

CHAPTER - II

## I

Dynamics of the Indian Society.

It is generally admitted that the socio-political life of every state - system has its own basic features and one, who is interested in analysing such a system, should explore 'these basic features' on an in-depth basis. It has been rightly observed that every state has its own 'value - system' and its socio-economic structure is essentially based on this 'value-system'. This is very much true in the case of Indian state system. India had witnessed the impact of the British rule on all fronts - social, political and economic. It is in this context that a study of the social dynamics should be made, since any other attempt would be not only superficial but futile. The Indian social structure was based on three main concepts - the joint - family system, the caste - system and village community. In this section, a brief attempt has been made to analyse these dimensions with a view to exploring the nature of the dynamics of Indian society.

(1) Caste System: Caste system was the 'Steel-frame of Hinduism', originally, there were three or four castes (Varnas). But subsequently as a result of the racial admixture, geographical expansion, and growth of crafts which brought into existence new vocations,

the original castes (or Varnas) broke up into various smaller castes and sub-castes (Jatis).

The castes were hierarchically graded. Each caste is being considered inferior to those above it, and superior to those below it. The status of a man was determined, by the status of the Caste he belonged. "Thus birth decided his status which could not be altered by any talent he might show or wealth he might accumulate."<sup>(1)</sup>

The caste system was undemocratic and authoritarian which was based on social and legal inequalities. "At the apex of this social pyramid stood the caste of Brahmins who had the monopoly right to officiate as priest with exclusive access to all higher religious and secular learning and knowledge while, at the base swarmed the mass of Shudras together with the untouchables and even unapproachable whom the scheme of the Hindu society, sanctified by the Hindu religion and enforced by the coercive power of the Hindu state, had assigned the duty of serving all other castes and constrained to follow under the threat of severest penalty, such low vocations as those of scavengers, tanners and others."<sup>(2)</sup>

Caste system made the birth the basis of social grouping. "It implies not only the negation of equality but the organisation of inequality exclusively on the basis of inheritance"<sup>(3)</sup>

(ii) Untouchability: The untouchables were precluded from "such elementary rights as the right of entry to public temples or of the

use of public wells and tanks, and the physical touch of whom contaminated a member of the higher castes, constituted a most inhuman form of social oppression."<sup>(4)</sup>

All men were not equal before the eyes of laws. An untouchable was punished more drastically than a caste Hindu who committed the same crime.

"In order to continue their domination over India the British government pursued a policy of selective education which helped to perpetuate the existing inequality before the upper and the lower classes of Indian society. The upper caste continued to observe segregation against the lower castes. Entry to the temple premises, where the schools were conducted, was forbidden to the students ~~of~~ hailing from the untouchable community. These students were made to sit outside the holy precincts of the temple school. The untouchable students were not permitted to drink from the pots. This atrocious spirit of segregation was so crude and cruel that even the method of punishment meted out to the untouchable students was one different from the method adopted to punish the caste Hindu student. While the caste Hindu students were beaten with sticks, the untouchable students were hit clods and stones from a distance lest the touchable teacher gets polluted."<sup>(5)</sup>

Even "at the Wilfinstone college, Bombay, Ambedkar was refused permission to study Sanskrit, the holy language of the Brahmin priests."<sup>(6)</sup>

Dr. Ambedkar described the state of slavery of the untouchables and denial of human right at the time of giving evidence before the reforms committee (Franchise) (South borough Committee) on 27th January, 1919. He said, "The exact description of the treatment can not be attempted. The word untouchable is an epitome of their ills and sufferings. Not only has untouchability arrested the growth of their personality but it comes in the way of their material well being. It has also deprived them of some civil rights. For instance in Kokon, the untouchables are prohibited from using the public road. If some high caste man happens to cross him he has to be out of the way and stand at such a distance that his shadow will not fall on the high caste man. The untouchable even not a citizen. Citizenship is a bundle of rights such as personal liberty, right to hold private property, equality before law, liberty of conscience, freedom of opinion, speech, right of assembly, right of representation in a country's government and right to hold office under the state." (7)

Earlier, Vivekananda condemned the meaningless metaphysical discussions and arguments, about ceremonial and especially the touch-me-notism of the upper castes. "Our religion is in the kitchen. Our God is the cooking pot and our religion is : Don't touch me, I am holy".

There were many evil customs and practices when the British came. India was custom ridden and the tyranny of old custom is often terrible thing. Yet customs change and are forced to adopt themselves to a changing environment. Change

might come by positive legislation, "but the British government, which was the legislative authority, had no wish to antagonise the conservative elements on whose support it counted." (8)

(iii). Women: Women had a very low position in the society. For centuries women was assigned a position subordinate to man. "Law and religion did not recognise the equality and equal rights of man and woman. Socially permitted man to have rights and freedom from which woman was excluded. Different standards were adopted to judge the individual and social conduct of man and woman." (9)

Birth determined the status of an individual in the society. The disabilities of woman arose from the fact that she was born a woman. This inferior status of woman was made sacrosanct by religious ordinances.

"Preventing inter-marriage was the most interesting thing and with this motive they introduced child marriage and prohibition of widow marriage. If woman enjoyed the freedom of exercising their rights in the selection of their husbands, it would be futile to compel them to give up their rights. The easiest thing therefore, is to give away these girls in marriage before they were old enough to protest. There was a danger that on the death of their husbands, they might violate caste restrictions and marry outside the caste, if widow marriage were permitted. The Brahmin law makers, therefore, decided that a widow should not marry and the most meritorious thing she could do was to burn herself with the deadbody of her husband. Historians are

agreed that widow marriage was permitted in ancient days and sati  
(10)  
was unknown."

"The right to education is given to the Brahmin  
Kshatriyas and Vaishyas. The Shudras and the women have no right  
(11)  
to the education."

