NEHRU AND OBJECTIVES RESOLUTION: A HISTORICAL PERSPECTIVE

J.K. Mittal

I Introduction

PANDIT JAWAHARLAL Nehru was one of the forefront leaders of our political movement who laid down the foundation of Indian constitutionalism during pre-Independence era. This is evident from the fundamentals of the Objectives Resolution he moved in the Constituent Assembly on 13 December 1946. The resolution spoke of India as an independent sovereign republic and a union of autonomous units having residuary powers also where in all power would be derived from the people. It emphasised the guarantee to all her people of justice, equality and freedom; adequate safeguards to minorities and tribal backward classes; and territorial integrity. Lastly it committed the country, which would have its honoured place in the world, to the promotion of world peace and the welfare of humankind.¹ These fundamentals were rooted in the history of the movement.

Nehru’s appearance on the political scene of India in 1920 was only second to Mahatma Gandhi’s in 1918² in that of its tremendous impact on the future political evolution of India. Already considerable groundwork had been done by the leaders who preceded them.

This paper presents, in brief, relevant salient features of the political movement prior to, and after the entry of, Nehru into politics, and a study of the Constituent Assembly debates on his Objectives Resolution.

II Political Development Prior to Nehru’s Entry

The leaders of the first war of independence in 1857 failed in their attempt to eliminate foreign rule and paid with their lives; yet their spirit kept alive. The constitutional reforms of 1858 and 1861 were of little consequence as basically the role of imperialism was ruthless and harmful. With the advance of education and means of communication, political consciousness

¹ See the full text of the resolution.
² Gandhi returned to India from South Africa in 1915 but he remained a silent spectator of developments till 1918 when he rapidly emerged as a champion of the oppressed by supporting workers of indigo plantation and rousing peasants in Gujarat. The Rowlatt Act 1919 and Jallianwala Bagh tragedy at Amritsar shocked Nehru. He took the tragedy as a profound insult to the national honour but was prevented by his father from joining the Satyagraha Society of Gandhi. His formal initiation into politics, however, came in 1920 when he was face to face with the naked, starving, crushed and miserable Indian peasant, and in 1921 actively participated in the first civil disobedience campaign. See Michael Brecher, Nehru: A Political Biography 36-43 (1st abridged ed. 1961).
was awakened especially in the growing middle class, and political movement in one form or the other continued. The first national conference was convened at Calcutta in 1883 to create and consolidate native public opinion in furtherance of national interests. This was the first stage towards a national Parliament. Surendra Nath Banerjee was the moving spirit behind it.

A new era of political unity was, however, ushered in with the birth of the Indian National Congress in 1885. It was an unprecedented event in the history of the political development of India. The Congress met at Bombay, reposed faith in the generosity of British rule, and demanded proper and legitimate share of the people in the governance of the country. This is how it began. The demand was partially met with in the reforms of 1892 which expanded the legislative councils, authorised just financial discussion and interpellation, and introduced the system of nomination by several bodies to non-official seats. By now the Congress had grown in stature. It was critical of these reforms as being devoid of real elective principle and true representation. It demanded popular element in the councils.

In 1895, the Constitution of India Bill was drafted under (perhaps) the inspiration of Lokamanya Bal Gangadhar Tilak who asserted freedom as his birth right. The bill represents the first non-official attempt at making a Constitution for India, providing for parliamentary democracy, and fundamental rights. It was later characterised as the Home Rule Bill for India by Annie Besant. In 1897 Tilak was convicted for sedition which brought a countrywide resentment and gave rise to a demand for the guarantee to Indians of the same rights and privileges as the British enjoyed at home.

By the beginning of the current century, the Congress had really grown in stature. Its deliberations reflected the ideal of political, social and economic betterment of India. Its galaxy of leaders included Dadabhai Naoroji, Gopal Krishna Gokhale, G. Subrahmanya Aiyar, Buddruddin Tyabji, Tilak, Pandit Madan Mohan Malaviya, Sir Pherozeshah Mehta, Bepin Chandra Pal and Mahadev Govind Ranade. They brought about considerable political and social awakening. The repressive policy of Lord Curzon resulted into a countrywide wave of resentment. In 1905, the Congress launched the Swadeshi movement—the boycott of British goods and use of indigenous products. In 1906, it demanded the extension of the system of government obtaining in the self-governing dominions to

---

India. As the national movement found organised expression in the Congress, the British Government sowed the seeds of dissension between Hindus and Muslims by providing for separate electorates which got statutory recognition in 1909. Thus began the politics of religion by the British Raj. The Congress was very critical of the creation of separate electorates. The reforms of 1909 did not satisfy the demand for self-government. As the national movement gained momentum, the government resorted to repression through law and other means and this gave rise to the demand for a declaration of rights. In 1914 the demand for self-government was also pressed for and in 1915 Annie Besant and in 1916 Tilak established home rule leagues with the object to attain home rule within the British Empire.

As the government continued with its policy of repression through law, the Congress described its rule as one of blood and iron, a naked invasion on the liberties of the people. Gandhi described this official lawlessness as lawless repression. It was during this surcharged political atmosphere that Nehru entered politics in the national interest.

