

The Nehru Report (1928)

The Nehru Report was a landmark in the history of constitution-making in pre-Independence India. It was a **wholly Indian attempt at constitution-making**. Moreover, it had **cross-sectional support**, and its major contours were not a product of any one individual or group. Finally, some of its recommendations had a **far-reaching impact on the Act of 1935, as well as on the constitution of India**.

Historical Background

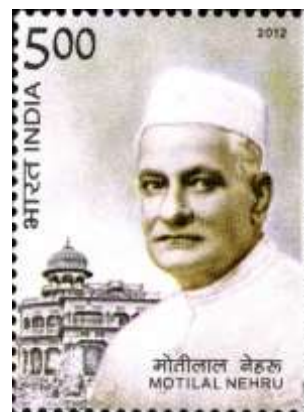
There was almost a consensus among our leaders that the Act of 1919 was 'inadequate' and hence its drastic revision in the form of a new constitution was needed to take India on the road towards self-government. This new constitution was to be made by the Indian people themselves.

Several resolutions were passed by the Central Assembly, containing all these demands were neglected by the British. To justify the exclusion of Indians from the Simon Commission the British cited the lack of unity among the Indians. **Lord Birkenhead** (secretary of state 1924-28) **challenged** the Indian leaders to produce a constitution acceptable to all political sections in India. Indians now seemed to be determined to counter-challenge Birkenhead's assumption.

- Consequently, the **Madras Congress** (December **1927**, President: Dr. MA Ansari) directed its Working Committee to hold a special convention to work out a constitution in consultation and cooperation with other political groups as well as the elected members of Central and Provincial legislatures.
- Thus, a **special convention** consisting of representatives of different political formations was held at **Delhi** in February **1928** under the chairmanship of Dr MA Ansari. As a result, a **committee headed by Motilal Nehru** was set up to draft a constitution for India. The other prominent members of the Committee were:
 - Tej Bahadur Sapru (Liberals)
 - Sardar Mangal Singh (Sikhs)
 - Shuaib Quareshi, Sir Ali Imam (Muslims)
 - Subhash Chandra Bose (Congress)
 - GP Pradhan (non-Brahmins)
 - Madhav Srihari Aney, MR Jaykar (Hindu Mahasabha)
 - NM Joshi (Labour)
 - Jawaharlal Nehru (secretary)

This Committee, after making a strenuous effort, produced a draft constitution for India, which was submitted on August 10, 1928.

The **major recommendations** of the Nehru Report were as follows:



1. Central Government

- a. India should be granted **dominion status** forthwith. The Governor-General would represent the British Crown but would act on the advice of the Central Executive Council, responsible to the parliament.
- b. **Responsible government** should be introduced both at the central as well as at the provincial levels. Ministry would be responsible to the legislature.
- c. There would be a **bi-cameral Parliament**.
 - i. **The upper house**, to be known as the Senate, would consist of 200 members to be **elected by the provincial legislatures for 7 years**.
 - ii. **The lower house**, known as the House of Representatives, would consist of 500 members who would be **elected directly** by the people based on adult franchise for **5 years**.

2. Federal Government

- a. Provincial Councils, to be elected on the basis of adult suffrage, with tenure of 5 years. The Provincial Government to be headed by a Governor, acting on the advice of the Provincial Executive Council.
- b. Redistribution of provincial boundaries on **linguistic basis**.
- c. **Princely India** was to hasten the process of introduction of responsible government and ultimately an All-India Federation was to emerge, also covering Princely India.
- d. **Powers between the Provinces and the Centre** were to be divided on the basis of the lists of subjects covered at both levels.
- e. **Residuary powers** were to be vested in the centre.
- f. An **independent judiciary** with a Supreme Court at its head. The **Supreme Court** would be made the final court of appeal and all appeals to the Privy Council would be stopped.

3. Bill of Rights (19 FRs)

- a. Freedom of conscience, freedom of religion and profession
- b. Secular state: there shall be no state religion.
- c. Right to form unions
- d. Men and women shall have equal rights as citizens.

4. The language of the Union shall be Hindustani, which may be written either in Devanagari or Urdu character. The use of the English language shall be permitted.

5. Representative Character

- a. The Report accepted the basic principle of **universal adult franchise**: every person who had attained the age of twenty-one, unless disqualified by law, would enjoy general adult franchise.
- b. The report disfavoured the principle of separate electorate and provided for **joint electorate**. However, it did provide for **reservation of seats for Muslims** where they were in minority and similarly reservation of seats for **non-Muslims in the North-West Frontier Province**.
 - i. The reservation of seats would be based on population and for a fixed period.
 - ii. The community with reserved seats should have right to contest the general seats.
 - iii. There would be no reservation of seats for Muslims in Punjab and Bengal.

The Report was approved by the **All-Parties' Committee (Lucknow, August 1928)**. However, the unanimity displayed at the Lucknow conference turned out to be short-lived. Despite its innovative features, the Nehru Report faced criticism from several quarters.