On the 1st May, 1947 Mr. B. Das as member of the  
constituent Assembly stated in the Assembly Hall his painful  
experience during the Bengal Famine "when lakhs of women were  
spirited away. Whether these women were taken to the provinces  
where there are less women or whether they were used to supply  
women to the huge British Army that was then in the Eastern part of  
India, that is a problem that social workers must work out. But I  
would have been happy to see "traffic in women" being specially  
mentioned in the clause. Those of us who belong to Eastern Part  
of India still apprehend that inspite of this provision in the  
Fundamental Rights traffic in women still carried on by unscrupulous  
money makers. I, therefore, want Sardar Patel to assume me whether  
he has in contemplation of some kind of legislation by which this  
traffic in women may be stopped for ever."  
(12)

(iv) Forced labour or beggar: The speech of Shrimati Dakhyani  
Velayudan on the 1st May, 1947 in the Constituent Assembly during  
the deliberation of the provision of Fundamental Rights showed how  
the underdogs of the country had been suffering from economic  
exploitation and untold miseries. "Even now-a-days we find  
traffic in human beings in some parts of India and this clause will

~~have a great effect on the underdogs of this land who will have a voice when India gets her independence. This clause will bring an~~  
economic revolution in fascist social structure existing in India. All the disabilities of the underdogs of this land are mainly due to economic backwardness of the unfortunate brethren of the neglected community. It is unfortunate that a section of the people of this land will have to work without getting any remuneration whatsoever even for their daily maintenance and the people who work in the fields or in other places will have to go back to their home even without getting a single pie. They have not get the right to demand wages even though they will work for day and night. If the people are called upon to work and even they do not go for that work they will get punishments. That is what we find in certain provinces in India like the United Provinces. Even if there is not the system of begar in other parts of India, almost a similar sort of compulsion exists throughout India and the majority of the people are subjected to exploitation economically and in all sorts of ways. The underdogs of this land are deprived of all the facilities that make life happy. This system ought to have been abolished even before the provinces get self government. Even if there are rules and regulations regarding this in certain provinces, the system still prevails and the people who are subjected to the system have no voice whatsoever in deciding the fate. So this clause when it comes in existence will give great relief to a great number of people who are subjected to economic exploitation, when this sort of economic exploitation is eliminated from this land, the underdogs will also rise up and will be in a position to assert

their right and keep up their self-respect and dignity and they too will have a right to enjoy like the people belonging to the upper class or upper castes." (13)

(v) Economics: Pre-British Indian economy was the Asiatic variety of feudal economy with certain unique features distinguishing it from European feudal economy. It was based on the absence of private property in land, village possession of land, village auterchy based on unity of Industry and agriculture, and irrigation and other public works as the concern of the state. (14)

During the British rule private property in land came into being. Land became private property, a commodity in the market which could be mortgaged, purchased or sold. The British rule kept India as primarily an agrarian, raw material producing colony of Britain and as a market for British Industries.

During the First World War Industry produced enormous dividends - "100% to 200% from the jute mills of Bengal and cotton Mills of Bombay, Ahmedabad and elsewhere. Some of the dividends flowed to the owners of foreign capital in Dundee and London, some went to swell the riches of Indian Millionaires. And yet the workers who created these dividends lived at an incredibly low level of existence in filthy's disease-ridden hovels with no window or chimney, no light or water supply, no sanitary arrangements." (15)

Nehru stated his painful experience about the industrial workers in his book, Discovery of India. "I remember



visiting some of the slums and hovels of industrial workers, grasping for breath there, and coming out dozed and full of horror and anger. I remember also going down a coal mine in Jharia and seeing the conditions in which our women folk worked there. I can never forget that picture of the shock that came to me that human being should labour thus. Women were subsequently prohibited from working under ground. But now they have been sent back there because we are told, war needs require additional labour. And yet millions of men are starving and unemployed; there is no lack of men. But the wages are so low and the conditions of work so bad that they do not attract." (16)

*industrial*  
 The peasants were servile and fear ridden, the individual workers were no better. The middle classes, the intelligentsia who might have been beacon lights in the enveloping darkness, were themselves submerged in this all pervading gloom. In some ways their condition was even more pitiful than that of the peasantry. .... The peasants starved, yet centuries of an unequal struggle against his environment had taught him to endure and even in poverty and starvation he had a certain calm dignity, a feeling of submission to an all powerful fate. No so the middle classes, more especially the new petty Bourgeoisie, who had no such background. Incompletely developed and frustrated, they did not know where to look, for neither the old nor the new offered them any hope." (17)

The fundamental conflict between the Congress and the British government has represented something which did

not depend on individuals but arose from the very nature of our national struggle and the want of equilibrium in our agrarian economy. The Indian National struggle had originally began because of the desire of our upper middle classes to find means of self expression and self growth. There was the political and economic urge behind it. It spread to the lower middle classes and became a strength of the land. Then it became to stir the rural masses, who were finding it more and more difficult to keep up, as a whole, even their miserable rock botten standard of living. The old self sufficient village economy has long ceased to exist. Auxiliary cottage industry, ancillary to agriculture, which had relieved somewhat the burden on the land, had died of, partly because of the state policy, but largely because they could not compete with the rising machine industry. The burden on land grew, and the growth of India was too slow to make such difference to this. Ill equipped and almost unawares, the over burden village was thrown into the world market and was tossed about hither and thither. It could not compete on even terms. It was backward in its method of production, and its land system, resulting in a progressive fragmentation of holdings, made a radical improvement impossible. So the agricultural classes, both land lords and peasants went down hill, excepts during brief period of boom. The landlords tried to pass on the burden to their tenantry, and the growing pauperisation of the peasantry - both the petty land holders and the tenants - drew them the national movement. The agricultural proletariat, the large <sup>numbers</sup> members of land-less labours in

in rural areas, were also attracted, and for all these rural classes nationalism or Swaraj meant fundamental changes in the land system which would relieve or lessen their burdens and provide land for the land-less." (18)

(vi) Politics: In the pre-British Period India was divided into numerous feudal states frequently struggling among themselves. The people were not socially, economically or politically integrated. To our ancestors, who lived under the British rule even a century and a half ago, India in this sense had no meaning and no existence. They talked of the Sikhs, Rajputs, Marathis, Hindustanis, Bengalis, Oriyas, Tamils etc. but had no clear conception of an Indian. We learn from Bishop Werber who <sup>(1)</sup>widely travelled over North India in 1824, that the people in U.P. regarded the Bengalis as much as a foreigner as the English. In spite of the slogan of Hindu Pad Padshahi, the Marathis had ravaged without compunction the territories of the Sikhs -- and Rajputs on the West, the Bengalis in the East, the Tamils and Kannadas in the South, and the Hindustanis in the North. To a Bengali the Marathas were not only as much a foreigner as the English but they were hated foreigners ..... The conception of India as a whole, was to be found only in the literary works of a past, and still survive in theory, but it had no application in actual politics till the sixties or seventies of the 19th century." (19)

The establishment of British rule in India brought about an extensive and basic political administrative and legal unification of the country for the first time in Indian history.

