Chapter II

MONTAGUE'S STATEMENT : THE EVOLUTION OF BRITISH INDIA -
ONE NATION OR MULTI-NATIONALLY

With the advent of Indian nationalism the effort was made to accommodate Indians in local self-government and provincial administration. Gradually, these units, though formed haphazardly and more often than not encompassing heterogeneous populations, developed identities of their own. When dyarchy was introduced these provincial units became more influential. Thus the process by which legislative power was also attained by the provinces, though subject to supervision by the Centre, was set in motion.

The outlines of a federal policy became clearly visible when the demand for independence reached its zenith. The problem was emphasized by the existence of the princely States and the Muslim minority. The former, though under the suzerainty of the British Crown, did not necessarily fall under the same political unit as the other British Indian states. The report of the Joint Parliamentary Committee on Indian Constitutional Reform was significant. The report stated: "Of course, in thus converting a 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 defined part of their sovereignty or autonomy to the new Central organism. At the
present moment the British Indian provinces are not even autonomous for they are subjected to both the administrative and legislative control of the Government of India and such authority as they exercise has been in the main devolved upon them under statutory rule-making power by the Governor General-in-Council. We are faced therefore with the necessity of creating autonomous units and combining them into a federation by one and the same Act. But it is obvious that we have no alternative. To create autonomous units without any corresponding adaption of the existing Central legislature would be, as the statutory commission says, to give vent to powerful centrifugal forces without any attempt to counteract them and to ensure the continued unity of India."

In fact, the evolution of the map of British India "was shaped by the military, political or administrative exigencies of the moment and (except in the case of the reconstitution of Bengal) with small regard to the natural affinities or wishes of the people". This was pointed out clearly as far back as 1917 and the Montague Chelmsford report delineated the process.

**Montague's Statement**

On July 10, 1917, Montague observed in the House of Commons that "as a goal (for India) I see .... the great self-governing dominions and provinces organized and co-ordinated with great principalities, the existing principalities —and perhaps
new ones - not one great Home Rule country, but a series of self-governing provinces and principalities federated by one central government". British India was made up of nine major provinces and "six lesser charges". The former comprised the three Presidencies of Madras, Bombay and Bengal, the four lieutenant-Governorships of the United Provinces, the Punjub, Burma, Bihar and Orissa and the two Chief Commissionerships of the Central Provinces and Assam. The minor charges were the North-West Frontier Province, British Baluchistan, Coorg, Ajmer, the Andamans and Delhi. Madras and Bombay grew into Governorships out of the original trading settlements. Sind was added in 1843. The original presidency of Bengal was elevated from a governorship to a governor-generalship by the Act of 1773. Military and political exigencies led to a great extension of the Bengal presidency to the north-west. (Lord Lake's campaign against the Mahrattas had added what was roughly then the province of Agra to the Company's dominions). From that time onward the security of the Bengal presidency was the dominant reason for extension of the frontiers and thus lower Burm, Assam, The Punjub, Jhansi, Nagpur and Oudh, as they were successively absorbed, were added to it. Later legislation relieved the Governor-general by empowering him to create the lieutenant-governorship of the North-Western provinces in 1836 and further to rid himself of the direct administration of Bengal, including Bihar-Orissa, by creating the Lieutenant-governorship of Bengal. The Punjub was annexed next in 1849 and governed by a
board of administration and then by the Chief Commissioner. After the Mutiny, Delhi was transferred to it and became a Lieutenant-Governorship. Oudh was annexed in 1856 and placed under a Chief Commissioner whose office was merged with that of the Lieutenant-Governor of the North-Western provinces in 1877. The North Western Provinces and Oudh were renamed the United Provinces of Agra and Oudh in Lord Curzon's time. Lower Burma was formed into a Chief Commissionership in 1862, upper Burma was added in 1866 and the provinces became a lieutenant-governorship in 1897. The Central Provinces, formed out of a portion of the North Western Provinces and certain lapsed territories, were placed under a Chief Commissioner in 1861. In 1903 Berar, which had long been under British administration, was taken over on a perpetual lease from the Nizam and linked to the Central Provinces. Assam, which was annexed in 1826, was added to Bengal which was again severed and made a Chief Commissionership in 1874. In 1905 the partition of Bengal converted the eastern half of the province, together with Assam, into a lieutenant-governorship under the name of Eastern Bengal and Assam and the western half into a second governor-generalship under the name of Bengal. This arrangement was modified in 1912. Assam became more and more a Chief Commissionership, Bengal a presidency and Bihar and Orissa a lieutenant-governorship. The North Western Frontier Province was created for purposes of political security in 1901 by detracting certain Punjab districts and British Baluchistan was formed into a Chief
Commissionership in 1887. Coorg was annexed in 1834 and administered by the Resident of Mysore. Ajmer was added in 1818 and similarly administered by the Agent to the Governor-general in Rajputana. The Superintendent of the Penal Settlement of Port Blair administered the Andaman and Nicobar Islands as Chief Commissioner. Delhi comprised a small area enclosing a new capital city which was created as a separate province under a Chief Commissioner on the occasion of the King Emperor's Durbar. The political map of British India, bequeathed to independent India, was thus formed on administrative and military expediency.