Nehru Report Debate 1: Issue of communal representation

- **Muslim League split into two factions.** One was under Mohammad Ali Jinnah while the other was under Safi Khan.
 - Muhammad Shafi and Aga Khan's faction was not ready to even talk on the issue of separate electorate.
 - Jinnah's faction agreed to talk about the principle of joint electorate, but had certain conditions.
- When the Report was put before the **All-Parties Meeting (Calcutta, December 1928)**, **Jinnah** demanded certain changes (**Delhi Proposals**)
 - The Muslims must have 1/3rd representation in the Central legislature.
 - Till adult franchise was accepted, Bengal and Punjab legislatures should have Muslim representation on the basis of population.
 - Creation of new Muslim-majority provinces: Sindh, Balochistan, NWFP
 - Residuary powers should be vested in the provinces and not in the Centre.



However, Hindu Mahasabha (esp MR Jaykar and NC Kelkar) and Sikh League bitterly opposed the demands.

Ultimately, Jinnah's amendments were put to vote in Calcutta and were lost. The rejection of the 3 out of 4 demands was perceived by Jinnah as betrayal. For Jinnah, it was 'parting of the ways'.

As Congress rejected the proposal of Jinnah, he also drifted in the direction of Safi Khan. It led to a **Delhi Declaration of Muslims** in March 1929 and adopted an expanded version of Jinnah's earlier demands. Subsequently, known as **Jinnah's fourteen-point proposal**.

Some of the points covered under the proposal were:

- The system of separate electorates should continue in Muslim majority provinces till the introduction of universal adult suffrage.
- Adequate share to the Muslims in all the services of the state and self-governing bodies.
 - No cabinet, either Central or Provincial, should be formed without granting at least one-third seats to Muslims.
- No constitutional amendment could be carried out unless approved by four-fifth majority of either house sitting separately or both houses voting jointly.

These points were rejected by Congress.

Some historians say that the negotiations failed because of the Hindu Mahasabha's obduracy; and Motilal Nehru cooperated with the Mahasabha leaders though he himself saw no harm in the demands.

Other historians blame Jinnah for the failure. Jawaharlal Nehru called them 'Jinnah's ridiculous 14 points.' It was Jinnah's obduracy that, ultimately, sabotaged their assiduously worked-out formula to bury the virus of communalism. The Indian Muslim League ultimately rejected the

report on the issue of communal representation. Some of these points became the basis of communal politics of the Muslim League in future.

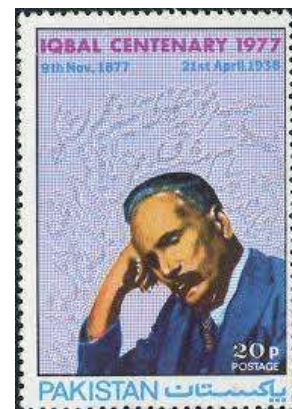
Jinnah's 14 Points

1. Provincial Autonomy.
2. Federal Constitution with residual powers to provinces.
3. All legislatures and elected bodies to have adequate representation of Muslims in every province without reducing a majority of Muslims in a province to a minority or equality.
4. No constitutional amendment by the centre without the concurrence of the states constituting the Indian federation.
5. Adequate representation to Muslims in the services and in self-governing bodies.
6. One-third Muslim representation in the Central Legislature.
7. In any cabinet at the centre or in the provinces, one-third to be Muslims.
8. Separate electorate, in Muslim majority provinces, to continue till adult franchise is introduced.
9. Any territorial redistribution not to affect the Muslim majority in Punjab, Bengal and NWFP.
10. No bill or resolution in any legislature to be passed if three-fourths of a minority community consider such a bill or resolution to be against their interest.
11. Separation of Sindh from Bombay.
12. Constitutional reforms in the NWFP and Baluchistan.
13. Protection of Muslim rights in religion, culture, education and language,
14. Full religious freedom to all communities.



In 1930, Allahabad Session of Muslim League, Allama Iqbal gave the famous address:

India is a continent of human groups belonging to different races, speaking different languages, and professing different religions [...] Personally, I would like to see the Punjab, North-West Frontier Province, Sindh and Baluchistan amalgamated into a single State. Self-government within the British Empire, or without the British Empire, the formation of a consolidated North-West Indian Muslim State appears to me to be the final destiny of the Muslims, at least of North-West India.



Notably, Bengal, another Muslim majority province, was absent from his speech. But this speech was milestone in the development of idea of Pakistan and road to partition.

Nehru Report Debate 2: Dominion or Republic?

