect of this Act was that for the first time an Indian was given a membership in Viceroy's Executive Council. And one Lord Sinha became the first Indian to became the
member of the Executive Council. The Act made great changes about the numbers, power and functions and mode of appointment of members of Legislative Council and it was increased from maximum of 16 (1892) to maximum of 60. In case of inclusion of Indian member in Executive Council of Bombay and Madras also was started and the number of Executive Council member increased to 4 and 1 Indian member was included regularly in that Council. The number of members in Provincial Legislative Council also was increased from 20 to a maximum of 50. Regarding the powers of the Legislative Council, the Council can discuss the Budget, pass the resolution and can do many more in other matters. In the provincial legislature the system was so made as such that method of appointment of members also was changed. In the provincial Legislative Council some members were official members, some members were non-official members and some non-official members were elected by the Chamber of Commerce, Universities and other local bodies. Though it had created certain new arrangement for Indian to take part in the administration but, Indians were unsatisfied with the arrangement made by the Act of sending the non-official members by indirect election and making of separate electorate for the first time for the communities based on religion.
During the time some political events inside and outside India created sensation in the minds of the Britishers. Reconciliation between the Moderates and the Extremists in the Congress, the Congress League Pact or the Lucknow Pact, 1916, the outbreak of World War I (1914-18), and the successful Bolshevik Revolution in Russia in 1917 moved the Secretary of States for India Edwin Montague to declare the August Declaration, August 20, 1917 which declared more opportunities for Indians to join in the administration, which will lead not only good government but responsible government for Indians. The main emphasis were (1) Indians were to be increasingly associated in every branch of administration. (2) Self-governing institutions were to be gradually developed and (3) India was to be granted the responsible government. Thus the August Declaration advocated by Montague was implemented by Viceroy Lord Chelmsford as Montford Report of 1919 or the Government of India Act, 1919.

The Act tried to give representatives of the people share in the government and in the Governors' Provinces; diarchy system of government was introduced. This Act has introduced bicameral legislature in the Centre. The system has made as such that the Council of States made as the Upper House with 60 members, Legislative Assembly was made as Lower House with 145 members, and in both
the houses there was elected and nominated members. These elected members were elected directly by the people. In case of provinces the legislature was constituted as an unicameral one and about 70% of the members were elected directly by the people. This Act further divided the powers of the states in the name of subjects between the Central and provincial legislatures. The subject further divided into two kinds like transferred and reserved and in the Central legislature as well as in the provinces. Elected members got the right to initiate legislation, ask questions and enjoy the right to speech. So, the Government of India Act, 1919 which tried to give more powers in the hands of the Indians and a share in the governance but, could not achieved success due to certain basic drawback Britishers did not want to remove. The first drawback was that most of the women were not recognised as voters. the communal representation system started with the Indian Councils Act of 1909 was only extended and the autocrats entrusted with the Governor-General and Provincial Governors were the means of control which made the whole system a failure and the Diarchy system also failed in the provinces.

So, the kind of administration which Britishers tried to establish in India rejected by Indians and Indian National Congress and the
reparcation was became very intense after the occurrence of Jalianwala Bagh Massacre in Punjab.

