INTEGRATION OF BHARAT: POLITICAL AND CONSTITUTIONAL PERSPECTIVE (2023). By Yashraj Singh Bundela, Mohan Law House, New Delhi. Pp. 794, Price INR 1495/-.

INDIA, ALSO known as Bharat, has celebrated 77 years of independence, marking an extraordinary journey since gaining freedom. Indians know how uncertain our future looked in 1947. The question then being asked everywhere was 'Will Bharat Survive?' Bharat seems to have travelled a long way since 1947. Now, 77 years down the road, that fearful query has been replaced by a far more hopeful one, namely, 'Will Bharat Become a Global Leader?'

Today, India has secured diplomatic triumphs and furthered the nation's strategic goals by harnessing the rich resources of its unique cultural diplomacy and demonstrating a peace-loving approach to maintaining sovereignty, territorial integrity, and identity. Today, Bharat is known for its excellence in scientific developments, economics, domestic and world politics and has become a leading power in international politics. Bharat's farsighted foreign policies have helped, developed and developing countries, earning it international goodwill. It has also participated in international humanitarian missions, demonstrating its commitment to protecting its citizens' interests and providing assistance to countries in crisis. This shows India's increasing diplomatic influence, respect, prestige, and acceptance as a leader capable of taking the entire world with it. Bharat's progress is not limited to its territory, but has expanded and become a massive potential in Asia's unprecedented growth. India has showcased its diplomatic acumen and national potential on the global stage by upholding an independent foreign policy.

In light of the stated triumphs of this great country, it becomes imperative to reflect upon the ancestral journey of Bharat. The book under review intends to do the same. The author of the book has consciously focused on aspects relating to historical, political and constitutional developments that have been responsible for shaping the incredible Bharat today. The author has been mindful in elaborating on the three aspects which give us a complete picture of the journey of the country so far.

The book, divided into nine chapters, explores the integration of Bharat as a civilization, geographic entity, society, culture, and spiritual being, providing a comprehensive

understanding of the cultural, philosophical, and spiritual foundations of Bharat's ancient civilization. It narrates the story of empire building in Bharat in various timelines, starting from post-Mahabharat era up to the times of Harshvardhan; from invasion of Muhammad-bin-Qasim up to the rise of Maratha Empire; from establishment of British empire up to the independence of India. It also discusses the process of Constitutional integration of various Indian States, their placement within the Constitutional framework of Bharat, and the relationship between the Union of India and the States. Additionally, it covers the genesis of various Constitutional provisions related to States and Union Territories (*hereinafter* referred to as 'UTs'), their interpretation, the reorganization of States, and the nature and abrogation of Articles 370¹ and 35A.² The book makes an attempt to highlight various significant legal and political developments, during the above-mentioned phases, within Bharat and outside, that played a significant role in the independence, partition and integration of Bharat.

Chapter one serves as an introductory overview of the book. The introduction effectively establishes the book's central theme particularly in the context of its journey from colonial subjugation to becoming a key player in global politics. By framing Bharat as a rising global power, the chapter sets an ambitious and compelling context for the book's exploration of national identity and historical accuracy. The book critiques foreign rule's influence on Bharat's historical narrative, highlighting manipulation of records and selective portrayal. It encourages readers to reconsider accepted accounts, appealing to those interested in alternative perspectives and ideology's impact on historical scholarship.

Chapter two narrates the philosophical aspects of the foundation of civilization of Bharat. Through the philosophical aspects the author tries to uncover the core ideals or principles that have kept the conscious flame of this country alive despite the onslaught of centuries against foreign invasions and rule. These foundational principles are essential to discuss as they have

¹ The Constitution of India, art. 370 - Temporary provisions with respect to the State of Jammu and Kashmir.

² The Constitution of India, art. 35A - Saving of laws with respect to permanent residents and their rights — Notwithstanding anything contained in this Constitution, no existing law in force in the State of Jammu and Kashmir, and no law hereafter enacted by the Legislature of the State:

⁽a)defining the classes of persons who are, or shall be, permanent residents of the State of Jammu and Kashmir; or

⁽b)conferring on such permanent residents any special rights and privileges or imposing upon other persons any restrictions as respects—(i)employment under the State Government;(ii)acquisition of immovable property in the State;(iii)settlement in the State; or(iv)right to scholarships and such other forms of aid as the State Government may provide, shall be void on the ground that it is inconsistent with or takes away or abridges any rights conferred on the other citizens of India by any provision of this part.

led to the evolution of India and aim to serve the humanity. The second part of the chapter details the constituent assembly events that led to the incorporation of 'Bharat' as a nation's name.³ It explores the state's existence, its evolution, and its contribution to civilization. The chapter also provides a brief description of ancient literature, showcasing the nation's past. India, a Dharmic nation, values spirituality and the pursuit of eternity, fostering a strong faith in the immortal Atman, a constant reality in Bharat's way of life.

