CHAPTER V
Nehru and the French Government 1953-1963

From the time of the settlement of the French in 1674, Pondicherry was occupied once by the Dutch and three times by the British. It was given back lastly in 1814 by the Treaty of Paris, only for trade purposes with specific interdiction of having any fort or armed forces. From that time there have been several proposals of transferring the French establishments to England against corresponding territories in West Indies or of exchanging the outlying establishments against a compact territory around Pondicherry. Both the French and British Governments were interested in these transfers, which however did not materialize on account of the opposition of the population. Pathetic letters were sent to Paris, not to abandon the faithful citizens of France. There was even a proposal to transfer the establishments to Germany. That was thwarted by the strong opposition from English.

The U.S. President, James Monroe in a message to the U.S. Congress on 2nd December 1823 had declared that the American continents were no longer open for colonization by the European powers and that the U.S would view with displeasure any violation of this policy. This statement came to be known as the Monroe doctrine. By the end of 1939, Mahatma Gandhi had been fully converted by Nehru to the concept of a Constituent Assembly.

The Formative period of the Indian National Congress movement offered Nehru an excellent opportunity to develop his talent
for leadership and to give vent to his radical ideals. Between 1921 and 1946 he was actively associated with the Indian freedom struggle. The Constitution of India was framed by the Constituent Assembly during 1946-49. Actually our Constitution had an organic growth. It was being framed all through the period of the national struggle for independence and the successive doses of constitutional reforms conceded by the British in response to national demands. Nehru, the President of the Congress Working Committee, on being appointed Chairman of the Committee of Experts to prepare material and draft proposals for the Constituent assembly, himself did the original draft of the Objectives Resolution which he moved in the first session of the Constituent Assembly on 13th December 1946, and made a memorable speech in the Assembly. On 7th October, 1946 an Act was passed providing for local assemblies in colonies which rechristened overseas territories. In accordance with that Act the Regulation dated 25.10.1946 created in the French establishments in lieu of the General Council which had been in existence for quite a long time a representative assembly with larger powers.

Even after 1947, he maintained close connection with the Indian National Congress. He was the spokesman of the young radical congressmen and introduced radical ideas into the deliberations and also channelled such new social forces as the trade unions and Kissan Sabhas into the nationalist movement. As a Congress worker he travelled extensively in the countryside and propagated the messages of Congress among the villagers.

123 Mrigen Bose, Jawaharlal Nehru and his economic policy, Calcutta, 1977, p. 25
Writing on 13th July 1947 as chairman of the Union Constitution committee, he recommended to the President of the Constituent Assembly the draft of a provision for the amendment of the Constitution. This formed the basis of all subsequent discussions regarding the amendment clause and finally took the shape of Article 368 of the Constitution.

The regulation dated 12.04, 1947 created a Government Council in lieu of the Privy Council. The Council was to consist of three Government officers and three non–officials holding high elected offices. That regulation was modified on 12th August, 1947 providing for three members elected by the representative assembly and three members designated by the Governor.124 It also allows the Governor to delegate the Presidency of the Council to one of the Councilors. The Council gets more power under the regulation. It has responsibility of implementing the decisions of the representative assembly of deliberating on all draft rules and notifications of the Governor to the exception of those which are taken for implementation of statutes. The Governor may also entrust to a member of the Council the responsibility of a department whose expenses are entirely borne by the local budget and for that purpose to vest him with the powers of the Governor. Those powers were to be exercised with the technical assistance of the Head of Department. The Government thought it fit not to exercise his prerogative to nominate three Councilors and asked the representative assembly to elect all the six Councilors. By order dated 22nd October, 1947 each of them were entrusted with the charge of one or more departments. However during the session of the

124 David Amunsum, The Merger of French India, a paper presentation at the International Seminar, Pondicherry, 1997, p. 2
representative assembly, the Government was not represented by the Councilors but by the Chief Secretary. It appears that the Councilors found the arrangement quite convenient to them.

By regulation dated 20\textsuperscript{th} August, 1947 the designation of Governor was removed, and replaced by that of Commissioner of the Republic. That was only a cosmetic change. The French Government, while entrusting the elected representatives a larger part of the administration wanted to keep with them the key posts. So by Act dated 6\textsuperscript{th} September, 1947, it was provided that the salaries of the Head of the Territory, high administrative officers, judicial officers and high police officers which were hitherto included in the local budget will be thereafter borne by the Government of France.\textsuperscript{125}

\textbf{Agreement on Referendum}

Till the independence of India, there was no movement against the French in Pondicherry. The nationalists here worked for the liberation of India from the British rule. Indian leaders advised them to do nothing adverse to the French who had been protecting Indian patriots taking refuge here. Immediately after independence the Indian Government declared that they would not recognize the right of France on her establishments. It is true that the Indian Independence Act of 1947 passed by the British Parliament does not make any reference to the French and Portuguese possessions. The Government of India as a successor to the British Government had to respect the treaty of 1814 recognizing the existence of French establishments. But France did not take such a legalistic view. The departure of the British and the great urge for the end of colonies everywhere impelled the French

\textsuperscript{125} David Anusamy, op. cit, p. 4
Government to have a realistic look at the matter. On 28th August, 1947 both the Governments decided to settle amicably the future of the establishments. On 6th October 1947, the loges were handed over to India.

Preparing the ground for an eventual transfer and with a view to satisfy the crave of the population for greater autonomy by a regulation dated 17th November 1947 France declared Pondicherry, Karaikal, Mahe and Yanam as free towns having full administrative powers independently of each other and placed them under the common authority of the Commissioner of the Republic in Pondicherry. Chandernagore which was granted separate status on 30th June, 1947 was made a free town on 6th December, 1947 whereas the regulation raising Chandernagore as a free town was given effect to the regulation in respect of the other Establishments was resisted by the Council of Government though it was a progressive step in the way of devolution of powers and of a better Government. The main reason, presumably, was that the regulation transferred with immediate effect practically all the powers of the Council of Government to the Councils of Administration to be chosen in each establishment by the existing municipal representatives without prior elections. So the arrangement had the effect of depriving the existing councilors of Government of their powers and transferring them to others. So the council of Government resisted naturally the move. Secondly the political class which had the responsibility of protecting the special rights of the establishments against the two competing powers, felt that they could achieve better results in keeping the four establishments together.
At the time of transfer some people have put forth the idea of dual nationality. In fact Sri Aurobindo in his message to the Nation on August 15th 1947, at a time when nationalism was at its peak advised "there must grow up an international spirit and outlook, international forms and institutions must appear, perhaps such developments as dual or multilateral citizenship, willed interchange or voluntary fusion of cultures”.