III Political Development after Nehru's Entry

The Congress session at Nagpur towards the end of 1920 was a landmark in many ways. For the first time, Gandhi was acknowledged as the undisputed leader and the Congress goal was changed from self-government within the British Empire to the attainment of Swaraj by legitimate and peaceful means. Swaraj could then be interpreted as dominion status or complete independence. The philosophy of Satyagraha (non-cooperation) was accepted as the basis of future political movement. Added to this was the charkha (spinning wheel). All this by Gandhi had a profound impact on the peasantry. The Congress was restructured democratically with a solid base at the grassroot level. It was transformed into a nationwide mass organisation. Nehru, as an active participant in the first civil disobedience campaign, was rounded up and sentenced to imprisonment in 1921. This was his first experience in jail. On his release in 1922 he plunged into campaign boycotting foreign cloth, and was imprisoned again. He was released in early 1923. By now he was completely under the influence of Gandhi who shaped his future as a statesman. Nehru was most influenced by the moral and ethical side of Gandhi's Satyagraha, his truth and non-violence.

8. Id. at 25-26, 69.
9. Supra note 5 at 56.
10. See Mittal, supra note 3 at 92-97.
11. See, for repressive laws, supra note 5 at 39-40.
12. Id. at 41-42.
13. Supra note 2 at 41-46.
In 1922 Gandhi made a statement of far-reaching importance which may be said to have laid down the foundation of our Constituent Assembly. He observed that Swaraj meant undoubtedly ability of India to declare her independence if she wished. It would, therefore, not be a free gift of British Parliament. It would be a declaration of our country's full self-expression, which might have a courteous ratification by an Act of Parliament. Swaraj would be a declaration of the will of the people of India expressed through her freely chosen representatives.15

By now leaders like Motilal Nehru, Rajendra Prasad, Vallabhbhai Patel, Abdul Kalam Azad, Chakravarti Rajagopalachari and Subhash Chandra Bose had also assumed first rank of leaders and made substantial contribution to the political evolution of India. They were charmed by the magnetic personality and programme of Gandhi.16 Jawaharlal Nehru, however, had to march ahead in times to come.

To Nehru communal frenzy was awful to contemplate. He was critical of religious fundamentalism and said that no peoples who were slaves to dogma could ever progress.17 Though he respected religious persons, he was opposed to organised religion. Nehru wrote:

[The religious outlook does not help, and even hinders, the moral and spiritual progress of a people, if morality and spirituality are to be judged by this world's standards.... Moral standards have no relation to social needs but are based on a highly metaphysical doctrine of sin. And organized religion invariably becomes a vested interest and thus inevitably a reactionary force opposing change and progress.18

After his release from prison in early 1923, there was manifestation of Nehru's independent personality. As a mediator between two factions of the Congress, he took initiative with remarkable skill to solve the tangle. His inclination for honourable compromise and his talent for mediation made him a leader of national and international repute.19

In late 1923 Nehru was again convicted of several offences including conspiracy and imprisoned in Nabha—an Indian state. During the incarceration he had a glimpse of the administration in an Indian state and this made him a champion of the rights of the people in princely states. There he was face to face with an arbitrary regime.20 He wrote:

15. Supra note 4 at 33.
16. See generally supra note 7 at 254-77.
17. Supra note 2 at 50.
18. Supra note 14 at 89.
19. Id. at 99-100.
20. Id. at 106.
Most of the Indian states are well known for their backwardness and their semi-feudal conditions. They are personal autocracies, devoid even of competence or benevolence... The [Nabha] state was under a British Administrator, and he had the full powers of an autocrat, subject only to the Government of India. And yet at every turn we were referred to Nabha laws and procedure to justify the denial of the most ordinary rights.\(^{21}\)

Unity and discipline were the two main pillars of Nehru's one-man educational campaign to facilitate India's transition to a modern progressive society.\(^{22}\) In addition he adhered to the path of non-cooperation and non-violence. He said in 1923:

Non-cooperation and non-violence...are the two essential ingredients of...[the] movement.... Evil flourishes only because we tolerate and assist it. The most despotic and tyrannical government can only carry on because the people it governs themselves submit to it. England holds India in bondage because Indians cooperate with the Englishmen and thereby strengthen British rule. Withdraw the cooperation and the fabric of foreign rule collapses.... I firmly believe in the efficiency of non-violence. But non-violence has nothing to do with cowardice or weakness.... Fear and cowardice are the greatest sins and unhappily we have enough of them in our country...[As India has chosen] the path of non-violence and suffering, of direct action and peaceful revolution...there is no going [back from that].\(^{23}\)

Nehru was the General Secretary of the All India Congress Committee from 1923 to 1926. In 1926 he left for Europe. In 1927 he participated in the proceedings of the International League against Imperialism (or the Congress of Oppressed Nationalities) at Brussels on behalf of the Congress and the people of India. This was his first political exposure at an international meet. He explained British exploitative rule, put across the cause of India and sought closer cooperation to fight against imperialism. He said:

The Indian National Congress is necessarily national and has nationalism as its basis, but...our nationalism is based on the most intense internationalism. The problem of Indian freedom is for us a vital and urgently essential one; but at the same time it is not merely a purely national problem. India is a world problem and as in the past so in the future other countries and peoples will be vitally affected by the condition of India.\(^{24}\)

21. Id. at 105-06.
22. Supra note 2 at 48-49.
23. Supra note 14 at 109, 110, 111.
24. Id. at 121.
The Brussels Congress passed a resolution to the effect that the Indian national movement would base its programme on the full emancipation of the peasants and workers without which no real freedom was possible.\textsuperscript{25}

In 1927, Nehru visited Russia also. This visit aroused his curiosity about the first Marxist-Socialist experiment and the forces which changed the old order of things and brought a new one into existence. That country attracted him greatly and held forth a message of hope to the world. He, however, did not favour communism for India.\textsuperscript{26}