After the occurrence of Jalianwala Bagh Massacre both Indians and Britishers tried to make their stand very strong, as Indians wanted more powers in sharing responsible government, Britishers tried to find out the defects of Indian Organisation and Indian leaders. Both the sides became more desperate in their strategies and in that time Simon Commission was appointed to see the implementation of the Government of India Act, 1919. The Commission which was headed by Sir John Simon. Two Indians Mr. Sakktwala and Mr. Sinha who at that time were the representatives of the House of Commons and House of Lords respectively were also the members of the Commission besides other four British members of Parliaments. To the utter surprise of many, Indian members were left out from the Commission when they came for investigation in India, the Indian National Congress annoyed, and they organised protest rallies throughout the country where Commission went on. In Punjab in the protest rally Lala Lajpat Rai got severe injury and that lead to his death. In Allahabad Jawaharlal Nehru, Govinda Ballav Pant got severe lathi blows while protesting against the Commission’s activities.
During the time when Congress was organising protest against Britishers the Conservative party Secretary of State for India Lord Birkenhead had made a derogatory remark on the leaders of freedom movement of India that while Indians could agitate against Britishers, unable to produce constructive statesmanship and the political parties failed to unite and draft a constitution for India. Accepting the challenge and insult by the Secretary of State, Congress Party took serious initiative to make a Constitution for India. Towards the end of February, 1928, an All Parties Conference was held in Delhi which was represented by 29 organisations and they met again in Bombay and Lucknow. A Constitutional Committee was made headed by Pandit Motilal Nehru by the All Parties Conference and submitted the famous Nehru Report giving a Draft Constitution. The Constitution envisaged a sovereign state having a strong central government. A bi-cameral legislature at the centre with an executive collectively responsible to it. Proposal was made to form linguistic provinces, the establishment of a link between the central government and the Princely states, the abolition of communal electorates and introduction of joint electorates and the grant of fundamental rights of citizens. These are the main principles regarding making of a political system was made by this report. This Nehru Report spoke volume of the constructive approaches
of Indian leaders and their seriousness to shoulder responsibilities of government as well as of the Congress Party. During this development of Constitutional structure of state, Nehru also developed his idea about the state. During 1930, 1931 and 1932 three round table conferences were held which led to the formation of Government of India Act, 1935, which bought the Provincial Autonomy for the first time and the act came into force from April 1, 1937. With Provincial Autonomy for the states the Act made India a federation. But the scheme could not be implemented completely with its true letter and spirit at the advent of Second World War, also because its rejection by the princely states. But the provincial governments installed at that time got the opportunity to have experience and test of Provincial Autonomy. This test of power and experience of Provincial Autonomy confused Nehru about his concept of state in particular and Congress in general.

Nehru rejected the idea of Government of India Act, 1935, which tried to establish a Federation where safeguards and special powers are entrusted in the hands of Viceroy and Governors and not with the people of the states. The Act tried to establish a federation under the British government rejecting the basic need of the state - sovereign powers or complete independence with the power at the hands of the people. He stated, 'In world affairs today, England is often
referred to as a democratic nation, and yet the democracy underlying Britains government can be judged by the new constitution in India with all its safeguard and special powers vested on the Governors and the Viceroy. Even here so by the proposed federation which seeks to fasten up the feudal states and through them British Imperialism. India will resist this federation and the imperialism that lies behind it and we shall continue our struggle for freedom whether war comes or crisis". 5

Regarding the administration of Indian feudal states Nehru pointed out ‘The Indian states still function in their old bad way and try to hold on to a century that is past. They endeavour to crush all attempts of political activity and yet all over India there is a steer and an awakening among the people of the states. The Congress objectives in regard to the states are clear. The independence of India includes the states, and the people of the states must have the same freedom as those who live in other parts of India. Our movement for freedom includes in its scope all the states. While the objective is clear, there has been some doubt as to the way of approach to it by the Congress. Some have advocated a policy of non-interference by the Congress in the states, leaving it to the people of the states to shoulder the burden of their struggle. Inevitably that burden must fall on them, but it is

neither possible nor desirable for the Congress to keep aloof. We can and should prevent the name of the Congress being exploited, but the Congress is vastly interested in every strength for freedom in the states and, whenever possible, it has to give its support. The states are dark and unwholesome corners in India where strange things happen and people disappear leaving no trace behind. During the past year, one of the most advanced states in India, Mysore, has gained an unconvincable notoriety because of its attempts to crash an agitation aiming at responsible government in the state. The AICC passed a resolution condemning the repression there. This resolution was criticised as ultra-vires by Gandhiji, but I think it was entirely in the confidence of the AICC. If a state like Mysore behaves in this fashion, what shall we say of the other states'.