On 13th April 1948, the Constituent Assembly adopted a resolution to the effect that for the proper functioning of democracy and the growth of national unity and solidarity it was essential that communalism should be eliminated from Indian life and no communal organization should be permitted to engage in any of the activities other than those essential of the bonafide religious, cultural, social and educational needs of the community. Pandit Nehru told the Constituent Assembly: We must have it clearly in our minds and in the mind of the country that the alliance of religion and politics in the shape of communalism is a most dangerous alliance, and it yields the most abnormal kind of illegitimate brood. This combination is harmful to the country as a whole; it is harmful to any minority that seeks to have some advantage from it.

In June 1948, they agreed that the future of the French possessions should be determined at the earliest opportunity in accordance with the freely expressed desire of their inhabitants. Conditions for a free referendum did not, however, exist in the four settlements of Pondicherry, Karaikal, Mahe and Yanam.
On 18th June, 1948 the French Minister for Overseas Territories made a declaration before the French National Assembly to the effect that the Government will allow people of the establishments the right of self determination, after a referendum which will be conducted in consultation with the Municipal Councils of each of the Establishments at a date which will be fixed by themselves. This is confirmed to the Government of India by an exchange of letters dated 29th June, 1948.

The Euphoria

In between, the Government of India made a tactical error. They issued a notice on 29.03.1948 to put an end to the Customs Agreement of 1941 from 1.4.1949, thinking that it will cause inconvenience to the population and impel it to opt for India. This step had just the contrary effect. Merchants, many of them hailing from Indian Union found a golden opportunity for smuggling. Huge bundles of Indian rupees introduced in Pondicherry were exported to Hong Kong and Gulf countries in order to purchase gold.

Nehru dwelt at length on the changing concept of property in the history of mankind. In the constituent Assembly, as a just compromise between the right of the individual and the right of the community, he moved the most important and far-reaching amendment to the property clause providing for the compulsory acquisition of property. After a fairly long discussion, the amendment was adopted on 12th September 1949.

Vijayalakshmi Pandit did not like her son-in-law, Ashok Mehta’s posting to Goa where anti-Indian feeling and lawlessness were on the increase. Following the announcement by the Government of
India in April 1949 that foreign possessions in India were bound to be integrated with India in the near future, a referendum was held in Chandernagore on 19th June 1949. Referendum in other French possession scheduled for 11th December 1949 was, however, postponed.

On 10.03.1949 the Municipal Assembly of Chandernagore was called to meet to fix the modalities and the date of referendum. The Act authorising the Government to organise the referendum was voted by the French Parliament on 26th May, 1949, the date for the referendum was fixed at 19.06.1949. The date for the referendum was fixed at 19.06.1949. The referendum actually took place in Chandernagore on the above said date. Out of 12000 voters, 7500 were in favour of merger with India and 114 against.

Wish of the People

The Municipal Councilors of other Establishments were not called to meet separately but to meet in a General Assembly. This shows again the desire of the Council of Government to face the challenge jointly. The assembly met on 10.03.1949 to fix the date and the modalities of the referendum. Because the assembly was asked to fix a date, it fixed the date of referendum to 11.12.1949. But the delegates were annoyed with referendum. Their forgone conclusion was merger. So the assembly wished to get from the French and the Indian Governments all clarifications regarding the future of the French India.

It is worth noting that Pondicherry had a course of history different from the rest of India. The elite which had French education
was very anxious about its future. They were sincere in their decision for merger evident from the fact that they have started putting their children in English medium schools. But they wanted the merger to take place through a treaty of cession in the negotiation of which they are allowed to participate in order to safeguard the special interests of the people of Pondicherry. They wanted a period of transition of 25 to 30 years. The assembly therefore elected a delegation of three members to contact the respective Governments in Delhi and Paris, to put forth the aspirations of the people and to get the views of those Governments on the future of French India.

None of the Governments took the delegation seriously. The French Government told that there was no question of any undertaking before referendum. The Indian Government hinted that the establishments would be merged with the adjoining districts after two or three years. But both of them relented soon. The French Government wanted to bank on the desire of transition to extend their presence, in promising full autonomy if the referendum went in favour of France. The Government of India retrieved their steps but rested content with vague declarations that the specific interests of the population would be taken care of, that a period of transition would be allowed and that Pondicherry would become a window open on France. Pondicherry were in no hurry to join the Indian Union on account of the lack of commitment by the Indian leaders in respect of the duration and modalities of transition. So in the course of the second session of the general assembly of municipal councils on 17th October, 1949, it was declared that the atmosphere was not congenial for a referendum and that the assembly left the future date of referendum.
Also, ever since its commencement on 26th January 1950, the Constitution has been further evolving and growing through during its actual operation. It is a continuous process. Of the many eminent men who contributed to this process, the most outstanding was Pandit Jawaharlal Nehru who once modestly described himself as one of those humble individuals who had something to do with the making of the Constitution.

Nehru pleaded strongly for a Parliamentary system as opposed to the Presidential and other systems. In the words of K.M. Munshi, 'as a middle-of-the-way socialist, impatient to transform India's life, Nehru favoured Parliamentary Supremacy. Sardar Patel was cynical about Parliamentary Supremacy while C. Rajagopalachari would have favoured what may be termed a state of national democratic Government on Gandhian lines. The system of Parliamentary democracy was finally adopted by deliberate choice. In 1950 several important resolutions were moved by Nehru and they were concerned with the preparation of electoral rolls for the elections to be held in 1950 on the basis of the provisions of the new Constitution agreed to by the constituent Assembly. The ratification of the decision of India's continued membership of the Commonwealth, the inclusion of Bhutan and Sikkim within the scope of the negotiating Committee and the adoption of the national flag of India. On the question of the adoption of the international form for numerals as against the Hindi or Devanagari numerals, Nehru was immediately convinced that the right approach was to accept the form used internationally. Also, on the question of language, generally, Nehru spoke forcefully, and while agreeing with the need for India having one language, he deprecated
any imposition and stressed the desirability of the all-India language growing from the people. Worth recalling is the significant role played by him in the evolution and final acceptance in the Constituent Assembly of the Ayyangar formula on language.

Intervening in the debate on the citizenship provisions is an important obiter dictum on secularism. Nehru said: “It is brought in all contexts, as if by saying that we are a secular state we have done something amazingly generous, given something out of our pocket to the rest of the world, something which we ought not to have done so on and so forth. We have only done something which every country does, except a very few misguided and backward countries in the world”.