The 1927 trips had a profound impact on Nehru. His awareness of foreign affairs was intensified and his ability to communicate his views effectively enhanced. He began to read profusely to have clearer perception of world affairs. He felt the need to reformulate his views about economic and political reforms in India.\textsuperscript{27} He wrote:

> My outlook was wider, and nationalism by itself seemed to me definitely a narrow and insufficient creed. Political freedom, independence, were no doubt essential, but they were steps only in the right direction; without social freedom and a socialist structure of society and the State, neither the country nor the individual could develop much.\textsuperscript{28}

Repression continued with its full force. It was a periodic eruption in some shape or other, in some place or other, a chronic symptom of a chronic disease.\textsuperscript{29} The remedy lay in the establishment of \textit{Swaraj}. Consequently, the Congress framed the \textit{Swaraj} Constitution to give momentum to the fight for \textit{Swaraj} and to make necessary adjustments of all differences between important interests, sections or communities standing in the way of a united action. Moreover, the time had come to determine and establish an Indian Constitution independent of any question of demand or settlement. On the basis of an agreed scheme of self-government for India, the Congress should be able to absorb all important political parties in the country and to establish a \textit{Swaraj} government. In the preamble, \textit{Swaraj} was declared as the inherent and inalienable right of the people of India. It emphasised the necessity of establishing full responsible government in India with a view to secure the blessings of liberty, ensure domestic tranquillity and promote general welfare. In exercise of their right of self-determination, the people of India, acting through political bodies and associations, therefore, ordained and established the \textit{Swaraj} Constitution and entered into a solemn league and covenant amongst themselves to carry

\textsuperscript{25} Id. at 125. Later in 1930 the Congress had a final break with the League because of its unwarranted denunciation of Gandhi and the Congress. Id. at 128.

\textsuperscript{26} Id. at 129, 138.

\textsuperscript{27} Id. at 129.

\textsuperscript{28} Id. at 138.

\textsuperscript{29} Supra note 5 at 42.
it into effect by all peaceful and legitimate means. The Constitution contained a bill of rights and made elaborate provisions for central and provincial governments. It was well received all over the country and also endorsed by the Motilal Nehru Committee in 1928.\(^{30}\)

Nehru was the General Secretary of the Congress from 1927 to 1929. In 1927 the Congress boycotted the Simon Commission which was to investigate whether India was fit to govern herself. Nehru was an active organiser of the boycott. Towards the end of 1927 Nehru moved a resolution at the Madras Session of the Congress, which declared the goal of the people to be complete national independence. He opposed any moderate or compromising position. It was almost unanimously adopted.\(^{31}\)

In the meantime the Congress convened an All Parties Conference with Motilal Nehru as its chairman in 1928 to determine the principles of a Constitution for India to be presented to the British Government. The recommendations of the committee had, by their very nature, taken a form similar to that of clauses of a draft bill but they were not intended to be treated as such or understood as anything more than an indication of the principles involved. In its report the committee said that India would have the same constitutional status in the comity of nations (British Empire) as other dominions. It recommended, *inter alia*, parliamentary institutions of the British type for India, a number of fundamental rights, some of which were meant to solve communal problem, joint electorates and an independent judiciary. This draft of the committee was hailed by the Congress as a great contribution towards the solution of India's political and communal problems.\(^{32}\) The Congress resolved to adopt the Constitution if it was accepted by the British in its entirety. As the attitude of the government was not positive, the Congress had to adopt a different course.\(^{33}\)

Nehru's interest in socialism was fast developing. He felt that, while demanding freedom on many grounds, it was ultimately the economic problem that was material. He was most grieved by the miserable fate of the masses—the peasantry, the landless labourers, the workers, the shopkeepers, the artisans. He felt for the youth, the child and the womenfolk. He had widened his vision. He continued to awaken the youth to higher ideas—to the needs of the oppressed everywhere. His avowed goals were internationalism, democratic socialism, political and economic equality, an end to subjugation and exploitation.\(^{34}\) He said:

> Our ideal...can only be an independent democratic State, and I would add a socialistic State, and for this we must work.\(^{35}\)

---

30. See Mittal, *supra* note 3 at 176.
32. Mittal, *supra* note 3 at 176-79.
33. *Supra* note 7 at 329, 354-57.
34. See generally, *supra* note 14 at 139, 155-67.
35. *Id.* at 159.
Nehru was opposed to the idea of dominion status. His complete independence group was increasing rapidly. Towards the end of 1928, he established his Independence League which aimed at a social democratic state and state control of the means of production and distribution. The league specifically called for steeply graduated income and inheritance taxes; universal, free and compulsory primary education; adult suffrage; minimum living wage; excess profits taxes; support for trade unions; unemployment insurance; an eight-hour work-day; the abolition of untouchability; equal status for the sexes; and far-reaching land reform—removal of Intermediaries, partial annulment of debts, creation of small holdings.38

Nehru was not only concerned with British India but Indian states also. He was critical of state administration. In fact, the Congress, in 1928, urged the ruling princes to introduce the system of responsible government based on representative institutions and to guarantee elementary and fundamental rights of citizenship.37

In 1929 the All India Congress Committee elected him the President of the 1929 Congress Session at Lahore. He took over presidentship from his father. At this session the main issue was whether the Madras resolution relating to independence should be incorporated as part of the Congress creed in article I of its Constitution. In his presidential address, Nehru explained:

Independence for us means complete freedom from British domination and British Imperialism. Having attained our freedom,... India will welcome all attempts at world cooperation and federation, and will even agree to give up part of her own independence to a larger group of which she is an equal member.... India could never be an equal member of the Commonwealth, unless Imperialism and all that it implies is discarded.... The real thing is the conquest of power, by whatever name it may be called. I do not think that any form of dominion status applicable to India will give us real power. A test of this power would be the withdrawal of the alien Army of occupation and economic control. Let us therefore concentrate on these and the rest will follow....38 We stand ... for the fullest freedom of India. This Congress ... will not acknowledge the right of the British Parliament to dictate to us in any way.39

There was complete unanimity on these views. Nehru read out the resolution at the stroke of midnight as 1929 yielded to the New Year of 1930:

36. Id. at 183.
37. Supra note 7 at 329.
38. Quoted in supra note 7 at 356.
39. Supra note 14 at 203.
We believe that it is the inalienable right of the Indian people, as of any other people, to have freedom.40

The flag was unfurled and the Congress declared that Swaraj in article I of its Constitution would mean Purna Swaraj (complete independence). Thus complete independence now became the goal of India's political movement.

In his presidential address, Nehru complimented the Congress for its awakening national consciousness and building up, brick by brick, the national movement, and paid rich tributes to the departed leaders who laid down the foundations of a free India. He hinted at the declining age of faith, the questioning and restlessness around the process of transformation of political state and society, and the attack on the old ideas of liberty, justice, property and even family. He said that civilisation today was not the creation or the monopoly of one people or one nation but a fabric to which all countries made their contribution. He added that India was a part of world movement and could not isolate her from it. He was thus concerned with a wider notion of nationalism.42

Though proud of India's past, Nehru was critical of the social inequality and the unhappy differences that existed between various communities and religious groups. He said that unless we brought about social and economic equality and cultivated faith and generosity, these ills would continue.43

Nehru condemned bigotry and dogmatism in religion, as well as communalism. He said:

I find it difficult to appreciate why political or economic rights should depend on the membership of a religious group or community. I can fully understand the right to freedom in religion and the right to one's own culture, and in India specially, which has always acknowledged and granted these rights, it should be no difficult matter to ensure their continuance.41

This shows his secular outlook and respect for religious freedom.

Nehru confessed that he was a socialist and a republican and no believer in kings and princes or in the order producing the modern kings of industry who exercised greater power over the lives and fortunes of workers than the kings of yore and whose methods were as predatory as those of feudal aristocracy. But he was cautious. He recognised that it might not be possible for the National Congress, constituted as it was, and in the existing circumstances to adopt a full socialistic programme. He said:

41. Supra note 7 at 357.
42. Supra note 14 at 195-97. See also id. at 201.
43. Id. at 198.
44. Id. at 199.
But we must realise that the philosophy of socialism has gradually permeated the entire structure of society the world over and almost... the only point in dispute is the pace and the methods of advance to its full realisation. India will have to go that way too if she seeks to end her poverty and inequality though she may evolve her own methods and may evolve the ideal to the genius of her race.45

Nehru highlighted the problem of labour and peasantry and suggested some solutions. He said:

We have to decide for whose benefit industry must be run and the land produce food. Today the abundance that the land produces is not for the peasant or the labourer who work on it; and industry's chief function is ... to produce millionaires. However golden the harvest and heavy the dividends, the mud huts and hovels and nakedness of our people testify to the glory of the British Empire and of our present social system. Our economic programme must therefore be based on a human outlook and must not sacrifice man to money. If an industry cannot be run without starving its workers then the industry must close down. If the workers on the land have not enough to eat then the intermediaries who deprive them of their full share must go. [The labour must be helped] to organise itself ... for the day when it can control industry on a cooperative basis. But industrial labour is only a small part ... although it is rapidly becoming a force ... It is the peasantry that cry loudly, piteously for relief and our programme must deal with their present condition. Real relief can only come by a great change in the land laws and the basis of the present system of land tenure ... (The) system of peasant proprietorship (must be introduced) all over the country.46

Nehru was critical of the Indian states which were the curious relics of a by gone era and whose rulers still believed in the theory of the divine rights of kings, though puppet they might be. They took the states as their personal property and squandered it at will. But he blamed the vicious system which produced them and which had to go. Nehru stood for the voice of the people in the states. He said:

The Indian States cannot live apart from the rest of India and their rulers must, unless they accept their inevitable limitations, go the way of others who thought like them. And the only people who have a right to determine the future of the States must be the people of those States including the rulers. This Congress which claims self-determination cannot deny it to the people of the States.47

45. Id. at 204.
46. Id. at 205-06.
47. Id. at 204.
Nehru was, however, for peaceful and conciliatory methods to bring round industrialists, landowners and rulers to the new order gradually emerging and taking shape.

The complete independence resolution and Nehru's presidential address were a break from the past in that they finally determined the political goal of India and identified areas for unity, harmony and socio-economic developments, thus infusing in the country courage and confidence, and a sense of direction.

At Lahore, 26 January 1930 was fixed as Independence Day when a pledge of independence was to be taken all over the country. On that day the following resolution was issued by the Congress for adoption all over the country:

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 sever the British connection and attain Purna Swaraj or complete independence ... We hold it to be a crime against man and God to submit any longer to a rule that has caused this fourfold disaster to our country .... We will therefore prepare ourselves by withdrawing ... all voluntary association from the British Government, and prepare for civil disobedience, including nonpayment of taxes ....

The day revealed the earnest and enthusiastic mood of the people and their readiness to sacrifice. This gave the necessary impetus to Gandhi who felt that the time had come for action. Civil disobedience electrified the atmosphere. Gandhi undertook Dandi Salt March to defy the salt tax, and a Civil Liberties Union was formed at the instance of Nehru. The Simon Commission Report on constitutional reforms was condemned by leaders as there was no prospect of the transfer of power. The first two Round Table Conferences (1930, 31) failed to produce any acceptable formula.