Regarding the demand for a sovereign state for Indias in 1935 Nehru wrote, 'Divide and rule has always been the way of empires, and the measure of their success in this policy has been also the measure of their superiority over those whom they thus exploit. How are we to provide against it? Not surely by bargaining and haggling and generally adopting the tactics of the market place, for whatever offer we make, however high our bid might be, there is always a third party which can

6. Nehru Papers (Pre 1947), Serial No. 162, pp. 35-36, NMML, New Delhi
bid higher and what is more, give substance to its words. If there is no common national and social outlook, there will not be common action against common adversary. If we think in terms of the existing political and economic structure and merely wish to tamper with it here and there, to reform it, to Indianise it, then all real inducement for joint action is lacking. The object then becomes one of sharing in the spoils and the third and controlling party inevitably plays the dominant role and hands out its gifts to the prize boys of its choice. Only by thinking in terms of a different political framework- and even more so a different social framework-can we build up a stable foundation for joint action'.

Nehru as a member of Congress Party tried to demand for organisation of a Constituent Assembly for making the Constitution of India. What kind of states in India should have is to be decided by the people representing in the Constituent Assembly. Nehru wrote, on 5th September, 1937, ‘what will be the function of this Assembly? Only to frame a Constitution and nothing more. Houring done so it will cease to be and the new Constitution will begin to function. Thus the Constituent Assembly will not frame other laws, and therefore to discuss other laws now is entirely beside the point’.

Regarding the need of unity among the people of the area in order to establish a strong united country he stressed for harmony among the communities of India instead of separatist tendency which would weaken the nation. In a report submitted to the All India Congress Committee, Haripura, February, 1938 Nehru stated, 'we have recently a strange and disturbing outburst of communalism. We have welcomed the new orientation of the Muslim league into its objective of independence. We have welcomed the rapidly rising political consciousness of the Muslims, which has sent large numbers of them to the Congress and moved large numbers of others to function outside the ranks of the Congress. But the communalism that these latter have exhibited has been distressing for separatism is always a sign of backwardness. But far more distressing has been the singular lack of decency and the ordinary standards of public life that has been in evidence. Violence has often been encouraged and has already led to some deplorable occurrences. But this will pass and what will remain is the new awakening among the Muslim masses. It will pass if the Congress holds hard to its policy of treating all minorities with not only full justice but generosity so as to gain their confidence and good will. It will pass because other more vital problems confront us'.

On Sir Stafford Cripps statement on India's demand for freedom, Nehru issued a press statement on 15.4.1942, where he wrote, 'among the many astonishing things the Sir Stafford Cripps said in the statements made by him on the eve of his departure was thus: that the Congress wanted everything or nothing and now they have nothing. Only the last part of the sentence is true and it has been true for all these years. But if Sir Stafford imagined that what are suggested to him was all that we have wanted or want today, he was grievously mistaken. For we have wanted and suffered for complete independence in the present and the elimination of every foreign control in the political, economic and every other domain. We have wanted to live our lives in our own way without interference from any outsider and though we cannot unwrite the history of the past century and a half and the painful memory of it will persist, yet we want to remove everything, in so far as we can, that might keep the memory of our subjection fresh. We want to get rid of this world of excellencies and highness and the pomp and pageantry and wasteful extravagance and incompetence of our British rulers. We want to say to them, as I have said in the great Englishman, 'You have sat too long here for any good you have been doing, Depart, I say, and let, us have done with you. In the name of God, go!'