THE RIGHT TO SECEDE

Following Montague's statement in the House of Commons, the Montford report and the Joint Parliamentary Committee on Indian constitutional Reform were the Congress election manifesto in 1945 and the late Jawaharlal Nehru's observations in The Discovery of India and in the Constituent Assembly debates. The federation of India must be a willing Union of its various parts. In order to give the maximum of freedom to the constituent units there may be a minimum list of common and essential federal subjects which will apply to all units, and a further optional list of common subjects which may be accepted by such units if they desire to do so, the manifesto declared. Nehru said in The Discovery of India: "The right of any well-constituted area to secede from the Indian federation or
union has often been put forward and the argument of the USSR advanced in support of it. Before any such right of secession is exercised there must be a properly constituted, functioning free India. It may be possible then, when external influences have been removed and real problems face the country, to consider such questions objectively and in a spirit of relative detachment, far removed from the emotionalism of today, which can only lead to unfortunate consequences which we may all have to regret later. Thus it may be desirable to fix a period, say ten years after the establishment of the free Indian State, at the end of which the right to secede may be exercised through proper constitutional processes and in accordance with the clearly exercised will of the inhabitants of the area concerned. Later, while introducing the objectives resolution in the Constituent Assembly debate he pointed out that residuary powers should vest in the states.

A short discussion on the concept of federalism, the Indian version of it, the relationship with other constitutions, the evolution of the federal structure and current problems of the Indian variant would therefore help to clarify matters.

It has been argued that the "strict" or true federal principle is an abstraction drawn from other federal constitutions. In practice it must be an instrument for the good government of a people in their historical, political, geographical, economic and
sociological environments. It follows therefore that there are certain determinants to constitution making. The structure of the resultant instrument must also be an expression of the aspirations of the people for whom it is made. Certain forces have shaped the nature of the Indian Constitution, and what we have today must necessarily be a reflection of those forces. Indeed, these are rarely found elsewhere. An enumeration of such factors is useful as terms of reference for what is happening today.

Sir Herbert Risley's is one point of view. He noted that "beneath the manifold diversity of physical and social type, language, custom and religion, which strikes the observer, there can still be observed ... a certain unity of life from the Himalayas to Cape Comorin. There is in fact an Indian character, a general personality which we cannot resolve into its component elements."

Erstwhile Indian empires tried to solve the problem in different ways. The Mauryas, for instance, generally respected the autonomy of its constituent units. The units led their own lives, continued their own systems of administration and used their own languages. In the administrative sphere, in spite of the relative autonomy granted, government was carried out under the agents of the central power. The Mughals centralized administration in the territories under their control. The British, after an initial
attempt at centralized government, eventually devolved more and more power to the provinces.

The other point of view has gained significance of late. Along with the All India Anna Dravida Munnetra Kazhagam and the National Conference of Tamil Nadu and Kashmir, West Bengal's Communist Party of India (Marxist)-dominated Left Front has been staking its claims for more powers within the federation. All three parties have spearheaded movements for ventilation of regional demands and at some juncture or other voiced secessionist slogans as well. The other important claim these parties have in common is that India is a multi-national entity. There are some observations to be made on this.

"India is too vast in its area and too diverse in its races", Rabindranath Tagore pointed out, echoing thus far much the same spirit as that of Sir Herbert Risley. He went on to add however that "India is many countries packed into one geographical receptacle. The Congress party, as the most important representative of the Indian people, other than the Muslim League, which formally parted ways with the inception of Pakistan, took a narrower view of nationalism. It held territorial unity to be the predominant factor. This inspired the movement for a strong centre. In analysing the inclination V.V.D. Savarkar declared in December, 1939, "the whole Congress ideology was vitiated ab initio by its unwitting assumption that territorial unity, a common habitat, was
the only factor that constituted and ought to and must constitute a nation. This conception of a territorial nationality has since then received a rude shock in Europe itself ... All nations carved out to order on the territorial design without any common bond to mould each of them into a national being have gone to rock and ruin ... Cultural, linguistic, historic and such other organic affinities have proved stronger than the territorial one.