Having brought about the political unification of

the country and thus let loose new dynamic forces which though not only in terms of that unity but aimed at the freedom of India, the British government tried to disrupt that very unity it had helped to create. That disruption was not thought of in political terms than as a splitting up of India, it was aimed at the weakening of nationalist elements so that British rule might continue over the whole country." (20)

The British Government tried to disrupt the unity of India by giving greater importance to Indian states, by encouraging reactionary elements, by promoting divisions and encouraging one group against another and by instigating the fissipar/ous tendencies due to religion or province and by encouraging quailing claims which were afraid of a change which might engulf them. Though it was harmful from the nationalist point of view, but "out of this policy arose those 'important elements in Indians national life' of which we are reminded so often to-day; which were created and encouraged to disagree and disrupt, and are now called upon to agree among themselves." (21)

The British Government exercised their power ~~xxx~~ in India to safeguard and to develop the British interest. This brought Britain into conflict with the Indian people. Political nationalism is the out come of this conflict of interest. This gave birth to various political movements in the country. The struggle started to secure political power which they could use to serve their social economic and other interest.

"The Industrial Bourgeoisie found in the absolute

control of India by British an obstacle to carry through its programme of unfettered industrial development. The educated classes found in the monopoly of Key posts in the state machinery by the British an obstacle to their just ambition to secure jobs. The sons of the soil, the peasantry, found in the new land, and revenue systems introduced by the Britain the basic cause of their progressive impoverishment. The proletariat found in the British rule a foreign undemocratic agency preventing it from developing class struggle for improving their conditions of life and labour and finally for ending the wage system itself under which they were exploited." (22)

The Indian people, as a whole recognized in the British rule an alien rule which barred their normal social, economic and cultural development.

(vii) Press : 'The printing Press and indeed all machinery were also considered dangerous and explosive for the Indian mind, not to be encouraged in any way lest they lead to the spread of sedition and industrial growth. There is a story that the Nizam of Hyderabad once expressed a desire to see European machinery and ~~xxxxxxx~~ there upon the British Resident procured for him an air pump and a Printing Press. The Nizam's momentary curiosity having been satisfied, these were stored away with other gifts and curiosities. But when the government in Calcutta heard of this, they expressed their displeasure to their Resident and rebuked him especially for introducing a Printing Press in an Indian state. The Resident offered to get it broken up

secretly, if the government so desired.

But while Private Printing Presses were not encouraged, Government could not carry on its work without printing and official presses were therefore, started by the Baptist Missionaries in Serampore, and the first newspaper was started by an Englishman in Calcutta in 1780." (23)

The Printing Press made unpractical the realisation of the priestly claim that the Vedic literature was to be kept immune from being studied by the Non-Dvijas. The large scale printing of the old literature and their study by modern intellectuals revealed the ugliness, pettiness and crudeness of the claims to caste superiority sponsored in the Smritis and the Puranas. (24)

(viii) The joint family system: Another important institution of the Indian social organisation is the joint family system where all the members jointly share common property : It was feudal patriarchal, headed by the eldest man who enjoyed greater power over all the other members of the family. In earlier days it had some importance. There was a security and it was "a kind insurance for all including even the subnormal and the physically or mentally deficient." (25)

The lack of individualistic tendencies in a large joint families gave rise to certain trends which are opposed to democratic values. The bonds, binding large families, helped the individual but were also responsible for "suppressing him and preventing growth." (26) To much dependence on elders did not give

ample opportunities to the younger members to develop their individuality and personality. Difference of opinion was condemned as indiscipline.

## II

### Growth of Nationalist Ideology : A Brief Survey.

The great cultural heritage of India : There are some elements which are essential of Nationalism. India had geographical unity, religious as well as cultural unity. There was also some kind of political unity which can be described as imperial unity. But India in the Pre-British period was far from being a Nation in the modern sense of the term. The emergence of Indian Nationalism was the result of Western impact. The British gave political and administrative unity to India. "Indian Nationalism grew under the conditions of foreign conquest and colonial rule". (27) During the British Period modern means of communications were introduced. The system of English education created an enlightened English educated class who had common stock of ideas and their mutual intercourse was facilitated by the use of English as lingua franca and easy means of communication through railways, steamers, cheap postage and telegraphs.

A new spirit imported from the west galvanized the static India into a dynamic activities. The past glory and greatness of India appeared before them. "The Past of India, with all its cultural variety and greatness was a common heritage

of all the Indian people, Hindu, Muslims, Christians and others and their ancestors had helped them to build it. The fact of subsequent conversion to other faith did not deprive them of this heritage, just as the Greeks, after their conversion to Christianity, did not lose their pride in the mighty achievements of the ancestors or the Italian in the great days of the Roman Republic and early empire. If all the people of India had been converted to Islam or Christianity, her cultural heritage would still have remained to inspire them and give them that poise and dignity, which a long record of civilised existence with all its mental struggle with the problems of life gives a people." (28)

The national awakening of the Indian people found expression in the religious reforms movement. "In fact, the early religious reform movements in India were attempting to build a religious outlook which would build up national unity of all communities, the Hindus, the Muslims, the Parsis and the rest, for solving such common national tasks as the economic development of Indians on modern lines, the removal of restrictions put on the people's free evolution, the establishment of equality between man and woman, the abolition of caste, the abolition of the Brahmin as the monopolist of classical culture and sole intermediary between God and the individual." (29) This movement was secular in character.