Nehru rejected the idea of Nation as a medieval theory and not to be applicable in India which was the basis of Mr. Jinnah’s Two-nation theory developed for the conception of Pakistan. Nehru expressed the urge to establish a multi-national federation where the component units have developed the national consciousness a sense of belonging together. Nehru wrote in 1944, while analysing the question of the Muslim League, Mr. M. A. Jinnah and his Demand of Pakistan as, ‘what a nation is it is difficult to define. Possibly the essential characteristic of national consciousness is a sense of belonging together and of together facing the rest of mankind. How far that is present in India as a whole may be a debatable point. It may even be said that India developed in the past as a multi-national state and gradually acquired a national consciousness. But all these are theoretical abstractions which hardly concern us. Today the most powerful states are multi-national, but at the same time developing a national consciousness, like the USA or the USSR’.\(^{11}\) Nehru stressed the unity as a force to develop a strong multinational state. He wrote ‘From Mr. Jinnah’s two nation theory developed the conception of Pakistan or splitting up of India. That of course, did not solve the problem of the

'two nations', for they were all over the place. But that gave body to a metaphysical conception. This again gave rise to a passionate reaction among many in favour of the unity of India. Ordinarily national unity is taken for granted only when it is challenged or attacked, or attempts are made to disrupt it, is unity really appreciated, and a positive reaction to maintain it takes place. Thus sometimes attempts at disruption actually help to weld that unity'.

In 1946, Nehru became the President of Congress Party and AICC met in Bombay to consider the Cabinet Mission Plan. Though the Congress Working Committee accepted the Cabinet Mission Plan but unhappy about the provisions of the plan. On 10th of July, 1946. Nehru in a statement rejected the grouping system mentioned in the Cabinet Mission Plan and advocated for a strong central government having more powers to maintain the unity of the Indian Union. On 27th July, 1946, Mohammad Ali Jinnah withdraw Cabinet Mission's long term plan and called for 'Direct Action' to achieve the goal of Pakistan. Though Congress was committed to join in the Constituent Assembly. Muslim League boycotted Mission’s plan. On September 2, 1946. Nehru with the request from Viceroy Mr. Wavell joined as the Vice President of Viceroy's Executive Council as well as the Prime Minister.

of Interim Government with the charge of the Member for External Affairs and Commonwealth Relations.

As the Prime Minister of Interim Government Nehru on 13th December, 1946, proposed for the objective resolution of Indian Constitution in Constituent Assembly. These aims and objectives of Indian Constitution was adopted unanimously on 22nd January, 1947 by the Constituent Assembly after 6 weeks of deliberation in the House and after withdrawing of amendments proposed by Dr. M. R. Jayakar (Bombay, General), Rai Bahadur Shayananda Sahai (Bihar, General), Dr. M. R. Jayakar and Dr. B. R. Ambedkar (Bengal, General) appealed to wait for the coming of the member of Muslim League and the states representatives to the Constituent Assembly. The resolution was adopted unanimously by the members standing in their places and by giving their vote in favour of it.

Nehru prepared the objective resolution for the Indian Constitution and he spoke for an Union which will represent various nationality of Indian Communities and stressed to maintain unity of the union. The aims and objects as proposed and accepted are –

1. The Constituent Assembly declares it firm and solemn resolve to proclaim India as an independent sovereign
republic and to draw up of her future government a Constitution.

2. Wherein the territories that now comprise British India, the territories that now form the Indian states, and such other parts of India as are outside British India and the states as well as such other territories as are willing to be continued into the Independent Sovereign India, shall be a union of them all; and

3. Wherein the said territories whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the Law of the Constitution, shall possess and retain the status of autonomous units, together with residuary powers and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the union or as are inherent or implied in the union or resulting therefore: and

4. Wherein all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people and
5. Wherein shall be guaranteed and secured to all the people of India justice, social, economic and political; equality of status, of opportunity and belief, faith, worship, vocation, association, and action subject to law and public morality and

6. Wherein adequate safeguards shall be provided for minorities, backward and tribal areas and depressed and other backward classes; and

7. Whereby shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea and air according to justice and the law of civilised nations, and

8. This ancient land attains its rightful and honoured place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind.¹³

The Federal system which was tried to establish in India on the basis of the Government of India Act, 1935, by the British Crown, ‘by creating autonomous units and combining them into a federation by one and the same Act’,¹⁴ could not fully come into being as Indian states refused to join it. Jawaharlal Nehru also spoke in the objective

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resolution for such an union in India which was constituted of British India, Indian states and any other areas outside the British India like to join for a sovereign independent state. So, it was an union comprising different parts but neither organised on the basis of an agreement like a federation nor gave the right to secede to the units. Though the motto of the freedom movement was self governance, but by inclusion of the declaration, ‘whereby shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea and air, according to justice and the law of civilised nations’, the constitution made the provision to keep more powers with the union government and the unitary tendency of the state.