Under the British "the nations of India" had the freedom to exercise their historical, cultural and linguistic prerogatives. When the (political) demand for self-government arose, the real problem was for Indians to agree on what form the new government should take. Even without Pakistan, Ambedkar pointed out, 14 "The Hindu provinces have no common traditions and no interests to bind them". Independence therefore, "in the right sense of the term, should have meant a measure of self-determination to communities which were growingly becoming conscious of their own ethoses. Failing which, centrifugal forces were bound to reappear even after decades of independence, as events have now come to confirm. After all, the Atlantic Charter, redeeming a pledge in granting subjugated people the right of self-determination, seemed to ensure that "the nations of Indian would be granted their legitimate rights." 15
It has therefore been established quite plainly, that the wishes of the people remained the most important factor. Clearly then those wishes were bypassed. Partition did not help to usher in national homogeniety. It follows that the establishment of more or less united nation states, which was the main justification for the partition of India into two separate sovereign states, was not in fact achieved. What the division was really instrumental in attaining has been summed up in the following cryptic assessment: Every time a mass anti-imperialist movement reached the zenith of militancy, Hindus and Muslims were turned against each other, and the unity of the anti-imperialist movement was thus weakened. Partition has solved to some extent the communal problem, but has not succeeded in achieving national homogeniety.

AUTONOMOUS PROVINCES

It has been stated therefore, that India can neither be united or divided. The policy logically to be followed was neither to partition India nor to attempt to treat it as a united nation state. It has to be divided into autonomous provinces and these into smaller self-governing entities. The provinces or the states were to be united under a federal government for those functions in which separation would have harmful results. It has also been suggested that the provinces into which India might have been divided should have been as independent as the British dominions,
except for central control over defence, customs, currency and foreign relations. This was in fact stressed as late as in October 1977 by a renowned economic expert who pointed out that there was a chance at one stage of the negotiations for independence that a political settlement could be reached on the basis of the Cabinet Plan — envisioning semi-autonomous units within a loose confederation on the basis of the Plan — but that chance was lost when the Congress rejected the scheme even though the Muslim League accepted it (We shall come back to the details of that episode later).

The "ifs" and "buts" of history will remain but several hypotheses are of great value today principally owing to the stagnation which has set in as a direct result of political decisions which defied historical facts. The high economic cost of political tension in the subcontinent during the last thirty years has accounted for the expenditure of over $60 billion in defence arrangements, and also disruption of normal trade and commerce. As the departing British foretold in 1947, erstwhile East Pakistan would be reduced to a vast rural slum and in fact become an independent nation. Therefore the opinion of a prominent watcher of the political scene can be recalled with some relevance: "While it is easy to be wise after the event, if for the vested interests of Calcutta the partition of Bengal had not been rescinded, the most populous Muslim region of India would have had its own province and government, and with no sense of
frustration its leaders would in all probability not have supported the demand for Pakistan and thereby saved untold horrors and miseries. As it has been said partition was not only a repudiation of history, it overlooked socio-economic facts and blandly perpetuated the very miseries which it was created to eliminate. Thus communal rioting (though it did recur in both Pakistan and India) was not seen on gigantic scales again but the Indo-Pak wars were merely institutionalized communal frenzies. The deluge in erstwhile East Pakistan prior to its secession could be added to the list.

THE CONCEPT OF NATIONALISM

Lest this account of India's experience with nationalism is mistaken for a limited view of the definition let us now turn to the origins of the concept. A comparison with Indian conditions would help to express what has been stated in bolder relief.

The paradox of nationalism, as Karl Deutsch points out, is that "while nationalism has grouped people apart from each other ... it is preparing them for a more thoroughgoing world unity that has ever been seen in human history." This has to be borne in mind to appreciate the trend of the multi-national concept in India. The beginnings of the paradox can be seen in the origins of the concept and its historical evolution, first in Europe and the West and then in 20th century Asia. The theory grew out of the decline of European feudalism. Early, if vague, outlines can be deciphered
in the Hundred Years War the "Reconquista" by the kings of Castile against the Muslims and the wars between the Pope and Emperor in Germany. There was a relative gap between 1650 and 1750 interpreted by some as the age of cosmopolitanism. From mid-eighteenth century there was a revival, the American War of Independence and the French Revolution being the two more glorious events before the 19th century heralded Italian and German unification. In Eastern Europe the Hapsburg and Ottoman Empires were seething with suppressed nationalities. The next sinister step was the projection of European influence into Africa and mutual recriminations leading to World War I. The Atlantic Charter caused a reaffirmation of nationalist principles after World War II and nationalism reached Asia with self-determination being granted first to India and then members of what has been called the Third World.