- During the 1920s, the young radical leaders **Jawahar Lal Nehru** and **Subhas Chandra Bose** emerged in Congress politics. Both along with **Srinivasa Iyengar** founded the **Independence for India League in 1928** which put forth the demand for complete independence. In 1928, they toured the whole country to influence public opinion on the issue of Purna Swaraj.
- In the **Calcutta-session of the Congress (President Motilal Nehru, 1928)**, they opposed the idea of dominion status as provided by the Nehru Report.
- **Resolution 1**
 - Mahatma Gandhi reached a compromise formula, by which the Congress gave an ultimatum to the government: either accept the Report by 31 December 1930 (2 years), lest the Congress would go in for Purna Swaraj, backed up by a mass movement. Nehru and Bose were still unhappy and thus Gandhi cut down the 2 years to 1 year as a further concession, the resolution was passed.
 - In an open session,
 - Gandhi's compromise resolution was passed
 - Bose introduced an amendment during the open session of Congress that sought a complete break with the British, but it was rejected.
- **Resolution 2**
 - Another resolution was passed on Gandhian constructive work which involved revival of organisational work, removal of untouchability, boycott of foreign cloth, spread of khadi, temperance, village reconstruction and removal of disabilities of women. It was through this constructive programme that Gandhi hoped to achieve true swaraj. But one important issue that this constructive programme did not touch was Hindu-Muslim unity.

After Calcutta, before Lahore

The political scene in India was moving so fast that within a year the Nehru Report lost its sheen.

Even after the Calcutta Congress, some Congress Liberals preferred cooperation with the British. Labour government in London was willing to seek some kind of resolution.

Lord Irwin, to seek reconciliation to introduce a constitutional scheme with a dominion status as the goal, came with the "**Irwin Offer**" of 31 October 1929, **proposing a Round Table Conference** to settle the issue.

Gandhi was reluctant to reject it outright, but negotiations broke down, as the Congress leaders wanted the concrete details of the dominion status to be discussed, and not just the principle. The Congress also asked for amnesty and a policy of general conciliation on the part of the government. Irwin refused to accept the conditions; negotiations fell through.

As a result of the denial of reforms and political rights, Congress soon unified in the desire to oust the British from India completely. But many leaders still had reservations about starting a movement for full independence, particularly in view of the rising wave of violence spearheaded by revolutionary leaders like Bhagat Singh and others.

Lahore Session, (45th Congress, 1929)

Jawaharlal Nehru became the president of Lahore session. Congress in Lahore discarded the Nehru Report as the Government failed to accept it by the deadline of December 1929.

1. The proposal for **Purna Swarajya** was accepted.
 1. 26th January was declared as the day of complete independence.
 2. Jawaharlal Nehru raised the “swaraj” flag that was later adopted as the national flag of India.
2. The proposal for civil disobedience was also accepted. The All India Congress Committee (AICC) was authorized to start a civil disobedience movement at an appropriate time.



Nehru speaking on the bank of Ravi for Purna Swaraj

Nehru's presidential address

- He declared himself to be a *socialist* and a *republican* and outlined an *internationalist* and socially *radical* path for the Indian freedom struggle.
- He openly criticized Gandhi's 'trusteeship' solution of zamindar–peasant and capital–labour conflicts, calling trusteeship a sham.
- Cries of inquilab zindabad (long live the revolution), replaced the chanting of Vande Mataram as the Indian flag was unfurled. |

The **independence pledge** that the Indian National Congress presented to the world on 26 January 1930 stated that the British government in India had taken away the freedom of Indians and systematically exploited them. It had 'ruined India economically, politically, culturally and spiritually'. Further, the pledge affirmed that as Indians they considered it a sin 'before man and God to submit any longer to a rule that has caused this four-fold disaster to the country'.

Comment on Nehru Report:

However, there is no denying the fact that the Nehru Report was a milestone in our constitutional history, if for nothing else at least for its home-made nature.

Although the Lahore Congress bypassed the Nehru Report, it did accept its essential formulation that no constitution would be acceptable to the Indian National Congress that failed to give full satisfaction to the minorities.

Most of its recommendations were ignored by the British government during the drafting of the Government of India Bill of 1935; however, the Indian constituent Assembly (1946- 1949) adopted many of its features.

Evolution of Congress position on the issue of Swaraj

Year	Congress Position on Swaraj
1885	'All that we desire is that the basis of the Government should be widened and that the people should have their proper and legitimate share in it.' (Presidential Address of W. C. Bonnerjee)
1906	'This Congress is of opinion that the system of Government obtaining in the self-governing British Colonies should be extended to India.' (Resolution)
1916	'This Congress demands that a definite step should be taken towards Self-Government by granting the reform contained in the scheme prepared by the All-India Congress Committee in concert with the Reform Committee appointed by the All-India Muslim League.' (Lahore Resolution)
1920	'The object of the Indian National Congress is the attainment of Swarajya by the people of India by all legitimate and peaceful means.' (Nagpur Resolution)
1929	'This Congress ... declares that the word "Swaraj"... shall mean Complete Independence ... and authorizes the All-India Congress Committee ... to launch upon a programme of Civil Disobedience ...'(Resolution)
1942	'The All-India Congress Committee, therefore, repeats with all emphasis the demand for the withdrawal of the British power from India.'