The report of the Union Powers Committee was placed before Constituent Assembly on 20th August, 1947, with the Chairmanship of Jawaharlal Nehru. The Committee reported as, ‘Now that partition is a settled fact, we are unanimously of the view that it would be injurious to the interests of the country to provide for a weak central authority which would be incapable of ensuring peace, of co-coordinating vital matters of common concern and of speaking effectively for the whole country in the international sphere. At the same time, we are quite clear in our minds that there are many matters in which authority must be

solely with the units and that to frame a Constitution on the basis of a unitary state would be a retrograde step, both politically and administratively. We have accordingly come to the conclusion- a conclusion which was also reached by the Union Constitution Committee that the soundest framework of our Constitution is a federation with a strong centre. In the matter of distributing powers between the centre and the units, we think that the most satisfactory arrangement is to draw up three exhaustive lists on the lines followed in the Government of India Act, of 1935, viz. the federal, the provincial and the con-current. We have prepared three such lists accordingly and these are shown in the Appendix. We think that residuary powers should remain with the centre'.

The peculiarity of Indian Federation as accepted in the Government of India Act, 1935, of converting an unitary system into a Federal system was explained in the words of Joint Parliamentary Committee on Indian Reforms as made by British Parliament. 'Of course in thus converting an unitary state into a federation, we should be taking a step for which there is no exact historical precedent. Federations have commonly resulted from an agreement between independent or, at least, autonomous governments, surrendering a

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defined part of their sovereignty or autonomy to a new central organism. At the present moment the British Indian Provinces are not even autonomous for they are subject to both administrative and legislative control of the Government and such authority as they exercise has been in the main devolved upon them under a statutory rule making power by the Governor-General in Council. We are faced with the necessity of creating autonomous units and combining them into a federation by one and the same Act'.

'What the makers of the Constitution did was to associate the Indian states with these autonomous provinces into a federal union, which the Indian states had refused to accede to, in 1935'. Nehru accepted federalism in theory and an unitary system in practice, which was revealed in the distribution of legislative powers in the report of Union Power Committee.

Nehru as the Chairman of the Union Constitution Committee stated in a letter to the President, Constituent Assembly of India on 5th July, 1947, 'On the 28th April, 1947, the Honourable Sir N. Gopalaswamy Ayyanger on behalf of our Committee, presented our first report to the Constituent Assembly. In doing so, he referred to the

changes that were developing in the political situation and were likely to affect the nature and scope of the Committees recommendations, and sought permission to submit a supplementary report as a later date. The House was pleased to grant us leave to do so.

We recommended to the Assembly the proposals, contained in para 2-D of our previous report on the subject of Federal Taxation. The Committee recommended the following sources of revenue for the union –

1. Duties of custom, including export duties.
2. Excise duties.
3. Corporation tax
4. Taxes on income other than agricultural income.
5. Taxes on capital value: of the assets exclusive of agricultural lands of individuals and companies; taxes or capital of companies.
6. Duties in respect of succession to property other than agricultural land.
7. Estate duty in respect of property other than agricultural land.
8. Fees in respect of any of the matters in the list of union powers; but not including fees taken in any court other than the union court.

It is quite clear, however, that the retention by the Federation of the proceeds of all the taxes specified by us would disturb, in some cases, violently, the financial stability of the units and we recommend therefore that provision should be made for an assignment, or a sharing of the proceeds of some of these taxes on a basis to be determined by Federation from time to time'.