During Nehru’s premiership as many as seventeen constitutional amendments were enacted. Of these, four affected fundamental rights and three sought to amend property provisions. The constitution First Amendment act of 1951 made some vital changes in Articles 15, 19 and 31 dealing with the fundamental rights of equality, freedom of expression and of property. To clarify the position and to give effect to what was believed to be the real intention of the framers of the Constitution, new Articles 31 A and 31 B and the Ninth Schedule were inserted in the constitution. The new provisions specially secured the constitutional validity of the Zamindari Abolition laws in general and certain specific state acts in particular by excepting laws providing for acquisition of any estate or any rights there in, from the operation of the Fundamental Rights provisions.
Political Status

As far as Chandernagore was concerned there was no specific provision regarding the political status of that territory in the corresponding treaty of cession dated 2nd February 1951 which came into force on 9th June 1952. So, the Indian Parliament by Chandernagore (Merger) Act, 1954, which came into force on the 2nd October, 1954 made it part of the District of Hoogly of the State of West Bengal.

In their note of October 24th 1952, the Government of India have explained the reasons which led them to declare that they did not consider themselves bound any longer by the agreement about a referendum. The basic principles of the agreement had ceased to be operative in the conditions existing in the settlements. The Government of India were, however, anxious that this question should be settled in a peaceful manner. They accordingly proposed to the Government of France that negotiations should take place on a new basis. Bearing in mind the constitutional difficulties which had been pointed out by the Government of France, they suggested that there should be direct transfer of the administration at an early date, while the de jure sovereignty of France should continue until legal and constitutional formalities were settled.

Recent events have clearly demonstrated that the suggestion made by the Government of India has the overwhelming support of the people. The elected representatives of the vast majority of the population of the French possessions have demanded immediate merger with India. Their demand is that this should be achieved without a referendum, as the wishes of the people about merger with
India are known. This demand has been fully supported by the French India Councilors who until recently were responsible members of the Administration and by the President of the Representative Assembly.

The Government of India hoped that this popular demand for merger would be considered sympathetically by the Government of France. They accordingly suggested to the Government of France that this was a suitable opportunity for opening negotiations for a friendly settlement on the lines which they had indicated. They regret that the Government of France have not yet found it possible to accept this suggestion. They also regret that the local Administration, instead of dealing sympathetically with a movement which has the support of the vast majority of the population, has adopted measures which must inevitably aggravate the situation. This may have further repercussions in India.

The Government of France have stated that economic pressure has been exerted on the people of the French possessions. This statement is not correct. The Government of India have taken measures which are still far from complete, with a view to put a stop to smuggling and other undesirable activities. These measures have been taken to protect their legitimate interests. Essential supplies, however, continue to be sent from India to the French possessions although the Government of India have made it clear that if discrimination on political grounds is practiced by the local Administration in the distribution or sale of supplies, they may have to reconsider their policy.

126 Note, dated the 22nd March 1954, from the Ministry of External Affairs to the French Embassy, New Delhi, p.9
The Government of France have taken exception to the restrictions imposed on the movement of French police across Indian territory. These restrictions were imposed as Indian territory was violated by the French police and some persons were illegally seized. The restrictions were imposed in the interest, not only of Indian nationals but also of the French police. The Government of India wish to point out that they cannot in any case allow a foreign police force to use Indian territory for the purpose of suppressing a peaceful and popular movement.

In view of the events that are taking place, the Government of India would again urge the Government of France to consider their suggestion. They have made it clear that the cultural and other rights of the people will be fully respected. They are not asking for the immediate transfer of the de jure sovereignty of France. Their suggestion is that a de facto transfer of the administration should take place immediately while French sovereignty should continue until the constitutional issue has been settled. They recognize that legal and constitutional formalities may have to be complied with in accordance with the constitutions of France and of India. All this will take time, while the demand of the people is for immediate merger without a referendum on grounds of principle and also because conditions in the French possessions are such that no free referendum can be held.

The note of the Indian embassy dated 10th June, 1952 valued at 15 tonnes the amount of gold imported in the establishments. Similarly diamonds worth 145 millions of francs were received in Pondicherry. Several persons could become immensely rich overnight. The common

---

127 Ibid
man was happy to have a free harbour in Pondicherry and get all foreign articles at low price.

The Government of India realising error proposed to re-establish the customs union which was not accepted by France and which did not want to loose the benefit of the unexpected wind in favour of the French presence. The Government of India started having doubts about winning the referendum. They did not want the principal of referendum to be a precedent for the Kashmir problem. So on 9th October, 1952 in a speech in Madras, Nehru condemned the smuggling activities and incidents in frontiers and declared that on account of the political climate prevailing in the French establishments it was not possible for India to accept the principal referendum agreed to 1948. The only possible solution was the retrocession pure and simple to the Indian Union, it was declared.

A note of 13th October, 1952 makes this point clear. On October 24, 1952 the Government of India denounces officially the agreement on 1948. It pleads for the direct transfer of the establishments and came forward with an assurance to protect all cultural and other rights of the inhabitants of the establishments. The Government of India further states that it is going to take all possible measures to stop smuggling. On the other side the political class in Pondicherry indulges in large scale corruption which the French Government helplessly tolerates to keep them in good mood and in favour of the French presence.

The arrival on June 16, 1954 of fifty-six French armed military personnel led to protests on the following by the Bharat Yuvak Sangh and the All India Peace Council. A Non-violent mass movement in
support of union with India was launched on 27th March 1954 by the French India Socialist Party with the support of other political parties. The movement continued to grow in strength and popularity.

Nehru said on 23rd August 1954 we have expressed our inability to participate in this meeting because it seems to us that it is likely to reverse the trend of conciliation released by the Indo-China settlement. On August 30, 1954 the French National Assembly rejected ratification of the treaty by which a European army including German divisions was to be raised. Elections were held on November 2, 1954 for the House of Representatives and Governorships of 34 States and for over one-third membership of the Senate from 18th October to 2nd November 1954. During Nehru’s absence in China, a historic event took place in India. That was the de facto transfer and this took place as a result of a friendly agreement with the French Government. Our policy was thus justified and started this new chapter in Pondicherry, in a spirit of good will to all. We hope that Pondicherry will continue to be a centre of the French language and French culture. On November 1, 1954, the French Government handed over the administration of Pondicherry and three other settlements to India. On 9th and 10th November 1954 following a criticism from some Chief Ministers of the lack of co-ordination between the Centre and the States in the matter of planning, a Standing committee consisting of the Chief Ministers of Bombay, Hyderabad, Madras, Rajasthan, Punjab, Travancore – Cochin, West Bengal and Uttar Pradesh was set up.