1931 was also a momentous year. The Karachi Congress passed in that year a resolution on fundamental rights and economic policy known as the Karachi Resolution on Fundamental Rights, Economic and Social Changes. It helped lay the groundwork for significant reforms in India.

48. Supra note 7 at 365-66.
49. Id. at 364; supra note 14 at 217, 218-19, 236-37, 241; supra note 5 at 185-86, 187.
Nehru deserves major credit for such advances which were primarily the result of his earlier efforts ... In the long run, they, in fact, proved to be of far greater significance for the development of free India. The resolution read:

Fundamental Rights and Duties

This Congress is of (the) opinion that to enable the masses to appreciate what “Swaraj” ... will mean to them, it is desirable to state the position of the Congress in a manner easily understandable by them. In order to end the exploitation of the masses, political freedom must include real economic freedom of the starving millions. The Congress, therefore, declares that any constitution which may be agreed to on its behalf should provide, or enable the Swaraj Government to provide, for the following:

1. (i) Every citizen of India has the right of free expression of opinion, the right of free association and combination and the right to assemble peacefully and without arms, for purposes not opposed to law or morality.

(ii) Every citizen shall enjoy freedom of conscience and the right freely to profess and practise his religion, subject to public order and morality.

(iii) The culture, language and script of the minorities and of the different linguistic areas shall be protected.

(iv) All citizens are equal before the law, irrespective of religion, caste, creed or sex.

(v) No disability attaches to any citizen, by reason of his or her religion, caste, creed or sex, in regard to public employment, office of power or honour, and in the exercise of any trade or calling.

(vi) All citizens have equal rights and duties in regard to wells, tanks, roads, schools and places of public resort, maintained out of State or local funds, or dedicated by private persons for the use of the general public.

(vii) Every citizen has the right to keep and bear arms, in accordance with regulations and reservations made in that behalf.

(viii) No person shall be deprived of his liberty nor shall his dwelling or property be entered, sequestered, or confiscated, save in accordance with law.

(ix) The State will observe neutrality in regard to all religions.

(x) The franchise shall be on the basis of universal adult suffrage.

50. Supra note 14 at 247.
The State shall provide for free and compulsory primary education.

The State shall confer no titles.

There shall be no capital punishment.

Every citizen is free to move throughout India and to stay and settle in any part thereof, to acquire property and to follow any trade or calling and to be treated equally with regard to legal prosecution or protection in all parts of India.

Labour

2. (a) The organization of economic life must conform to the principle of justice, to the end that it may secure a decent standard of living.

(b) The State shall safeguard the interests of industrial workers and shall secure for them, by suitable legislation and in other ways, a living wage, healthy conditions of work, limited hours of labour, suitable machinery for the settlement of disputes between employers and workmen, and protection against the economic consequences of old age, sickness, and unemployment.

3. Labour to be freed from serfdom and conditions bordering on serfdom.

4. Protection of women, workers and specially adequate provision for leave during maternity period.

5. Children of school-going age shall not be employed in mines and factories.

6. Peasants and workers shall have the right to form unions to protect their interests.

Taxation and Expenditure

7. The system of land tenure and revenue and rent shall be reformed and an equitable adjustment made of the burden on agricultural land, immediately giving relief to the smaller peasantry, by a substantial reduction of agricultural rent and revenue now paid by them, and in case of uneconomic holdings, exempting them from rent so long as necessary, with such relief as may be just and necessary to holders of small estate affected by such exemption or reduction in rent, and to the same end, imposing a graded tax on net incomes from land above a reasonable minimum.

8. Death duties on a graduated scale shall be levied on property above a fixed minimum.

9. There shall be a drastic reduction of military expenditure so as to bring it down to at least one half of the present scale.

10. Expenditure and salaries in civil departments shall be largely reduced. No servant of the State, other than specially
employed experts and the like, shall be paid above a certain fixed figure, which should not ordinarily exceed five hundred rupees per month.

11. No duty shall be levied on salt manufactured in India.

Economic and Social Programme

12. The State shall protect indigenous cloth; and for this purpose pursue the policy of exclusion of foreign cloth and foreign yarn from the country and adopt such other measures as may be found necessary. The State shall also protect other indigenous industries, when necessary, against foreign competition.

13. Intoxicating drinks and drugs shall be totally prohibited except for medical purposes.

14. Currency and exchange shall be regulated in the national interest.

15. The State shall own or control key industries and services, mineral resources, railways, waterways, shipping and other means of public transport.

16. Relief of agricultural indebtedness and control of usury, direct and indirect.

17. The State shall provide for the military training of citizens so as to organize means of national defence apart from the regular military forces.

It is evident from the Karachi Resolution that the Congress stood in free India for a secular democratic state, fundamental rights, equality, and social and economic justice. It resolved to protect minorities in matters of their culture, language and script and to improve the lot of the peasantry and labour. In the view of Nehru, this resolution "took a step, a very short step, in a socialist direction."51... The resolution became a basis of, or was almost repeated in, subsequent resolutions of the Congress. It was, however, characterised as the first socialist manifesto of India.