The advent of Communism, first in Russia and then China, led to the concept of liberation movements which, as the following will bear out emphasized the right of suppressed peoples to self-determination. Lenin enunciated the historico-economic background of national movements thus: For the complete victory of commodity production the bourgeoisie must capture the home market and there must be politically united territories whose population speak a single language with all obstacles to the development of that language and its consolidation in literature eliminated. Therein is the economic foundation of national movements. Language is the most important
means of human intercourse. Unity and unimpeded development of
language are the most important conditions for genuinely free and
extensive commerce on a scale commensurate with modern capitalism
for a free and broad grouping of the population in all its classes
and lastly, for the establishment of a close connection between the
market and each proprietor .... To accuse those who support
freedom of self-determination to secede, of encouraging separatism
is as foolish and hypocritical as accusing those who advocate
freedom of divorce of encouraging the destruction of family ties.
Just as in bourgeois society the defenders of privilege and
corruption, on which bourgeois marriage rests, oppose freedom of
divorce, so in capitalism, state refutation of the right of self-
determination i.e. the right of nations to secede, means nothing
more than defence of the privileges of the dominant nation and
police methods of administration, to the detriment of democratic
methods.

Lenin's emphasis on language finds an echo in a prominent
socio-economic study of northern India. It indicates that what is
relevant in India is the model of the multi-national state of which
the Soviet Union, Yugoslavia and Switzerland are the leading
examples. It was certainly a curious oversight that the constitu-
tional expert despatched by independent India's Constituent Assembly
to study the world's Constitutions did not visit the East European
countries. The three mentioned comprise many nations bound by a
single political and territorial unit by feelings of patriotism
derived from ideology, memories of a common struggle against external or alien powers and rational calculations of common advantages in sharing a political structure—but not a common nationality.

DEVELOPING NATION-STATE

It has been noted that "state-nation" relations are vastly different and more complex in such countries than in the nation states of Western Europe, the English-speaking countries and Japan. India has fallen into the category of "developing nation state" where the problem is not to bring about an identity between state and nation but to recognize the existence and cope with regional-national sentiments while simultaneously promoting and developing patriotic ties among diverse nationalities. In India this could lead to the development of dual national personalities as in the case of Yugoslavia.

Oddly enough though the concept of suppressed peoples does presuppose a dominant nation, attempts to create a Hindu nation and promote Hindi as the sole official language of India have failed. Though fostered by Hindu revivalist political organizations and, more importantly, interest associations devoted to the spread of Hindi and its adoption as the sole official language of India, "Hindu nationalism and Hindi sentiment continue to be confined to the northern states of Uttar Pradesh, Madhya Pradesh, Haryana and Bihar."
Counterposing this over-zealous threat to national unity is the not misplaced fear of secession movements. Central policy in this regard has been viewed as cautious but firm. While the Constitution provides that regional demands must stop short of secession, the Centre apparently has been willing to consider mollifying neglected areas. Thus it has been willing to grant a separate state to Nagaland and talk about greater regional autonomy in the tribal areas and has not yet revoked the special status of Kashmir. However it suppressed by force demands for secession in Nagaland and Assam.

In Tamil Nadu, after the erstwhile Dravida Munnetra Kazhagam repudiated its demand for secession after 1963, it was accepted as the ruling party in the State and regional demands were permitted full expression.

The question therefore arises whether it is fully within the Centre's democratic rights not to consider movements for greater regional autonomy particularly after the pledges made earlier. In any case the demands subside temporarily only to surface again when the climate is more propitious. Thus the AIADMK revived the Rajamannar report if in a different form and from West Bengal the Chief Minister has circulated a memorandum to the Centre and the States for greater regional autonomy.
Reference


10. West Bengal's Memorandum on Centre-State relations.

11. Ibid.


19. Ibid.
25. Ibid.
29. Roy, Ranajit; The Agony of West Bengal, New Age 1971, p.147, para 2.