Distress

The Indian Government, finding that its notes did not yield any effect, started sealing the frontiers of the French Establishments by a
barbed wire fencing and stopped the supply of electricity. After a period of euphoria in Pondicherry, problems started accumulating. Land owners can export their sugarcane to the refinery situated in the Indian Union only after payment of a huge tax, half of which is reimbursed by the Pondicherry Government. Difficulties are experienced in converting huge amounts of francs obtained by the sale of clothes in the French Union into rupees, which was the currency in French India as per the Franco – British Convention dated 27th March 1954. Rice for Pondicherry had to be imported from Indo – China. On account of a severe economic blockade by India, the Government is compelled to spend huge amount of money to maintain the normality of life. As the budget of Pondicherry cannot meet that extra expenditure, the French Government was compelled to come to its rescue in a sizeable manner. The French Government at that stage asked for the restoration of the customs union, which was rejected by the Indian Government. So the French Government started having a fresh look on the situation of Pondicherry that merger with India was inevitable, their only wish being that it is realized in the manner most favourable to France.

As the smuggling became very difficult, businessmen who supported the Pro–French political group feeling the wind of change, started establishing contacts with the Indian authorities. The Government in Pondicherry was also upset by their growing corrupt practices and started taking action against those found responsible, even though they worked for the continuance of French presence. So on March 18, 1954 the Pro–French group called for a meeting of their political friends and had a resolution passed inviting the French
Government to transfer the establishments without referendum according to the wish of the population. In the night of 25th to 26th March, heavy weights of the group left Pondicherry, settled down in the enclave of Nettapakkam, established a liberation Government and resorted to violent steps. France got reconciled itself to the idea of transfer and decided to strive for a slow and progressive merger. The Prime Minister of France wrote to the Prime Minister of India to resume the talks towards transfer which was whole-heartedly accepted by the Prime Minister of India who desired immediate negotiations to settle the problem but France was in no hurry. Though the solution of referendum was rejected by the Pondicherrians and the Government of India, France was still sticking to it for constitutional proprietary, as a French territory cannot be ceded without prior consultation of the population. France nurtured the idea of a condominium till the last moment.

Transfer

In these circumstances, an important event took place on May 7, 1954 when in Dien-Bien-Phu the French Army was defeated by the Liberation Army of Vietnam; the French Government fell. A new French Government headed by Mendes – France took up deliberately and boldly a policy of decolonisation. The process was started on 31st July, 1954 in respect of Tunisia. Further the French Government needed the help of the Indian Government for negotiations with Vietnam. They therefore accepted in principle the rapid transfer of sovereignty leaving the treaty of cession being discussed and signed later. Hasty proposals to that effect were put forth by the French Government to the Indian Government and the agreement of de facto
transfer was finalized on 11th October. The principle of previous consultation of the people was circumvented by recourse to a consultation of the members of the representative assembly and the municipal councils. The latter had no other option but to approve on 18th October an agreement, the content of which was decided without their participation. That ceremony had be held at Kezhur at the frontiers of Pondicherry. The establishments were transferred de-facto with effect from 1st November 1954.

India and France felicitated each other for resolving the issue through the process of negotiation. Of course there was no bloodshed. But there is no denying the fact that the population was subjected to suffering by way of economic blockade and to the shock of a sudden transfer; that the Government of India had to loose a large amount of money on account of smuggling and drastic steps to stifle the establishments; that France had to accept a humiliating and unprepared retreat after brandishing constitutional principles. The matter was however simple and easy to solve. French Indians wanted a merger with a transition of settlements by a tripartite negotiation. But this was acceptable neither to India nor to France. The Government of India was inspired by a metaphysical concept of Bharat (India). Proud of their experience of having absorbed 552 princely states at one stroke, they were surprised by the claims of these tiny establishments; they were not prepared to understand the apprehensions of the people of Pondicherry. France with a natural dislike to part with their possession and having in mind the repercussions of the cession on her effervescent empire, wanted to extend her presence in one form or another. Both the
Government became thus responsible for the inelegant way in which the transfer was effected.

The Government of India was aware that the vote in favour of the de-facto transfer was not given in normal circumstances and whole-heartedly. The population was uneasy to find itself governed by those who have subjected it to a blockade. The Government servants were not very happy about their new heads of department from India who replaced the French officers, who were found to be less courteous, and who did not speak the same language. The political class had lost credibility. The new administration was isolated, it had to win over the hearts. It thought of introducing generously development schemes. This proved to be a good device to establish a bridge with the population since it provided employment to the educated youth. It had also the effect of bringing in more people from the rest of India since there were no qualified hands locally for technical posts. The circle of new-comers got enlarged and provided social life to them. The Government of India discovered that it was the best way to merge Pondicherry with the rest of India and kept on pumping money abundantly into Pondicherry.

A distinction could have been made between those who had earlier opted to be governed by French Civil Code and those who were not covered by it, as it was done thereafter in respect of other erstwhile French Colonies. The failure to do so has created a separate category of Indian citizens governed by the French Civil Code as it stood in the year 1954, modifications made thereafter by the French Parliament would not apply to them since they are no longer French.
Rights of French Citizens

French citizens residing in Pondicherry have been given special rights. As per Article 17, French nationals domiciled in the French establishments on the 1st of November, 1954 shall enjoy in these establishments the same freedom of residence, movement and trade as the other inhabitants of the establishments.

Before 1st November, 1954, the French establishments constituted one of the overseas territories of the French Union enjoying a sizeable amount of self Government. It was distinct from France and was having a juristic personality of its own.

In fact an important question arises in the implementation of Article 2 of the treaty of cession. The people whose wishes were to be ascertained are obviously those who were residing in Pondicherry at the time of transfer. But now those who have migrated to Pondicherry after that date outnumber the old residents. As per the treaty of cession, the migrants are more dynamic, more politically conscious, more influential and they will play a big role in any decision which might be taken. Any way, one wonders how the old folk can be separated from the new one for purpose of consultation, if any.

By 1955, when it became necessary to reiterate the principle that the responsibility for the economic and social welfare policies of the nation should be with Parliament, not with courts, the constitution fourth Amendment act made substantial changes in Articles 31 and 31 A. when the Fourth Amendment Bill was being discussed, it was argued by Pandit Nehru that the amendment of Article 31 became essential in order to create a socialistic pattern of society and to realize
the ideal of a Welfare State in India and that it sought to remove an inherent contradiction in the Constitution between the fundamental Rights and Directive Principles of State Policy.

Despite transfer of power of French possessions in India in the year 1954 on account of some political compulsions in France, it was ratified only in the year 1962 and the exchange of instruments of ratification took place on August 16, 1962 which is thus the date of de jure transfer. After the de-jure transfer, Pondicherry was made a union territory of the Indian Union in 1962 by the 14th Amendment to the Constitution. This provided an unexpected period of transition to the population which was throughout kept out of the process of negotiations.