Chapter three is divided into three distinct phases, beginning with the political integration of Bharat from the Nandvansh to Harshvardhan, detailing the rise and fall of the Magadh Empire, ⁴ resistance against foreign invasions, ⁵ and the rise of the Gupta dynasty. The chapter further outlines political developments and future power shifts within the subcontinent. ⁶ The chapter then shifts to the emergence of new states following the Arab, Turkic, and Mughal invasions, spanning from the 7th to the 18th century. It explores the defensive strategies employed by Indian rulers, including the dynasties of Gujarat, Pratiharas, Rastrakutas, and Palas. The chapter further discusses the Turkic invasion and Bharat's collective defense, the political dynamics after Mehmood of Ghazni's retreat, the invasion of Muhammad Ghori, the Delhi Sultanate, and the consolidation of Mewar against the Delhi Sultanate and Mughals. It also discusses the expansion of Mughal rule and resistance by rulers. ⁷

The final section explores the Maratha's rise and consolidation in Bharat, including Shivaji Maharaj's ascension as Chhatrapati and their authority over the Mughal Empire. It also examines their expansion into Punjab and their resurrection after the Third Battle of Panipat. In critically assessing this chapter, the author demonstrates a commendable ability to weave together a complex narrative of political and military transitions over centuries. The depth of

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³ Mr. H.V. Kamath, Seth Shri Govind Das, Shri Kallur Subba Rao and Shri Kamalpati Tripathi touched upon this issue. The name 'Bharat' has also been referred in Hindu ancient texts like Vedas, Upanishads, Brahmanas, Mahabharata (Bhishma Parva), Vishnu Purana, Brahma Purana, Vayu Purana, etc.

⁴ Discusses about Magadh Empire under Nandvansh, Magadh Empire under Mauryas and Magadh Empire under the Rulers of Shunga and Kanva Dynasty.

⁵ The following invasions have been talked about - Indo-Greeks (c. 180 BCE – 10 CE); Sakas (Scythians) (c. 1st century BCE – 4th century CE); Parthians (Pahlavas) (c. 1st century BCE – 1st century CE); Kushans (c. 1st century CE – 3rd century CE); Hunas (Hephthalites) (Late 4th century CE onwards); Satavahanas (c. 2nd century BCE – 3rd century CE).

⁶ These shifts involved the rise and fall of various dynasties, empires, and regional kingdoms like Harshavardhana of the Pushyabhuti dynasty, Pala dynasty of Eastern Bharat, Chalukyas and Cholas in South India, Gurjara-Pratiharas of West Bharat, Rashtrakutas of South Bharat, etc.

⁷ For instance, resistance shown by Ahom Dynasty, Resistance by Bundela Dynasty and Resistance by Rani Durgavati, Resistance by Sikhs (through Sikh Gurus like Hargovind Singh), etc.

research is evident in the meticulous details provided for each phase of Bharat's history, with attention paid to both the external threats and internal alliances that shaped the subcontinent.

Chapter four focuses on the historical consolidation of British power in India and the subsequent steps toward independence and constitutional integration. It begins by outlining the arrival of European imperialist powers in India,⁸ followed by the establishment of the British East India Company. The chapter traces the expansion of British dominance, detailing key administrative policies before the 1857 revolt and the British control over Indian states.⁹ It further explores the influence of India's independence movement on British policy, including the effects of both World Wars.

The chapter critically examines landmark legislative acts such as the Government of India Act 1919, which is described as insufficient in terms of real reform, and the Government of India Act 1935, which proposed an All-India Federation. The failure of the Cripps Mission¹⁰ and the impact of World War II on British policies toward India are analyzed, leading to the conclusion of the war and a progression toward India's independence. The narrative moves into the making of India's Constitution, with specific attention to the Cabinet Mission Plan, the formation of the Constituent Assembly, and the entry of Indian states into the Assembly. Key events marking independence, including the Third June Plan,¹¹ the establishment of the States Department, and the passage of the Indian Independence Act of 1947, are discussed. The chapter is well-organized, offering a chronological account of British consolidation in India and the political and constitutional developments leading to independence.

Chapter five is one of the most important chapters of this book as it covers the major portion of the pivotal phase of Political and Constitutional Integration of the nation. The chapter first discusses in detail the process of Accession of Indian states of varying sizes and status to the

⁸ For instance, by Portuguese (Portugal) in 15th Century; Dutch (Netherlands) in Early 17th Century; Denmark (Danish) in Early 17th Century; English (British) in Early 17th Century; French (France) in Mid 17th Century.

⁹ Many administrative policies were passed by British powers in India. Some of them are - Ryotwari System (in 1820s) by Thomas Munro; Mahalwari System (in 1833); Doctrine of Lapse (from 1848 to 1856) by Lord Dalhousie; Abolition of Sati (in 1829) by Governor-General Lord William Bentinck; The English Education Act (in 1835) by Lord Macaulay; Indian Civil Service (ICS) and Administration Reforms; Judicial Reforms also known as 'Cornwallis Code' (in 1793) by Lord Cornwallis; etc.