But later on when new classes or communities came into existence and group or class consciousness developed the National movement became fetters on its development. Some of



them even became anti-national disruptive forces retarding the process united national movement for freedom. The reversal of their role was mainly due to their transformation from national religio-reform movements into religio communal movements. (30) The religio-communal movements became the instruments of sectional vested interest. They weakened the steadily growing national unity of the Indian people, and the economic and the political unity of poor strata of various communities which organised trade unions, peasants and other movements against those vested interest. (31) The British government encouraged the disunity and the fessifarious tendencies by introducing communal representation and other devices.

Hindu Nationalism: The common heritage of great culture and rich historical tradition imbued the Hindus with an idea of common nationality. The revelation of India's past supplemented by the bond of a common religion, served to bring them together. (32) Nationalism was thus based on the bed rock of common religion, culture and historical tradition. The religio-reform programme was not restricted to the task of merely reforming religion but extended to that of the reformation of social institutions and social relations. Caste hierarchy, sex inequality, untouchability and social taboos flourished because of the sanction of the religion. Religion dominate and determine the life of an Indian. His economic life, social life, his marriage, birth and death, his physical movements were strictly controlled by religion. So the religious reform took the all embracing programme of religious,

social and political reforms. Most of the socio-religio-reformers came from the Hindus. And thus this gave it a Hindu character. Dayananda, Vivekananda, Tilak, Aurobinda and Ram Tirtha have repeatedly stressed that a sense of awareness of the cultural continuity is essential to generate a sense of genuine pride in the past and in future of the nation. From the days of the Indus civilization and the Vedas to modern times, the perennial stream of Indian culture has been flowing and it will be rendering the citizens rootless if the realization of the unity of the past, the present and future is lost sight of." (33)

In the words of Romain Rolland "Vivekananda wanted India to have an Islamic body and Vedantic heart." (34)

In a general way the Indian nationalist movement received considerable initial impetus from the reformist Hindu sects of the latter half of the nineteenth century. Leaders of the Hindu renaissance such as Swami Dayananda and Swami Vivekananda abandoned the earlier defensiveness, and in different ways confidently proclaimed the superiority of Hindu religion and culture over the Christian West. (35)

Muslim Nationalism: "As the case of the Hindus, so also with the Muslims, the basis of Nationalism was a common religion and historical tradition of past glory and greatness. In both cases literature fed this nationalism. While Indian Vernacular other than urdu sang the glories of ancient India, the urdu literature was full of the reminiscence of Persia and Arabia." (36) The

national awakening among the Muslims took place at a slower speed than that of among the Hindus. "The new middle classes were almost absent among Moslems. Their avoidance of western education their keeping away from trade and industry, and their adherence to feudal ways,"<sup>(37)</sup> made them fettered. The political consciousness among the Muslim came later.

Sir Syed Ahmad, the apostle of the Muslim Nationalism, declared in a speech in 1883 that the Hindus and the Muslim were two warring nations who could not lead a common political life. "Now suppose", he said "that all the English were to leave India, then who would be rulers of India, is it possible that under these circumstances two nations the Mahomedan and the Hindu, could sit on the same throne and remain equal in power? Most certainly not. It is necessary that one of them should conquer the other and thrust it down. To hope that both could remain equal is to desire the impossible and the inconceivable."<sup>(38)</sup>

By the end of the 19th century the political views and ideals of the Muslim Nationalism took definite shape under the impact of the Aligarh Movement. It may be formulated in the shape of four fundamental principles as follows.<sup>(39)</sup>

- (a) The Hindus and Muslims form two separate political entities with separate outlook and conflicting interests.
- (b) The grant of representative institutions based on democratic principles, and appointment to high offices

by open competitive examination in India, would be detrimental to the interests of the Muslims, as they would be subject to Hind domination which is far worse than British rule.

(c) Consequently the Muslims should regard the paramountcy of the British as the Chief safe-guard of their interests, and keep themselves aloof from political agitation against the Government.

(d) As the Muslim interests are quite safe in the hands of the British, the Muslims should confine their attention to cultural development, and avoid politics except in so far as it is necessary to counter-balance the mischief of Hindu political agitators.

"In 1906 Nawab Salimulla of Dacca set up a permanent Political Organisation of the Muslims, known as the Muslim League, which supported the partition of Bengal and opposed the boycott of British goods." (40) It was originally mainly an organisation of some Muslims who emphasised the bond of religion' (41) . The attitude of Muslim League was at first exclusive, but as its number grew, it imbibed the nationalistic spirit which animated the country. In 1909 the Government granted separate electorates for Muslims by Morley Minto Reforms. This was strongly disapproved by the Congress moderates. In fact, the policy of the creation of separate electorates was the policy of "Divide and Rule". It alienated the Moderates from the Government and it helped for their union with the Radical sections of the Congress at the Lucknow

(42)  
session at 1916.

In 1913 Muslim League adopted "self-government within the empire" as its goal. The war between Turkey and Britain aroused strong anti-British feelings among the powerful sections of Muslims. This paved the way for co-operation between them and the Congress. "Both the Congress and the League held their sessions at Lucknow in 1916 and concluded the famous "Lucknow pact" by which the Congress agreed to separate electorates and the two organisations jointly framed a constitutional scheme on the basis of Dominion status." (43)

"The separate electorate was a device adopted by the Viceroy, Lord Minto, to win over the Muslims and set them against the Congress movement. A deputation of the Muslims, encouraged by the British officials, if not by the Government itself, was induced to ask for representation as a separate community, and further pray, "that their position should be estimated not merely on their numerical strength but in respect of the political importance of their community and the service it has rendered to the Empire. Lord Minto conceded both." (44)

It was also known from Lady Minto's Diary of 1st October, 1906, that this act was jubilantly hailed by British officialdom as "nothing less than the pulling back of 62 millions of people from joining the ranks of seditious opposition. Even the liberal statesman Lord Morley supported this ingenious device of "separate electorate" and "weightage" which was virtually a stab in the back at Indian Nationalism." (45)