Even though dual nationality is not officially accepted, dual nationals exist in fact. As per Indian law any person born in India is an Indian citizen. As per the French Law any one born to a French national is French. So children born in Pondicherry after 16.08.1962 to a French parent have dual nationality in law. But there is no administrative mechanism to take care of such situation. So much so those persons can at a time enjoy benefits only of their nationality, the other remaining dormant. France who desires Pondicherrians to settle down in Pondicherry instead of migrating to France and Indian who wants Pondicherrians to invest in India, may perhaps one day take administrative measures to give full effect to existing dual citizenship situations.

---

128 David Annousamy, op.cit.p.15
In the Agreed Proces -Verbal dated 16th March, 1963 that right was extended to those who have elected their domicile in the former Establishments before 16th August, 1962, the Agreed Proces-Verbal further gives full details of all the rights which the French nationals will enjoy. Though in law the rights are very extensive and confer upon permanent French residents important rights, making them in that respect almost equal to Indian citizens, there are difficulties in matter of implementation of those rights.

As far as the right of residence is concerned, if they remain confined in the establishments there is no problem but when they want to go to France or any other foreign country and come back, they have to get a visa of entry and for that purpose they are enjoined to have a residential permit which is renewed from time of time. In this manner they are assimilated to ordinary foreigners and are deprived of the benefit of the treaty. Right of residence implies necessarily the right to travel without any hurdle, otherwise it is illusory. The implementation of the provisions of the treaty in letter and spirit would require that French nationals domiciled in Pondicherry as on the 16th August, 1962 can get from the Indian Government identity without visa. This will also have the advantage of providing the Indian Government full data in respect of all those residents.

Regarding the economic and financial rights though there are ample provisions in the Treaty and the Agreed Proces – Verbal they have not been incorporated in the respective Indian Acts and Rules. So the concerned Indian administrative departments are not prepared to implement them. Among those rights, one has given room for

---

129 David Amoussamy, op.cit. p.17
complaints, that is the right of owning immovable properties. There have been periodically notices from the Reserve Bank of India to some of the French nationals of Pondicherry to show cause why they have not informed the concerned authorities about their assets. Each time the matter was closed only after the intervention of the French Consulate. The identity card referred to above, incorporating the gist of their rights would enable those nationals to get their rights as per the treaty, recognized by the Indian Administration whenever required.

In the treaty of cession of the other establishments which came into force on 16th August, 1962, Article 2 provides that they will keep the benefit of the special administrative status which was in force prior to 1st November, 1954 and that any constitutional change in this status which may be made subsequently shall be made after ascertaining the wishes of the people.

Amendments were later made to clauses 2, 3 and 4 of Article 19 by the constitution (Sixteenth Amendment) act, 1963 concerning the right of freedom of speech and expression, assembly and forming associations or unions in the interests of the sovereignty and integrity of India.130

After the de jure cession, France obtained from India a certain number of guarantees on some of the problems which pre occupied the population. They are incorporated in the Agreed Proces-Verbal signed on 13.03.1963. It remains to be seen whether the agreement between the High Contracting Parties was fairly and effectively implemented.

130 Subhash C. Kashyap, The Political System and Institution building under Jawaharlal Nehru, New Delhi, National Publishing House, 1990, p.322
Legal Matters

After the de jure transfer, the Pondicherry (Administration) Act, 1962 on 16.08.1962 confirmed that all laws in force immediately before shall continue. This was of course a very wise step. In the Agreed Process - Verbal signed on 6th March, 1963 the Indian delegation stated that the Government of India did not contemplate any sudden reform of the judicial organisation in Pondicherry. It further added that changes will be introduced gradually allowing a reasonable period of transition. However hardly a few months after, as soon as on 20.8.63, one massive extension of Indian laws took place by Pondicherry (laws) Regulation, 1963 through which 160 Indian Acts were extended including the Indian Code of Criminal Procedure modifying totally the criminal justice administration system. This was followed on 31st October, 1966 by the Pondicherry Civil Courts Act, abolishing the existing civil and administrative courts.

Cultural Matters

These questions have been pre-occupying the mind of the French Government from the beginning. The agreement reached in that respect is embodied in six articles of the treaty (Articles 20 to 25). Almost the whole of the annexed protocol devoted to them and also part 4 of the agreed process – verbal. Those provisions could be classified under four heads. The first one is that French language shall remain the official language as long as the elected representatives of the people shall not decide otherwise. In reality, immediately after the de facto transfer, English has acquired the pride of place. That was the language of the Heads of Departments. French Indian officials improved feverishly their skill in English. More and more English
speaking officers were recruited. After the de jure transfer, many French Indian officers opted for the French nationality, were incorporated in the French metropolitan cadres and left the territory.\textsuperscript{131} So when the Legislative Assembly of Pondicherry decided on 03.04.1965 that English, Tamil, Malayalam and Telugu will be concurrently official languages, French had practically ceased to be in use for official transactions.

The second provision is in respect of course of studies in French medium. It is embodied in Articles 2 of the protocol, which provides that such a course shall be maintained during the appropriated transitional period in a sufficient number of educational institutions. French medium course was in fact maintained scrupulously by the Indian Government in a sufficient number of schools and the transition from the French pattern of education to the Indian one was effected smoothly.

The third provision is the teaching of French in Indian institutions. Provisions in that respect are made in Para IV 3 of the Agreed Process – Verbal, in which the Indian delegation confirmed that teaching of French will be maintained and encouraged in the educational institutions of Pondicherry and Chandernagore. This is being done, but the results are not upto the expectations. The future for effective teaching of French appears to lie in intensive Certificate Courses in Higher Secondary School, College and the University with the help of competent teachers and adequate teaching aids, for those who are really motivated.

\textsuperscript{131} David Anoussamy, op.cit,p.19
The fourth provision is the continuance of the existing institution owned by the French Government, the opening of similar institutions. Those provisions are found in the Treaty. Accordingly there have been creation of new institution like the French Institute, the branch of Ecolé Français de Extreme Orient and the Alliance Francaise. The French Lycée which was in existence at the time of transfer is functioning with a larger strength and modern equipment. But the teaching of Tamil in that institution has suffered a set back after the transfer, shutting the opportunity of a double culture which has been the traditional asset of Pondicherry. To sum up, cultural matters which have been preoccupying the minds of all the three parties can now be considered as settled. French language has acquired the place it can have on the Indian soil.

On 26th May 1968, by the Pondicherry Extension of Laws Act, 1968, 95 other Indian Acts were extended. After these extensions the basic legal fabric has become Indian. One cannot escape the conclusion that the change was not gradual, that there was no reasonable period of transition as contemplated in the Agreed Process-Verbal.