The breakdown of the Second Round Table Conference was followed by the revival of the civil disobedience movement in 1931. Gandhi disagreed with the British Government that the inability to solve the communal problem was hampering the progress of Constitution making. He also vehemently opposed separate electorates for "untouchables". The government, however, released the Communal Award in August 1932 which indicated general seats and seats for depressed classes, representatives from backward areas and other segments of population and establishments. Apart from a provision for separate communal electorates for Muslims, Sikhs, etc. the award created special constituencies for the depressed classes. Gandhi opposed this provision. He would not allow their statutory separation from the Hindu

Nehru and the Constitution

society and their classification as "untouchables" for all times to come. He declared that a separate electorate was neither a panacea nor a remedy for the crushing degradation of the downtrodden. Gandhi undertook a fast unto death. He was victorious. This resulted into the Poona Pact 1932—a compromise between B.R. Ambedkar, the depressed class leader who advocated separate electorates, and others who were opposed to them.64

If an objective and dispassionate view is taken of the developments since the emergence of Gandhi and Nehru on the Indian political scene till 1932, it is obvious that the foundation of Indian constitutionalism—the fundamentals of the Constitution of free India—was laid down during this period.

The developments till 1946 may briefly be described. The Congress did not participate in the Third Round Table Conference held in 1932. In 1933 the British Government issued a White Paper containing proposals for constitutional reforms. The Congress criticised it as it did not express the will of the people of India. Nothing short of a Constitution drawn up by a Constituent Assembly elected on the basis of adult suffrage or as near to it as possible was acceptable to it. The White Paper was submitted to a Joint Select Committee of Parliament for examination. It submitted its report in 1934.

The Congress view of the report was that the proposed constitutional scheme for the government of India was conceived in a spirit of imperialistic domination and economic exploitation, and transferred no real power to the people of India. It said that the acceptance of such a scheme would retard instead of furthering, the political and economic progress of India. The Congress recommended to the Governor-General to advise the British Government not to proceed with any legislation based on such a scheme.

The British Government, however, proceeded with the passage of the Government of India Bill based on the recommendation of the Joint Committee. The bill was passed and assented to in August 1935. The Act provided for, inter alia, the federation of British provinces and Indian states, dyarchy at the Centre, provincial autonomy, special powers and responsibilities of the Governor-General and a Federal Court. The government inaugurated provincial autonomy from 1 April 1937 but the federation never came into existence because of the reluctance on the part of the states. There was widespread criticism of the entire Act. It was called an undemocratic Constitution; a standing negation of civil rights and popular liberties. Nehru condemned the federation as a federation in bondage and under the control, politically and socially, of the highly backward elements in the country.

Yet the Congress contested elections in early 1937 and was, on the whole, victorious. The Congress ministries formed in the provinces, however, resigned after the outbreak of the Second World War because the British Government made India a participant in the war without the consent of the people. Earlier in 1937, the Congress said that the Act was designed to

52. See, for details, Mittal, supra note 3 at 187-91.
perpetuate the subjection and exploitation of the people of India and to strengthen the hold of British imperialism on India. It declared that the people did not recognise the right of any external powers or authority to dictate the political and economic structure of India. They would only accept a constitutional structure framed by them and based on the complete independence of India as a nation.\textsuperscript{53}

Repression continued in full swing. Civil liberties had no meaning to the government. To press the demand more vigorously an Indian Civil Liberties Union, with poet Rabindra Nath Tagore as its chairman, was formed. It was the manifestation of the people’s democratic spirit.\textsuperscript{54}

In March 1942 the Cripps Mission came to India with proposals about the constitutional reforms to be enforced after the cessation of hostilities. The proposals were rejected by the Congress and there was no agreement on the question of the Defence of India Act 1939. Thus the Cripps Mission failed.

There was no alternative left to India but to intensify non-violent fight against the British. The Congress passed a resolution in August 1942 which emphasised that the immediate ending of British rule in India was an urgent necessity, both for the sake of India and for the success of the cause of the world body. The resolution was given effect to and the “Quit India” movement was started. Unprecedented measures were adopted by the British to crush the movement.

The war came to an end in 1945 and conditions started improving. The Wavell Plan of June 1945 provided, \textit{inter alia}, for an Executive Council at the Centre. It did not, however, materialise. In September the Congress resolved that it would stand for a democratically elected Constituent Assembly to prepare a Constitution for the government of India acceptable to all sections of the people. Earlier in July the British Labour Party came into power. This brought a notable change in the attitude of the British Government. In February 1946 Lord Pethic-Lawrence, the Secretary of the State, announced that the British Government would send out to India a special Mission of Cabinet Ministers to find a solution to the problem of India. The Cabinet Mission headed by the Secretary of State reached India in March.\textsuperscript{55}

### IV The Cabinet Mission

The Cabinet Mission set forth its plan on 16 May 1946. It stated:

(1) The separate sovereign State of Pakistan on the lines claimed by Muslim League would not solve the communal minority problem.

\textsuperscript{53} See, for details, \textit{id.} at 187-221.

\textsuperscript{54} \textit{Supra} note 5 at 46.

\textsuperscript{55} See, for details, Mittal, \textit{supra} note 3 at 235-38.
Therefore, the power residing in British hands could not be handed over to two entirely separate sovereign states.

(2) Only the subjects of defence, foreign affairs and communications would belong compulsorily to the Central Government.

(3) The country was divided into three zones A, B and C. This would give a greater sense of assurance to the minorities. Section B would include the Punjab, Sind, the N.W.F.P. and British Baluchistan. This would constitute a Muslim majority area. In section C, which included Bengal and Assam, Muslims would have a small majority over the rest. This arrangement would give complete assurance to the Muslim minority, and satisfy all legitimate fears of the League. Section A would include all the predominantly Hindu territory between section B in western India and section C in eastern India.

(4) Muslims in the majority provinces would exercise almost complete autonomy. Only certain agreed subjects would be dealt with at the sectional level. Here also Muslims were assured of a majority at sections B and C and would be able to satisfy all their legitimate hopes.