Ramsay MacDonald who later became the Prime Minister of Britain correctly observed "the Mahomedan leaders are inspired by

certain Anglo-Indian officials, and these officials have pulled wires at Simla and in London, and of malice aforethought sowed discord between Hindu and Mohammedan communities by showing the Muslims special favours." (46)

Indian Nationalism: While the Hindu and Muslim nationality were growing side by side, a new movement was also gathering force. It may be regarded as the Indian nationalism. The Indian nationalism had its origin in the growth of Political ideas and political organisations among the Hindus. British Indian Association and Indian Association may be cited here. The objects of the Indian Association were : (I) The unification of the Indian races and people upon the basis of common political interest and aspirations and (II) the promotion of friendly feeling between Hindus and Mahammadans. "It may be said with truth that the brilliant political tour of Surendranath Banerjee laid the foundation of what may be called the Indian Nationalism, which sought to cut across the Hindu and Muslim nationalism that had been developing side by side. To give a complete shape of this Indian nationalism, based on the political unity, the Indian Association conceived the idea of an All India Political conference. (47) Accordingly national conference was held on 1883 and thereafter National Congress was established in 1885.

The new society established by the British conquest was a capitalist society based on individualism. Its main principles were - Individual liberty, freedom of competition, contract, and freedom of the individual to own and manipulate property at will. It was in contrast to the old society which

was authoritarian in character, maintained social distinction based on the birth and sex and subordinated the individual to caste and joint family system. "The new society demanded, as the very condition of its development the abolition of privileges based on birth or sex." (48) However, the remarkable growth of the Indian Nationalism was based on the unity of political interest in securing political power from the hands of the British for Indians.

Allan Hume, a retired British civil servant, was prominently associated with the formation of the Congress. Four of the early presidents of the Congress were Englishmen. The leading members of the organization were Western educated Indians. They subscribed to the ideals of British liberalism. Most of them had a sincere appreciation of the beneficial results of the British rule in India and the British Government was also sympathetic to the Congress in its early years.

The report of the second Congress stated "The Congress is a community of temporal interests and not of spiritual convictions that qualify men to represent each other in the discussion of political questions, we hold their general interests in this country being identical, Hindus, Christians, Muslims and Parsis may fitly as members of their respective communities represent each other in the discussion of Public secular affairs." (49) In the early Congress sessions these were Europeans, Eurasians, Hindus of many castes and sects, Shia's and Sunni Muslims, Jains, Jews, Parsis and Sikhs.

In 1887 Badruddin Tyabji, a Muslim, was elected President of the Congress, and nine years later Bahmatullah Muhammad Sayani occupied the same position. In 1888 the attendance of the Congress session was divided as follows: Hindus 965, Muslims 221, and other 62. (50) In the same year the Congress adopted a resolution which stated that any subject introduced for discussion would be dropped if the Muslims or Hindu delegates objected as a body. There was no unwillingness to reassure the minority group.

The late nineteenth and the early twentieth centuries witnessed a mighty struggle for control of the Congress. The two factions the Moderates and the extremists, held radically different views as to the proper ends and means of the nationalist movement. The moderates represented by such men as M.G. Ranade and G. K. Gokhale, continued the liberal tradition. Convinced of the "Blessings of British rule", they sought to promote the gradual political evolution of India along Parliamentary lines and to press for social reforms which they deemed essential to the building of an enlightened modern state. Although they were not men devoid of religious faith, they accepted the divorce of religion from government and maintained a secular view of politics which contrasted markedly with the religious outlook of the extremists. (51) The extremists, led by such men as Bal Gangadhar Tilak and Aurobindo Ghosh, combined the western ideas of patriotism and nationalism with the religious symbolism of Hinduism. Rejecting the slow methods of moderates, who submitted cautiously worded petitions to the



government, the extremists urged a program of action, immediate and even violent if necessary, Nationalism identified with religion became an absolute; India became the Mother, the Goddess to whom fervent and undivided devotion must be given. (52)

In Maharashtra, Tilak promoted the celebration of two festivals which became the vehicles of nationalist expression. One, dedicated to the Hindu God Ganesh, was a ten-day festival which provided a good occasion for both anti-British propaganda and the building up of a sense of Hindu solidarity. (53) The Shivaji Festival <sup>honouring</sup> ~~honoring~~ the Maratha hero who had successfully fought against the Mughal empire, had a distinctly anti-muslim tone. Swami Dayananda, had founded the cow protection Association in 1882, and Tilak continued the anti - cow killing agitation. His scholarly commentary on the Bhagavad Gita propounded the thesis that the Gita's call of action in this world included political as well as religious deeds. At both the popular and the more sophisticated levels, Tilak effectually invoked the spirit of a resurgent Hinduism to fight the nationalist cause, but at the inevitable cost of alienating the Muslims. (54)

After the mutiny, the Muslim had been considered the most dangerous opponents of British rule, but in the early twentieth century the government's policy began to favour them. The partition of Bengal in 1905 created a Muslim majority area, widened the breach between Hindu and Muslim and gave further stimulus to extremist activities. The religious symbols which Tilak used with such effectiveness in Maharashtra had no appeal in

Bengal, but others of even greater potency were at hand. The land of Bengal, and by extension all of India, became identified with the female aspect of Hindu deity, and the result was a concept of divine Mother land. Bankim Chandra Chatterjee's poem *Bande Mataram* ("Hail to the mother") soon became the great Congress nationalist song throughout India. The country was a the Mother, but not a defenceless female : "Thou art Durga (the Goddess Mother), Lady & Queen, with her hands that strike and her swords of sheen." (55)

Some of the most passionate statements of the extremist creed came from the pen of Aurobinda Ghosh. "Liberty is the fruit we seek from the sacrifice and the Motherland the Goddess to whom we offer it", he wrote in 1907. "Into the seven leaping tongues of the fire of the Yajna (ritual sacrifice) we must offer all that we are and all that we have, feeding the fire, even with our blood and lives and happiness of our nearest and dearest, for the Motherland is a Goddess who loves not a maimed and imperfect sacrifice, and freedom was never won from the Gods by a grudging giver." (56) Aurobinda's religious symbolism was much more than vivid imagery; he identified the country with its ancient faith so completely that patriotism and worship became indistinguishable. Nationalism is a spiritual sadhana. "Nationalism is not a mere political programme, nationalism is a religion that has come from God." (57)

The cult of Durga or Kali, with its tantric ritual and animal sacrifices quickly became associated with revolutionary

terrorism in Bengal. A pamphlet printed at a secret press called upon the sons of India to rise up, arm themselves with bows, and invoke the Mother Kali. "What does the mother want? A coconut? No! A fowl! or a sheep or a buffalo? No! ..... The mother is thirsting after the blood of Feringhis (foreigners) who had bled her profusely." (58) While most of the Congress leaders condemned the terrorism in Bengal, Tilak gave veiled approval by his silence.