The hasty manner of change met with some resistance from the existing lawyers and led to litigations. This has left acrimony which could have been avoided. Further the indiscriminate extension of Indian Laws had also the effect of creating problems and uncertainties. After the de jure transfer, the proper course would have been, for the purpose of extending Indian laws, to constitute a committee of jurists drawn from India and jurists from Pondicherry who were familiar with French law. This would have made the transition smooth. On the
contrary an antagonism has been allowed to take place between the two. Indian law officers who were holding the key in the matter were impatient to change the law.

However regrettable were the timing and manner of change, it is now an accomplished fact. The legal framework in Pondicherry and the judicial machinery under the control of the High Court of Tamil Nadu are no different from the ones prevailing in the rest of the country. The last distinctive feature of the erstwhile French India was its law and legal institutions. With their disappearance, the territory has become fully Indian. The merger has been accomplished.

Pondicherry remains still a separate entity. But there has been a feeling prevailing in the Union Government that Pondicherry was costing too much to the Union Exchequer. So an attempt was made in 1979 to merge the erstwhile French establishments with the respective contiguous states. But there was a sharp reaction in the form of agitation. Curiously enough it was spear-headed by those who had settled down in Pondicherry after the transfer. It had the support of the trading community.

Many of Nehru's ideas were based on this broad liberal tradition, rather than on specific individual sources. He was influenced by classical liberalism with its emphasis on individual rights, a Parliamentary system, free elections, a free press, and freedom of speech. Nehru elaborated the three fundamental nineteenth century liberal ideas, (1) belief in the inevitability of human progress (2) faith in the perfectability of the individual and (3) belief that force could progressively be eliminated as an arbiter of human relations,
throughout his writings and speeches. He believed that through time human beings would gradually progress. "He still do believe that there is something in mankind, some strength, that makes us survive. And if mankind survives it will survive at each step at a relatively higher plane". All throughout his life, nationalism and socialism were the dominant elements in the thought and actions of Nehru. While nationalism overwhelmed him in the early part of his political life, socialism later became his vital ideology.

Nehru was the champion of the young radicals and the westernized Indian intelligentsia. He brought them into the congress movement. He also attracted the urban middle class and the working class to the Congress. All these groups admired Nehru's vision of a new society based on his ideas of liberalism and socialism. Nehru believed that India's independence was only a prelude to the transformation of the Indian society. It had to be followed by social and economic reforms. This determination gave the Indian nationalist movement a materialist and socialist orientation, adding a social and economic content to the meaning of Swaraj.

Jawaharlal Nehru viewed the Indian national movement from a wider international perspective, as part of a world movement under which nations attempted to raise themselves from oppression and tyranny. As he wrote Indian's struggle today is part of the great struggle which is going on all over the world for the emancipation of the oppressed. Essentially, this is an economic struggle with hunger and want as its driving forces, although it puts on nationalist and other forces.
We believe that it is the inalienable right of the Indian people, as of any other people, to have freedom and to enjoy the fruits of their toil and have the necessities of life, so that they may have full opportunities of growth. We believe also that if any Government deprives a people of these rights and oppresses them, the people have a further right to alter it or to abolish it. The British Government in India has not only deprived the Indian people of their freedom but has based itself on the exploitation of the masses and has ruined India economically, politically, culturally, and spiritually. We believe, therefore, that India must serve the British connection and attain Purna Swaraj or complete independence. 132

There is a new Government in France and a Prime Minister whose whole approach is likely to be different from the old approach. Then there is the problem of Indo-China with which, rather indirectly, we have become connected. Therefore, we do not wish to take a step in regard to Pondicherry etc., which, instead of helping, might become a hindrance in many ways. We are convinced that these French settlements must come to us before long. In the French settlements, the position grows more tense. The French Administration in Mahe has practically collapsed and the Administration has decided to hand over authority to representatives of the people there. Thus nearly all the isolated enclaves have shed French rule and only Pondicherry and Karaikal remain. There has been a good deal of repression there in view of the very delicate situation. With the intensification of the Movement for merger of Mahe with the Indian Union, the French administrator in Mahe, despite an official announcement on 15th July in

11 M. B. Bose, Jawaharlal Nehru and his economic policy, Calcutta, 1977, p.27

210
Paris that the administration of the settlement would be withdrawn to Pondicherry, transferred control of the settlement to the leader of the local liberation movement.  

French colonialism was functioning at Pondicherry. There have been brutal assaults on the people there. However, there has been a development in regard to these French establishments which holds out some promise. The Prime Minister of France has written a friendly letter suggesting negotiations in an equally friendly manner and welcomed direct negotiations between the Government of India and the Government of France in regard to these settlements. Neither of us had made any commitments in these letters. But our position was well known. It has seemed to him that the French Government has at last realized that they cannot carry on as they have done. The second realization may soon follow that the only way open is to transfer these settlements of India. But naturally the French Government and people did not wish to be humiliated and have no desire to do that. Therefore, they dealt with them in a friendly way as possible, holding to our views.

The situation in Pakistan continued to be exceedingly fluid and uncertain. The elections in East Bengal have created a situation which, in a sense, is revolutionary. Mr. Fazlul Huq and Mr. Suhrawardy are two prominent leaders of East Bengal and they have considerable influence. But what has happened in East Bengal is something much more than perhaps these leaders themselves imagined. A younger, more advanced and more leftist element has come to the front and undoubtedly want to have its way. This new element is not communal.

---

133 G.Parthasarathi, op.cit.p.613
at all. Politically it has taken up a strong line against the U.S. aid to Pakistan. It is intensely Bengali. Referring to the Bengalis of West Bengal, they said “You people are becoming Hindiwalas now. We are the real Bengalis and therefore give us Tagore whom we will appreciate more than you will.” This was said in a spirit of banter. But it shows this intense Bengali feeling that pervades East Bengal.

While stressing the importance of the Geneva Conference, Nehru believed that had the cease fire in Indo-China been effected at the time when India proposed it, much of the killings would have been avoided. He stated on 15\textsuperscript{th} May in the Lok Sabha that roughly one-fifth of French establishments were under some kind of popular control and in the rest there were strong movements.

France is in a very difficult position because of her defeat in Indo-China and the instability of her Government. French opinion is anxious to have a cease fire and settlement in Indo-China. But the Government seems to be of many minds and is pulled in different directions. The United States, for the first time in international conferences, is not playing a very important part. Normally they dominate such conferences. But the initial lead they gave was not accepted by the others and Mr. Dulles retired from the scene.

Thus, while Pondicherry may be a very small part of India, Pondicherry has now become a symbol of friendly solution by negotiated settlement between nations. This settlement has truly brought joy and happiness throughout a certain objective in India. The objective fulfilled in a large measure and as more fulfillment comes to it. Our great leader, Mahatmaji, always laid stress on the manner of
doing things, on the means employed. It is good to have a right objective, to have right ends in view, but he always said that it is more important to adopt right methods and right means.