On the debates of the report of Union Power Committee on 21st August, 1947, Shrijut Omeo Kumar Das (Assam : General) spoke as 'I must bring to the notice of this house another fact in which my province is interested, in the list of subjects enumerated in the Federal list of subjects, I find migration and naturalisation. To my mind it appears these two subjects also should be put in the concurrent list or the language so attended as to permit the province to have scope of action in these two subjects. Sir, I do not know how other provinces feel, but it is sour point with us. We know how mass migration into Assam has altered the very complexion of the population. It has disturbed the

relative distribution in population. With the Communal Award and Communal representation it was not fair to us to allow mass migration on a large scale and in spite of the eviction that have been carried out in our province, I still find a large number of people who are not people of the province but only trespassers into government lands, still hanging on to the province, living with their relatives. In this sphere, Sir I want the members of the Committee and especially to mover of this motion to think more clearly on this point and permit the provinces to have some scope in this matter. If Assam which is the homeland of the Assamese people, if they cannot be protected, for myself, I think, I have no justification to come to this House. Assamese people have a language which is a separate language and which though Sanskritic in origin has got Tibetan and Burma influences and we must protect the Assamese people. In this view of the case I appeal to the mover of this motion to provide scope for action by the province'.

When Jawaharlal Nehru met the Great English Novelist writer George Bernard Show at Ayot St. Lawrence, in England on 29th April 1949, he said, ‘Indias Partition was equivalent to Ireland’s. Your later speeches established you as the only Asiatic equivalent to Stalin’.  

The role of Governors are also a matter of concern in identifying Nehru’s idea of State. In the debates of Constituent Assembly questions raised by the members about the mode of appointment of the Governors. Members urged to maintain the system that the Governors should be an elected members of the people of that particular state. Members want to oppose the amendment. Sri Rohini Kumar Choudhury objected for the procedure of appointment of Governors by the President as advised by the Prime Minister and the Cabinet as nominated representative of Central Government. It will always be an political appointment which may hamper the sound working of political system if conflict of interest arised from party line. In the debate Sri Choudhury spoke, ‘The Prime Minister is very much political man. He is the leader of some party and he will be guided by his party rank and files. He cannot have a detached view altogether’.

Nehru opposed to the idea of an elected Governor plus Parliamentary system of democracy during the Constituent Assembly debates. Nehru stated, ‘I should like to support fully the amendment proposed that the Governor should be a nominated Governor’. In maintaining the Federal nature of Indian Union this system hampered much as Constitution has given powers with Articles – 356, 360, 362 to declare

President Rule in States on the report submitted by the Governors. India has witnessed using these practice by honourable Governor which made a question mark of India’s claim as a federation. It revealed that India is much more an Unitary than Federal State which contradicted Nehru declaration during the years of freedom struggle.

As the leader of strong central government Nehru gave pressure to the Chief Ministers of the units which were revealed from the letter he wrote to the Chief Ministers. In one letter regarding the refugee problem to the Chief Minister Gopinath Bordoloi, on August 7, 1949, he wrote, ‘I do wish to write to you very strongly that Assam is gaining no credit whatever by her narrow-minded policy in regard to refugees and others. I have recently heard that a railway station scheme is being held up because Assam objects to Bengalis being employed there. This simply means that Assam will have to be left out of consideration in our general schemes of progress. It is not possible to have it both ways. Either Assam shifts for herself or she shares the burden of India and gets help from India’.24

In another letter to the Chief Minister of Assam Gopinath Bordoloi, dated August 7, 1949, Nehru wrote regarding the rise of

provincialism or regionalism – 'When I was in Calcutta last, I found very strong feeling against the anti-Bengali sentiment in Assam and numerous instances were given to me. This is a most undesirable development and I fear that Assam will suffer if this kind of thing continues. If Assam wants to follow a narrow provincial policy excluding others, there are bound to be reactions against Assam in other parts of India. It will be difficult for the central government to have any major scheme in Assam. I want you and your government to consider carefully the consequences of this policy. The Central Government cannot possibly encourage acute form of provincialism anywhere in India'.