The fundamental differences in ideology led to differences in the essential features of the political programme of the two parties. These differences centred round two main points, namely the political goal and the method to achieve it. As regard the goal Tilak said, "Swaraj is my birth right and I will have it." (59) To the extremists Swaraj meant complete autonomy without any dependence on the British rule. Aurobindo said, "There are some who feared to use the word freedom, but I always used the word because it has been the Mantra of life to aspire towards the freedom of my nation." (60) But Gokhale the most gifted and eminent member of the moderate party, said "only madmen outside lunatic asylums could think or talk of independence. .... We owe it to the best interest of the country to revile the propoganda with all our energy and all our resources.

There is no alternative to British rule", That even an artute politician like Gokhale, whose patriotism nobody can possibly doubt, should entertain such views merely proves how deep rooted they were in the philosophy of the Mode-rate Party. (61)

Gokhale and his party held this view on account of the backwardness of the Indians in many fields, and their lack of training in self-government. But the extremists brushed aside all these considerations. "Political freedom" said Aurobindo. "is the life breath of a nation, to attempt social reform, industrial expansion, the moral improvement of the race without aiming first and foremost at political freedom very height of ignorance and futility." (62) B. C. Pal said : "The new spirit accepts no other teacher in the art of self government except self government itself. It values freedom for its own sake and desires autonomy, immediate and unconditioned regardless of any considerations of fitness or unfitness of the people for it : because it does not believe in any shape or form to be school for real freedom in any country and under any condition whatever. It holds that the struggle for freedom itself is the highest tutor of freedom which, if it can once possess the mind of a people, shapes itself the life, the character and the social and civic institution of the people, to its own proper ends." (63)

There was an open split between the Moderates and the extremists in the Surat Session of the Congress in 1907. Though the extremists had to leave the Congress in 1907, they gathered sufficient strength to force a comeback in 1916. But when the Moderates walked out of the Congress in 1916, they walked out of the history of India's struggle for freedom." (64)

The Period intervening between the death of Tilak and the attainment of Independence is usually described as the era

of Gandhi. Gandhiji often laid stress on three things: (I) The Charka or spinning wheel (II) Denunciation of violence as a political method and (III) Hindu-Muslim unity.

The part played by British in the defeat of Turkey and the dismemberment of the Turkish empire in the First World War offended the religious and historical sentiment of the Muslims and caused them to adopt an aggressive and anti-British attitude. The two brothers, Mahammed Ali and Saikat Ali, and Maulana Abul Kalam Azad organised a mass movement of the Muslims known as the Khilafat Movement. "The atrocities in the Panjab stirred the whole country, and in the Khilafat Movement Gandhiji said "an opportunity of uniting Hindus and Mahammedan as would not arise in a hundred years."<sup>(65)</sup>

The policy of non-violent non-co-operation movement was first adopted in the special session of the Congress held in Calcutta in 1920 and it was re-affirmed at the annual session at Nagpur in the same year.

In the Nagpur session "Gandhi's undisputed leadership was acknowledged for the first time. Moreover, the Congress goal was officially changed to the 'attainment of Swaraj ... by all legitimate and peaceful means, a radical departure from the previous goal of self government within the empire."<sup>(66)</sup> Swaraj could be interpreted as Dominion status or complete independence. The Western expression "self-government" was foreign to Indian

masses while the use of a Hindi term "Swaraj" evoked an emotional response from large masses of people. "This was Gandhi's way, to convey ideas in traditional Indian symbols and thereby to reach the masses. Hence Swaraj and Satyagraha, not self-government and non-co-operation. Thus, too, the emphasis on Khaddar, his simple way of life, his renunciation and his founding of an Ashram (a commune of teacher and disciples). All these appealed to the tradition bound peasants, the overwhelming majority of India's population.

As a result of this change in the Congress creed and the re-affirmation of Satyagraha, Mohammed Ali Jinnah resigned from the Party, never again to return. In perspective, his departure was of enormous political significance, for in later years it was he who provided the dynamic and successful leadership of the movement in favour of Pakistan. But by far the most important development at Nagpur in 1920 was the refashioning of the Indian National Congress along Gandhian lines. From that time dates the present party structure, one of Gandhi's major contributions to the struggle for Independence. (67)

Mohammed Ali was arrested in 1921 for his fiery speech to incite Muslim soldiers to sedition. Gandhi wrote in young India "only a Mussulman divine can speak for Islam, but speaking for Hinduism and speaking for nationalism, I have no hesitation in saying, that it is sinful for anyone, either as soldier or civilian, to serve this Government which has proved treacherous to the Mussulmans of India and which has been guilty

of the inhumanities of the Punjab ... Sedition has become the creed of the Congress ... Non-co-operation, though a religious and strictly moral movement, deliberately aims at the overthrow of the Government ...  
(68)

The boycott of the Simon Commission provided a great opportunity for the restoration of amity between the different communities and political parties. The Congress, the Muslim League and the Federation, the organisation of the Moderates who seceded from the Congress after 1920, all combined to frame a constitution for India. But the All Parties convention which met towards the end of 1928 would not concede the claims made by Mr. Jinnah on behalf of the Muslims. Jinnah, therefore, joined the Muslim leaders who did not see eye to eye with the Congress, and on 1st January, 1929, held an All India Muslim Conference which issued a manifesto of Muslim claims.