Variety enriches our culture, but only when there is a strong bond of unity also. Pondicherry with its background of French culture and language as something enriches Indian culture. The future of Pondicherry might depend to some extent on us sitting in Delhi or our officers here, but it will depend far more on the people of Pondicherry. 134

We live in an age of democracy and India is committed to the democratic ideal for the first time in history. We were brave and courageous enough to give the vote to hundreds of millions of people of India. We gave the vote to the dwellers in the jungle, even as to the dwellers in the cities. We did not deny the vote to any person in India. We did not attach any property qualifications or educational tests. We treated every one as a human being, with a right to say what his Government should be. So we put our faith in democracy to the fullest extent. And democracy only flourishes, as freedom only flourishes when the responsibilities of freedom are understood and carried out. If the responsibilities are not understood and carried out, then freedom itself tends to slip away. There is no right without a corresponding responsibility and obligation. We claim rights, but we forget the obligations that accompany the rights and such rights will not be a blessing to us and may even be a curse. Democracy means cooperation. It means adjustment, it often means compromise of different

view points and it means avoidance of conflict. We are not going to build anything through conflict and violence.

Pandit Nehru’s contribution to the very conception, birth and work of the Constituent Assembly, as also to the framing and functioning of the Constitution of India was unique. He gave to it its spirit and soul, its philosophy and vision. It was he who laid down the basic principles and the broad structure of the constitution through the Objectives Resolution through crucial interventions in the Constituent assembly and through his very active role in committees and in behind the scene informal discussions and party meetings. In this sense, the Constitution is, indeed, his handiwork. In the words of Indira Gandhi; “the spirit of our Constitution bears the imprint of his (Nehru’s) inspiration even though the forms might have been devised by professional lawyers”.135

The task of framing the Constitution for independent India would always be remembered as a task of tremendous magnitude; it was second in importance only to the achievement of the country’s independence from foreign rule. The Prime Minister of the newly-independent India, deeply involved in several pressing issues with national and international ramifications, could not be expected to find much time for the exercise of drafting the detailed provisions of the Constitution. Nevertheless, he was the Assembly’s philosopher and its Prime constitutional thinker. Himself an erudite scholar, he looked at the issues from intellectual and idealist angles. While he did not bother

---

about what he considered to be petty details, he paid the most 
meticulous personal attention to the fundamentals.

Nehru was the most charismatic leader in the Constituent 
Assembly with enormous popularity and mass appeal outside it. He 
had the power to sway opinion. But, as a committed democrat, he saw 
to it that decision-making in the Assembly was in accordance with the 
best democratic norms and traditions. He stood for full and free debate 
on all issues and, so far as possible, wanted decisions by unanimity or 
near unanimity. This is amply clear from his observations made in the 
Constituent Assembly. Let us not trouble ourselves too much about the 
petty details of what we do; those details will not survive for long if 
they are achieved in conflict. What we achieve in unanimity, what we 
achieve by co-operation is likely to survive.

Jawaharlal Nehru gave to the nation the concept of the 
Constituent Assembly. The assembly, as envisaged by Nehru, was to 
be a fully sovereign body, it could not come as a gift from the 
imperialist power; it had to be elected by adult franchise and its 
function was to be only to frame a Constitution and nothing more. 
Practically all the congress resolutions on the subject of the Constituent 
Assembly were drafted by Nehru, though not always moved by him.

In fact, Gandhiji categorically declared that it was Jawaharlal 
Nehru who compelled him to study the implications of a constituent 
Assembly, who introduced the idea in congress resolutions, and finally 
made him (Gandhiji) a convert to the idea.
Nehru believed that the Constituent Assembly was a new kind of organ which, once it meets, is self-governing and self-determining and will receive no directions from any one outside it. Even though it had to work within a certain framework, nevertheless, Nehru was fully alive to the responsibility of the Constituent Assembly in framing a Constitution and conscious of the substantial and pivotal role expected of the congress organization in the process. As the leader and the hero of the Indian revolution, Nehru believed that it was important and necessary for him to tell the people of India and the world at large what the Constituent Assembly stood for the nation to be.

The Objectives Resolution which, according to Nehru, was 'in the nature of a pledge', guaranteed fundamental rights to citizens, and safeguards for the minorities. It was through this Resolution that the Constituent Assembly pledged itself to drawing up a constitution for the country wherein shall be guaranteed and secured to all the citizens of India justice social, economic and political; equality of status and of opportunity before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality and wherein adequate safeguards would be provided for the minorities, backward and tribal areas and depressed other classes. The preamble to the Constitution, which outlines in brief the basic philosophy as enshrined in its provisions, was carved out of this objective Resolution.

Thus, while Nehru's Objectives Resolution gave to the Constituent Assembly its guiding principles and the philosophy that was to permeate its task of constitution making, his eloquent and inspiring address, full of the spirit of hope, determination and defiance,
set the tenor and the tone for future Assembly deliberations. Commending the resolution for unanimous adoption by the Assembly, Nehru expressed the hope that it would lead to a Constitution on the suggested lines and the Constitution would lead the people to real freedom from hunger, want and poverty.

Of the most important Committees of the constituent Assembly, Nehru himself was the chairman of as many as three, namely the States Committee, the Union Powers Committee and the Union Constitution Committee. Without, in any way, meaning to detract from the unique role performed by Sardar Patel in the field of integration of the princely states with the rest of India, it may be pointed out that it is often forgotten that the first most crucial steps in the direction were actually taken by Nehru in his capacity as chairman of the States Committee appointed to negotiate with the States Negotiating Committee. Nehru showed remarkable statesmanship and through a display of the requisite firmness and a spirit of genuine accommodation and conciliation, he succeeded in bringing round a large number of States to agree to send their representatives to the Assembly under the formula of representation settled during negotiations. The Union constitution committee and the Union powers Committee under his chairmanship similarly played crucial roles by setting the principles of the Constitution and the nature of the Polity.

On the fundamental rights provisions of the Constitution, Nehru took very active part in the debates in the Constituent Assembly and later, while speaking on the First and the Fourth constitution Amendment Bills. He supported the provision of adequate safeguards for minorities, tribals and backward classes. Intervening during the
Nehru asked for the protection of the tribal areas and the tribal people in every possible way. However, he pointed out that the various safeguards were not to be confused with fundamental rights. The ultimate national objective was to build a united organic nation based on the rich variety and unity of Indian culture and not to perpetuate separatist tendencies on privileges and class or caste discrimination.