(5) In the beginning the Muslim majority provinces would delegate to the Central Government only three subjects and thus ensure complete autonomy for themselves. The Hindu majority provinces would, on the other hand, voluntarily agree to transfer to the Central Government several more subjects. In a true federation, the federating units must have the freedom to decide on the number and nature of the subjects to be transferred to the Central Government.

Both the Congress and the League accepted this scheme.\textsuperscript{54}

The Mission laid down a mechanism for coming into existence a Constituent Assembly.\textsuperscript{57}

V Deliberations of Constituent Assembly

The Objectives Resolution, as moved by Nehru, read as follows:

(1) This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution;

(2) Wherein the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India as are outside British India and the States as well as such other territories as are willing to be constituted into the Independent Sovereign India, shall be a Union of them all; and

\textsuperscript{56} See, \textit{supra} note 14 at 230-31.

\textsuperscript{57} See, for details, Mittal, \textit{supra} note 3 at 239-42.
(3) Wherein the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the Law of the Constitution, shall possess and retain the status of autonomous Units, together with residuary powers, and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom; and

(4) Wherein all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people; and

(5) Wherein shall be guaranteed and secured to all the people of India justice, social, economic and political; equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and

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

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

(8) This ancient land attains its rightful and honoured place in the world and makes its full and willing contribution to the promotion of world peace and the welfare of mankind. 58

While moving the resolution for adoption, Nehru said that the Constituent Assembly was not a directly elected body as many leaders wished it to be. It came into existence under peculiar conditions. Its foundation was the Cabinet Mission Statement of 16 May 1946 (State Paper) and it had to function within certain limits. But it did function independently and its complexion was of a truly representative body. He asserted its sovereign character at the outset as follows:

[You must not ignore the source from which this Assembly derived its strength. Governments do not come into being by State Papers... They are, in fact, the expression of the will of the people: We have met here today because of the strength of the people behind us and we shall go as far as the people—not of any party or group but the people as a whole—shall wish us to go. We should, therefore, always keep in mind “the passions that lie in the hearts of the masses... and try to fulfil them.”]

58. I-IV Constituent Assembly Debates 59.
59. Id. at 57.
On the nature and urgency of the resolution, Nehru said:

The Resolution ...... is in the nature of a pledge. It has been drafted after mature deliberation and efforts have been made to avoid controversy as much as possible. The Resolution deals with fundamentals which are commonly held and have been accepted by the people. I do not think this Resolution contains anything which was outside the limitations laid down by the ...[State Paper] or anything which may be disagreeable to any Indian, no matter to what party or group he belongs ....[The] Resolution does not go into details. It only seeks to show how we shall lead India to gain the objectives laid down in it. You will take into consideration its words ... and accept them; but the main thing is the spirit behind it. Laws are made of words but this Resolution is something higher than the law [in his words, something that breathes life in human minds]...(In the context of the fast changing order] we have to give a live message to India and to the world at large. Later on we can frame our Constitution in whatever words we please.60

So far the word “republic” was never mentioned, but Nehru said that a free India could be nothing but a republic. Though the word “democratic” was not incorporated in the resolution, he explained that we always stood for democracy and we would have it. He thought that republic had necessarily to be democratic. In his own words:

[It] is our firm and solemn resolve to have an independent sovereign republic ....

[We] cannot produce monarchy in India out of nothing. It is not there. If it is to be an independent and sovereign State, we are not going to have an external monarchy and we cannot have a research for some local monarchies. It must inevitably be a republic ....

[It] is conceivable ... that a republic may not be democratic but the whole of our past is witness to this fact that we stand for democratic institutions. Obviously we are aiming at democracy and nothing less than a democracy. What form of democracy, what shape it might take is another matter? ....We are not going just to copy ... a certain democratic procedure or an institution of a so called democratic country. We may improve upon it ... [T]he system of Government ... must fit in with the temper of our people and be acceptable to them ....[A]lthough we have not used the word ‘democratic’ because we thought it is obvious that the word ‘republic’ contains that word and we did not want to use unnecessary words ... but we have done something much more than using the word. We have ... [not only]

60. Id. at 58. See also at 60, 62.
Nehru and Objectives Resolution

given the content of democracy but the content...of economic democracy...Others might take objection...on the ground that we have not said that...[India] should be a Socialist State. Well, I stand for Socialism and, I hope, India will stand for Socialism and that India will go towards the constitution of a Socialist State.... What form of socialism again is another matter for your consideration...[We avoided an expression which could have given rise to controversy]. Therefore we have laid down, not theoretical words and formulae, but rather the content of the thing we desire.61

It was pointed out to Nehru that the use of the word "republic" might displease the rulers of Indian states. He responded by saying that it might but he did not believe in the monarchical system anywhere and in the present-day world monarchy was a fast disappearing institution. He added:

Our view in regard to...Indian States has been, for many years, first of all that [their] people...must share completely in the freedom to come. It is quite inconceivable to me that there should be different standards and degrees of freedom as between the people in the States and the people outside the States. In what manner the States will be parts of that Union, that is a matter for this House to consider with the [real] representatives of the States.... We are...willing...to deal in such matters...with the Rulers or their representatives also, but finally when we make a constitution for India, it must be through the representatives of the people of the States as with the rest of India, who are present here. In any event, we may lay down...that the measure of freedom must be the same in the States as elsewhere... [We] should like a measure of uniformity too in regard to the apparatus and machinery of Government. Nevertheless, this is a point to be considered in co-operation and in consultation with the States... [We] will not like to impose anything on the States against their will. If the people of a particular State desire to have a certain form of administration, even though it might be monarchical, it is open to them to have it...provided there is complete freedom and responsible Government there and the people really are in charge.62