The Congress in its Lahore session, held in December, 1929, declared complete independence as its goal, resolved to boycott the legislatures and the round Table Conference, and took steps to launch a programme of civil disobedience. "As the clock struck mid-night on 31st December, 1929, Pandit Jawaharlal Nehru, the President of the Congress, hoisted the National Flag of India. Independence Day was celebrated all over India on 26th January, 1930."

Gandhiji started the civil Dis-obedience campaign on April 6, 1930 by his famous march to Dandi in Western India to make salt on the sea shore in defiance of the salt law regula-

tions. This was the signal for a mass movement on a large scale, involving mass strikes, the boycott of British goods, grave cases of terrorism such as the armoury raid in Chittagong, and the setting up of parallel governments in several places.

The strike and the boycott hit the British Community hard. The Government being unable to suppress the movement by force adopted conciliatory measures. The British Government announced its constitutional proposals. The establishment of a separate electorate for the Depressed classes, which formed a part of the communal Award given by Ramsay MacDonald, provoked Gandhiji, then in jail, to undertake a fast. The result was the Poona Pact, which nearly doubled the number of seats reserved for the Depressed classes, to be filled by a common joint electorate out of a panel of names originally chosen by them alone.

(69)

The next important landmark is the Government of India Act, 1935 which came into force on April 1, 1937. Under it, both the Congress and the Muslim League contested the elections. The Congress won majority in seven out of eleven Provinces. It refused to accept any office in view of so many powers vested in the hands of the Governor and it insisted on having definite assurances from the Government. It is fascinating to note that in June, 1937, the Congress Working Committee, on the basis of the assurances from the Governor General that the Governors would not interfere in the day-to-day administration, permitted its members to accept office. But they could not remain in power



because of India's involvement in the Second World War, which, in their opinion, was conducted on imperialistic lines and which was meant to consolidate imperialism in India and elsewhere.

At this juncture, Jinnah began to put emphasis on his famous 'Two-nation theory'. The Muslim League failed to achieve majority seats in most of the Provinces and it has been rightly observed that "Muslim national consciousness developed in the Hindu-majority provinces before it came to the Muslim-majority Provinces .... It was the Muslims of the Hindu-majority Provinces who made the whole of Muslim India conscious that Islam was in danger."<sup>(70)</sup>

Due to the failure of all out efforts, the British Prime Minister, Atlee announced that the state of conditions in this country were full of danger and could not be prolonged. The British Government decided to hand over political powers to responsible Indians by a date not latest than June 1948. Lord Mountbatten, acting on behalf of the British Government, realised that there had been no prospect of reaching a settlement between the Congress and the Muslim League and accordingly, the Mountbatten Plan was prepared to make a partition between India and Pakistan.

## III

Historical Background of the Constitution making in India :(a) Gifts of the British and Indian demand.

Origin of the constitution making in India may be traced back in the various statutes enacted by the British Government after assuming the power of sovereignty from the East India company. The British Parliament enacted the following statutes for the administration of India -- The Government of India Act 1858, Indian Council Act 1861, Indian Council Act 1892, Indian Council Act 1909, Government of India Act 1919 and Government of India Act 1935. "These above Acts were the gifts of the British Parliament and did not reflect the will of the people of India and they could not satisfy the aspiration of the people".<sup>(71)</sup>

There was long standing demand that the constitution of India should be framed by a Constituent Assembly composed of eminent representative of the people and should embody the will and aspiration of the Indian people. "Gandhi expressed the truth first that Indians must shape their own destiny, that only in the hands of Indians could India become herself - when in 1922 he said that Swaraj would not be the gift of the British Parliament, but must spring from the wishes of the people of India as expressed through their freely chosen representative."<sup>(72)</sup> The working committee of Indian National Congress stated in unequivocal terms in 1934. "The only satisfactory alternative to the White paper is a constitution drawn up by a Constituent Assembly elected on the

basis of adult franchise or as near as possible, with the power, if necessary, to the important minorities to have their representatives elected exclusively by the electors belonging to such minorities." (73)

"Thereafter, in many provinces Legislative Assemblies and in the central Legislative Assembly in 1937, at the Congress at Faizpur, Haripura and Tripuri, and at the Simla Conference in 1945, the Congress reiterated that India could only accept a Constitution drawn from the people and framed without any interference by a foreign authority." (74)

Pandit Nehru stated in 1938 that the Indian National Congress has proposed that the constitution of India must be framed, without outside interference, by a Constituent Assembly on the basis of adult franchise." (75)

In the year 1939 Gandhiji also wrote an article in Harijan, 12 Nov. 1939 in which he agreed that a Constituent Assembly was the best way to deal with the problems of Communalism in India. However until the outbreak of the second World War the British Government did not accept the Indian demand. The constitutional crisis became very grave when the Governor General of India declared war with Germany without consulting the popular ministry of the Provinces. The working Committee of National Congress issued a statement in 1939 that "the Indian people must have the right of self determination by framing their own Constitution through Constituent Assembly." (76) Great Britain was fighting hard for its own existence under the grave circumstances she realised the Indian demand and took several steps.

In 1942 crimps for the first time made it clear that the Indian would write their own Constitution.

"The newly elected Labour Government announced in Sept. 1945 that it was contemplating the creation of a Constituent body in India and ordered that national elections be held during the winter so that freshly created provincial legislatures would be ready to act as electoral bodies for a Constituent Assembly." (77) With this purpose the British Prime Minister Mr. Clement Attlee sent in 1946 a Parliamentary delegation followed by a Cabinet delegation. The cabinet delegation failed to make the two major parties to come to any agreement. They, therefore, announced their own proposal in England and India simultaneously in 16th May, 1946 which was known as the cabinet Mission Plan.