Nehru spoke at length on the respective roles of relationship between the legislature and the judiciary. Within the terms of the Constitution, he felt, the will of Parliament was supreme and the judiciary could not be allowed to function as a third member to thwart social reform measurers. He supported Dr. Ambedkar’s amendment to Article 39A of the Draft Constitution regarding the separation for his judiciary from the executive in the public service of the state. The original article had prescribed a time limit of three years which the amendment sought to delete.

Pandit Nehru was a strong advocate of the need for flexibility in the constitution. No Constitution, howsoever good, could bind succeeding generations. In order to be lasting, it must be amendable to change in accordance with changing societal needs and aspirations. Nehru said, ‘A constitution to be living must be growing, must be adaptable; must be flexible, must be changeable’. He believed that however good a constitution might be at any time, after working it for some little time, flaws appear. Nothing is perfect, and then it becomes

---

necessary to make changes to remove those flaws.\textsuperscript{137} In fact, a Constitution gets its real meaning and content only by the manner in which it is worked. So the constitution of India was really being made during the early years of its life when it was being actually put to work and test under the stewardship of Jawaharlal Nehru. Nehru’s role in building the national edifice on firm foundations and giving to the Constitution its life and soul by working it for the first fourteen years was most remarkable. Many loopholes were detected in the process of working and Nehru took it upon himself to plug them by bringing in the necessary constitutional amendments which clarified the real intent of the framers of the Constitution.\textsuperscript{138}

The Government of India consider that the resolutions which have been passed for the immediate merger of the possessions with India are as complete an expression of the wishes of the people as is possible under the existing circumstances. In view of this, they have learnt with great concern that the French authorities are taking steps to intimidate and suppress this spontaneous movement of the people. They understood that immediately after the resolutions were passed, four supporters of the pro-merger movement were arrested by the French Police. Further, on the night of the 20\textsuperscript{th} March, the P.T.I. correspondent, Mr. Palani Doraiswamy was assaulted by lawless elements and his cycle was snatched as he was returning from the house of one of the Councilors who is a leading supporter of the pro-merger movement.

\textsuperscript{137} Ibid  
\textsuperscript{138} Ibid
An outstanding fact which has been repeatedly emphasized by the Government of India is that the presence of small foreign enclaves on Indian soil is not in keeping with the emergence of India as a free country. Certain historic processes have brought about the end of British rule in India. It is inevitable that similar processes should affect the French possessions and lead to the same results. The Government of India have all along wished that these processes should be carried out peacefully and by the method of friendly negotiations.\(^{139}\)

At the beginning of the Second World War, after the surrender of France to Germany, Pondicherry had the threat of another occupation by the British. That was avoided only by Pondicherry rallying the Free France Movement operating from London. During that period, the French Governor had to bear the influence of the British Consul General. The British Government which had been nurturing discontent on account of smuggling activities from Pondicherry, seized the opportunity to impose deftly on Pondicherry a customs union and brought the customs office from the boundaries to the sea shore. In that way an economic merger was achieved. After the war, France had a second look at her colonies which helped her in no small measure for the recovery of her own land from the clutch of Germany.

It also allows the Governor to delegate the Presidency of the Council to one of the Councilors. The Council gets more power under the regulation. It has responsibility of implementing the decisions of the representative assembly, of deliberating on all draft rules and

\(^{139}\) Note, dated the 22\textsuperscript{nd} March 1954, from the Ministry of External Affairs to the French Embassy, New Delhi, p. 8
notifications of the Governor to the exception of those which are taken
for implementation of statutes. The Governor may also entrust to a
member of the Council the responsibility of a department whose
expenses are entirely borne by the local budget and for that purpose to
vest him with the powers of the Governor. Those powers were to be
exercised with the technical assistance of the Head of Department.

Main features of the Agreement

Nationality

The provisions of the Treaty in respect of nationality cannot be
said to be satisfactory. The main provision is that all French citizens
born in the French establishments and residing there in or elsewhere in
India would become Indians unless they make a declaration to the
contrary within 6 months from the date of effect of the treaty. These
provisions have been made in disregard of two important ground
realities. Firstly people from French establishment used to get married
frequently with parties from outside those establishments. Therefore
many children of French nationality were born outside the
establishments. Those children have not been covered by the
provisions of the treaty and the French Consulate was thereafter
surprised at the vast number of persons who remained French without
having made the declaration of option for the French nationality.
Secondly, French citizens of Pondicherry were of quite different
brands, ranging from an European with French as his mother tongue
and an Indian hailing from a far off village who has never heard a word
of French. Subjecting them to the same treatment was neither fair nor
realistic. A distinction could have been made between those who had
earlier opted to be governed by French Civil Code and those who were
not covered by it, as it was done thereafter in respect of other erstwhile French Colonies. The failure to do so has created a separate category of Indian citizens governed by the French Civil Code as it stood in the year 1954, modifications made thereafter by the French Parliament would not apply to them since they are no longer French. They are subject to a law which remains static, which has become absolute in many respects and which is not known well in the legal world in spite if steps taken. It would be better to admit those persons to the benefit of this modern India law.

However the idea was brushed aside by both India and France. Thereafter France has reconciled herself with the idea of dual nationality to implement it in her territory in respect of persons having a nationality of some other countries. But India is still vigorously opposed to the idea of dual nationality, especially on account of the Sikh problem. While piloting the Constitution amendment bills and otherwise speaking on important issues, Nehru made a significant contribution to constitutional thinking on Subjects like Fundamental Rights verses Directive Principles, limits to freedom of speech etc., rights of the individual verses the interests of society, the supremacy of Parliament and the jurisdiction of courts, right to property; protection of backward classes, resolution of the language problem, the relationship between President and the Prime Minister. It is pertinent to recall, among other things, Nehru’s role in the evolution and operation of the Constitution of India not only as a matter of historical interest or to pay homage to the great builder of modern India, but because Nehru’s vision and views, and his words and warnings on the crucial problems of the Indian polity are as relevant today as they were when
he moved in flesh and blood and guided the destiny of the nation.\textsuperscript{140}

What he told the Constituent Assembly, he could as well be saying today; At present the greatest and most important question in India is how to solve the problem of the poor and the starving. Wherever we turn we are confronted with this problem. If we cannot solve this problem soon, all our paper Constitution will become useless and purposeless.

The Government of India understood that all the French Indian Councilors and the Mayors of eight French Communes have passed unanimous resolutions demanding immediate merger of the possessions with India without a referendum. These resolutions have been fully supported by the President of the Representative Assembly. Copies of the resolutions have been sent to the Government of France. The Government of India understood that the resolutions state that the people of the possessions are in favour of merger with the Indian Union without a referendum. The resolutions also call upon the Government of France to take urgent and necessary measures to give effect to the wishes of the people.

\footnote{\textsuperscript{140} Ibid}