Another members of Constituent Assembly, the Honourable Rev. J. J. M. Nichols Roy (Assam : General) asked to review the arrangement of distribution of legislative powers in his speech on 19.11, 1949 as — 'Now Sir I want to speak regarding the financial position, the relation between the states and the Central Government. We were of the opinion that there should be a definite percentage mentioned in the Constitution for the allotment of finance to the states especially the producing states, from the revenues derived from excise and export duties on tea, on petrol and on the jute by the Central

Government, but we were not successful in our attempt in this direction. The states have placed in the position that they are at the mercy of the centre. I am speaking of this here because I feel distressed on account of this. Had it not been for the fight Assam had at the commencement of this Assembly, we would have not been able to get the Constitution as we have got today. After Assam had been the cause of turning the course of events in India and this Constituent Assembly has had the freedom of making the Constitution as it is today. I believe this country will not leave Assam in a state of financial collapse. India must come to our rescue immediately'.

Jawaharlal Nehru who was the mover of the objectives Resolution of Indian Constitution and recognised as an apostol of Nationalism during freedom movement days by his speeches and writings but when power came in his hand he hesitated to grant adequate financial powers in the hands of the units in Indian union. So, his idea of nationalism which worked freely in placing the demand before Britishers for independence of India but not to grant adequate independence to the units joined in Indian union. It keeps the path open for counter activities for years to come and India had witnessed such kind of reaction from Kashmir, Punjab, Assam, Tripura.

Nagaland, Mizoram all these bordering units of the Union. Jawaharlal Nehru was a radical nationalist who thought in one way for India and in another way for the Units in recognising their just demands.

Michael Brecher in his book Nehru – A Political Biography Wrote, ‘Indian Independence meant different things to different people. To professional politicians it meant power the reward for lengthy service in the ‘cause’. All of these aspirations were mirrored in the Congress and found expression in the ideologies of Nehru and Patel’. 27

So, by analysing Nehru’s idea on state it established clearly that provisions were made to concentrate power in Indian Central Government to act as an authoritarian state. Due to the very survivality of the nation and the country was in question and at that time framers of the Constitution were bound to give utmost importance to maintain national unity. But regional interests are also as important as national one which the country cannot compromise, negligence of which brings threat for the continuity of the Federation. Political parties could not be blamed for their muteness about the matters, because if we go through the papers we have got enough evidence how and when the regional political leaders tried their best to protect the interest of the regions in

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the national floor. So, the responsibility rests with the people and
society to maintain eternal vigilance to keep the regional interest in all
sphere of life in all capacities without compromising national unity.
States must become a big power unit by promoting all subjects
entrusted under the purview of state list. Rising of regional political
parties are one of the aspects of protecting regional interests in the
political processes; but it is only one of the dimension of the society.
The social, economic, cultural, spiritual, ethical aspects cannot be left
out and to be activated by the society to protect the regional interest in
Indian federation. In developing the culture the right education can
play an important role. Intellectual, business communities,
technologists, professionals, media in particular as well as society in
general should be committed to protect the regional identity in all
sphere of life by legal means rejecting all forms of violence and
unconstitutional practices.

A significant different view stand by Jawaharlal Nehru and
another stalwart of freedom movement Subhas Chandra Bose was on
National Unity. Nehru always was compromised his promises he
uttered at the plea of split either in the organisation, Congress Party or
in case of powers for provinces in Indian Union. On the other hand
Subhas Chandra Bose believed on 'Unity of action and not unity of
inaction’. He also criticised Nehru for his compromising attitude on his own principles which he preached earlier. Bose even correctly speculated that though Nehru rejected the ‘Federal Scheme’ offered by the Government of India Act, 1935 by British Government, if majority in the Congress favoured for it, he also would not stick to it.