(b) Genesis of the Constituent Assembly:

The Cabinet Mission had failed but its efforts lived on the Indian Constituent Assembly. The Plan provided that in order to avoid any delay in convening the proposed Constituent Assembly, its member would be elected by in direct election by the elected members of the Legislative Assemblies of the provinces. Accordingly election for provincial Assemblies were held in 1946 to act as electoral body of the Constituent Assembly. But it was based on restricted franchise, not on universal adult franchise. Only 23.5% of the adult population could vote in the election. (78) In July 1946, elections were held for the Constituent Assembly. Muslim League joined the elections and subsequently its candidates were returned. But they boycotted the Assembly. The Constituent Assembly which had been elected for undivided India held its first sitting on the 9th December, 1948. The Muslim League member did not

attend. "The beginning of a New India rested on a small portion of what was other-wise a moribund dream." (79) Congress won 203 seats out of 212 that were there for the general categories. However in the separate categories for the Muslims and for the Sikhs, they won 4 seats from the Muslim category and 1 seat from Sikh category. (80) Before the partition they represented 69% of the Constituent Assembly and after partition this majority was as high as 82%.

Thus the Constituent Assembly was born to redeem a pledge and to fulfill the hopes and aspiration of the people.

(B) To what extent the Constituent Assembly was a representative Body:

The Constituent Assembly was not formed on the basis of universal adult franchise which was a long cherished dream of the Indian leaders. It was restricted franchise and property was one of the qualification for voting. The Constituent Assembly thus formed was a representative body of legal <sup>n</sup>lunatics. In the Constituent Assembly there were very few representatives of (i) small farmer, (ii) landless labour (iii) artisan class or wage earning class (iv) weaker section of the society. The following were not even near the working of the Constituent Assembly -- (i) Political philosopher, (ii) economist (iii) Social scientist. Lord Simon made a startling announcement on the 16th December, 1946 that the Constituent Assembly was an Assembly of Caste Hindus. Dr. Shyama Prasad Mookerjee vehemently protested against it on the

floor of the Assembly on the 17th December 1946. "But who are represented in this House to-day? There are Hindus; there are some Muslims too. At least these Muslims from one Muslim province who come as representative of a Government which is functioning there inspite of the Muslim League. There are the representatives of the Province of Assam which is supposed to be part and parcel of Mr. Jinnah's Pakistan - to - come. That province is also officially represented by the majority of the people of that province. You have the scheduled caste. All the scheduled caste members who have been elected to Constituent Assembly are here. Even Dr. Ambedkar who may not agree with us in all matters is present here. (applause) and I take it, it will be possible for us to convert him or reconvert him and to get him to our side (renewed applause) when we go to discuss in detail the interest of those whom he represents. There are other scheduled caste members are also present here. The Sikhs are present here, all of them. The Anglo Indians are present and so are the Indian Christians. So how did it lie in the mouth of Lord Simon ... (A voice : Parsis are also present here). Yes, last but not least, the Parsis are also present here. So, how did lie in the mouth of Lord Simon or anybody else. (A voice : The tribal representatives are here). Tribal areas and the Adibasis are here represented by my friend Mr. J. Singh. Infact, every element that has been elected to the Indian Constituent Assembly is here barring the Muslim League! (81)

"However, this must be mentioned to the credit to the Indian National Congress and to its leaders that they did make

some conscious efforts to include in the Assembly, representatives of all important minorities, eminent men whose advice and expertises of all important minorities, eminent men whose advice and expertises could be of great value and even people who are opposed to Congress ideology." (82) The Congress represented all shades of opinion and it did not take a narrow or rigid outlook. The selection of members was not made purely on party basis. Some negotiations were carried on even with the Congress Socialist Party. Certain very prominent personalities whose contribution to the work of the constituent Assembly will always be remember were included in the Constituent Assembly. "Some of the people who had great talents, who had great expertises and who played a very prominent role in the framing of the constitution were specifically invited by the leadership of the Congress party. These people were people like Dr. Ambedkar, A. K. Ayyar, N. G. Ayyanger, K. Santhanam and S. P. Mukherjee." (83)

Thus the national Congress selected eminent constitutional experts and eminent people from all walks of life. The Constituent Assembly reflected all shades of opinion and thus it was "India in microcosm." (84)

The Assembly functioned both as a Constituent Assembly to write the Indian Constitution and as a Provisional Parliament to deal with legislative and other business. With a view to smooth functioning of the Constitution making it appointed several committees.

(c) Leadership of the Constituent Assembly and decision making.

There were three groups of eminent personalities in the Constituent Assembly who were responsible for the making of the Constitution of India. "The first group was the group of Pandit Nehru and of those who accepted his social economic and political thought." (85) Pandit Nehru stood for liberalism, progressive Nationalism, Secularism, Constitutionalism and Socialism G. V. Pant was lieutenant to Nehru. The "Second group was that of Patel." (86) Rajendra Prasad was his lieutenant. Patel stood for political, economic and even social stability. "He did not own any property of his own. Even then he did stand for and in favour of Private Property." (87) "The third group was of legal luminaries." (88) Some were among the Congress and some were invited.

"Nehru Patel, Prasad and Azad, in fact, constituted an oligarchy within the Assembly. Their honour was unquestioned, their wisdom hardly less so. In their god-like status they may have been feared; certainly they were loved." (89) Our view is that if there was an oligarchy or if they key people are to be located in so far as the political process is concerned, they were Nehru and Patel. If we want to understand the ideological orientations of the Constitution of India, we got to understand the political thoughts of Nehru Patel." (90) Nehru and Patel were at the apex of the whole Pyramid of leadership. "It is after all these two men who when agreed settled all controver-



sies. These two people had at times different and at moments even opposite views. These seems to have been no instance in which the decision could have been arrived at against the express wishes of both Nehru and Patel. It is only when they were divided, compromises become necessary and were arrived at when these two agreed, that was the decision and that had to be accepted." (91)

When the deliberations of the Constituent Assembly were going on, Nehru was the Prime Minister and Patel was Deputy Prime Minister and Home Minister. Patel, being Home Minister, realized the importance of maintaining the law and order of the country. He was of opinion that private property has to stay. He wanted that propertied class should not be frightened with the unsettling notion of social revolution or talks of socialism. Nehru and Patel never agreed on the point of socialism. The legal luminaries group were in favour of the 1935 Act, Western Democracies Fundamental Rights of the individuals, Private Property and the concept of judicial review. They had much more common view with that of Patel group, than Nehru group. In this way so many things which are against the Nehru's Philosophy of Socialism came into the constitution. If we find any ideological confrontation in the constitution it is due to ideological difference between Nehru and Patel.

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