Nehru emphasised the role of free India in international arena. With its vast resources and ability to exploit them, the country could play immediately (and in fact it did) an important and vital role in world affairs. Nehru declared that India would approach the world in a friendly way and make friends with all countries including England. But nothing inimical to the country would be tolerated. He warned that, if necessity arose, we would go through "the valley of the shadow" as we did before.63

61. Id. at 62.
62. Id. at 63.
63. Id. at 64.
Nehru was proud of India's past as well as conscious of her present and her future. He said:

We are at the end of an era and possibly very soon we shall embark upon a new age; and my mind goes back to the great past of India, to the 5,000 years of India's history, from the very dawn of that history which might be considered almost the dawn of human history, till today. All that past crowds around me and exhilarates me....

When I think...of the future,...standing on this sword's edge of the present between this mighty past and the mightier future.... I feel overwhelmed by this mighty task. We have come here at a strange moment in India's history...[T]here is some magic in this moment of transition from the old to the new...[I]n this long succession of thousands of years, I see mighty figures that have come and gone and I see also the long succession of our comrades who have laboured for the freedom of India. And now we stand on the verge of this passing age, trying, labouring, to usher in the new. I am sure the House will feel the solemnity of this moment and...endeavour to treat this Resolution...in that solemn manner.64

Nehru reminded the Assembly of the mighty American Revolution 150 years ago and the emergence of a great nation built up on the basis of its Constitution. He also referred to the French Revolution and the difficulties the Constituent Assembly had to face in making a Constitution. He also drew attention to Russian Revolution out of which emerged a mighty neighbouring country. The spirit of these revolutions, he said, must inspire us in the Assembly.65

The resolution was seconded by Purushottam Das Tandon who called the moment as historic and commended equality as its underlying theme.66

An amendment was moved by M.R. Jayakar to postpone its consideration to a later date to enable the representatives of the Muslim League and Indian states to participate in the deliberations of the Assembly on the resolution. Its meeting being preliminary, the Assembly could not adopt it. This, he said, was the legal difficulty in terms of the Cabinet Mission Statement of 16 May 1946.67 The amendment was subjected to severe criticism and ultimately withdrawn.68

The resolution was debated for eight days by about 44 members. There was almost complete unanimity on the incorporation of some fundamentals in it as the basis of framing a Constitution for India. Some members, of course, went into details and suggested what might be included in the Constitution.69

64. Id. at 60-61.
65. Id. at 61.
66. Id. at 61-66.
67. Id. at 72-74.
68. See id. at 101-03, 125, 127 and 141.
Nehru, who wound up the debate, largely reiterated what he said after the motion. In view of the urgency of the task, he wanted to speed up the work so that the resolution could be carried to its logical conclusion. He was constantly thinking of the poor and naked masses how to solve their problem first. He was firm on his stand towards the states that the final decision would rest with the people there. He rejected outright the theory of divine and despotic rights of any human being. He was not for revenge but for friendship and cooperation with other countries including England. He urged people to give up petty thinking and devote to nation building as the resolution was full of promises to all people of India—promise of freedom, promise of food and promise of equal opportunity to all.70

At the end the resolution was put to vote. It was unanimously adopted on 22 January.

VI Preamble

The later developments show that the Objectives Resolution took the form of the preamble. It was modified in view of the political changes resulting from the partition and later recast. The British Plan of 3 June 1947 leading to the partition of the country had an immediate impact on the Constituent Assembly whose Union Constitution Committee and Union Powers Committee headed by Nehru decided in favour of a strong Centre with residuary powers.71 Earlier on 8 June, the Joint Sub-Committee of these committees declared that in the changed political context the resolution would require amendment.72 Later on 18 July Nehru issued a statement that the resolution would need amendment but its basic principles would remain intact.73

Much later in February 1948, the Drafting Committee headed by Ambedkar, while keeping in view the Nehru's statement, decided to restrict the preamble to defining the essential features of the new state and its basic socio-political objectives. It said that the other matters incorporated in the resolution could be better provided for in the main provisions of the Constitution.74

The preamble, as finally emerged, began with the expression “We, the people of India” (thus asserting the sovereignty of the people), and contained their solemn resolve to constitute India into a sovereign democratic republic and to secure to its citizens justice, liberty, equality and fraternity assumes the dignity of the individual and the unity of the nation. It linked one first expression with the last expression, viz. “do hereby adopt, enact and give to ourselves this Constitution.”

70. Id. at 316-23.
71. See, supra note 4, Select Documents, vol. II at 584, 777.
72. Id. at 615-16.
73. Id. at 592-93.
The Drafting Committee thus embodied in the preamble the spirit and the language (as far as it was possible) of the Nehru’s resolution. Certain modifications had to be made in the changed political context. The phrase of the resolution “Independent Democratic Republic” was substituted with the phrase “Sovereign Democratic Republic” as independence was implied in the term “sovereign”. The word “fraternity” was also added to emphasise the need of “fraternal concord and good will” in the country which was the supreme need of the hour. Democracy was implied in the resolution. It was now expressly mentioned in the preamble.

VII Epilogue

It is a fact of history of the political movement of India and of the Constitution making that Jawaharlal Nehru may be considered as the main founder of Indian Constitutionalism during 1921-31, the formulator of the basics of the Constitution and a guide and an architect of the same. Throughout this period, he dominated the scene.

75. See, Shiva Rao, supra note 4, Vol. III at 510.