¹⁰ The Cripps Mission was a diplomatic mission sent by the British government to India in March 1942, during World War II, with the aim of securing Indian support for the British war effort. The mission was led by Sir Stafford Cripps.

¹¹ The Third June Plan, also known as the Mountbatten Plan, was a crucial strategy proposed by the British government on June 3, 1947, to facilitate the partition of India and end British colonial rule.

Indian dominion. The author discusses how the strong leadership of Sardar Patel, the strategic approach of V.P. Menon and the effective negotiations by Lord Mountbatten with the rulers and representatives of these states, led to the successful accession of most of them before August 15, 1947. The positive role played by certain rulers¹² for bringing majority of them on the same page has also been discussed at length, along with the issues created by some others.¹³ The author succulently summarizes the Standard Instrument of Accession¹⁴ and Standstill Agreement¹⁵ that were signed by states once they agreed to accede to the Indian Dominion. The accession of states which had certain peculiarities done post-independence has then been discussed individually, with the exception of Jammu and Kashmir.¹⁶

The second part of this chapter discusses the stage of Consolidation of States into Administrative Units and establishment of Responsible Governments in the respective states. These mergers were carried out keeping in mind certain commonalities like cultural, economic and geographical contiguity to ensure that the States are at par with the Provinces. The author discusses the process by which they were either merged with the adjoining Provinces, ¹⁷ or by making them part of the Chief Commissioner Provinces¹⁸ or by making Union of various states¹⁹. The chapter also discusses key provisions of the legal regime²⁰ governing the threefold process of accession, integration and democratization. The author has effectively presented large amounts of information in easy-to-understand tables for all the three processes.

Chapter six deals with the next steps of the integration process. It first explains the process of representation of the states in the Constituent Assembly after regrouping, to ensure their due

¹² Maharaj Hanuwant Singh of Udaipur, Maharaja of Kolhapur, Gaekwad of Baroda rallied up the cause of Integration of Bharat with other princes in close coordination with the States Department.

¹³ Nawab Sir Hamidullah Khan of Bhopal, Nawab Sir Rasulkhan of Junagadh, Nizam Mir Ali of Hyderabad acted on behest of Jinnah and instigated other rulers as well to either join the Pakistan Dominion or remain independent. ¹⁴ Instruments of Accession were to be signed by the States (Class A, B and C) joining the Indian Dominion for acceding certain powers and functions in favour of the Dominion, especially in respect of Defence, External Affairs and Communications.

¹⁵ The Standstill Agreements ensured prevention of shutdown of essential services like Road Transport, Communication, Supply of Essential Commodities etc. by maintaining the *status quo* with relation to existing agreements between the Dominion of India and the States.

¹⁶ Accession of Junagadh, Hyderabad and other states discussed.

¹⁷ For instance, Merger of Orissa and Chhattisgarh states, Deccan states, Kolhapur, Baroda, Khasi Hills, etc.

¹⁸ For instance, Merger of Bhopal, Kutch, Bilaspur, Punjab Hill states, Tripura and Manipur, etc.

¹⁹ For instance, Saurashtra, Madhya Bharat, Patiala and East Punjab states, Rajasthan, Vindhya Pradesh, Travancore etc.

²⁰ Indian Independence Act 1947, Government of India Act 195 as adopted through India (Provincial Constitution) Order 1947, Extra Provincial Jurisdiction Ordinance 1947, Merged States (Laws) Act 1949, Indian Independence (International Arrangements) Order 1947.

representation. The author provides a detailed explanation of how the 93 seats reserved for members representing States were filled after negotiations between committees on behalf of the Constituent Assembly and Chambers of Princes.²¹ It is discussed how on one hand, substantial progress was made by certain states²² for such framing, while on the other hand, most of the States and UTs had made little to no progress in the direction despite a model Constitution being provided by the Dominion of India.²³

The chapter further summarizes how ultimately the Constitution of India was adopted by all States despite the covenants having a provision for each State to frame their own internal constitution. Finally, various judgments of the Supreme Court and High Courts dealing with rights, liabilities and privileges of Indian rulers,²⁴ juristic personality of the Indian States,²⁵ exercise of sovereignty by various entities,²⁶ Federalism under the Indian constitution,²⁷ concept of Paramountcy²⁸ and Parliament's powers to amend the Constitution,²⁹ are briefly mentioned and analysed to underline a common thread running through them, which is, supremacy of the Constitution and preserving the unity and integrity of the nation.

Chapter seven encapsulates the process of Reorganization and Integration after coming into force of the Constitution of India, keeping in view administrative convenience, cultural affinity, availability of resources and the struggles by the masses for reorganization on the basis of linguistics. It explains that even though when the Constitution came into force, none of the constituent units were sovereign³⁰ and the Parliament's power to admit or establish new states,

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²¹ After negotiations between the committees representing chamber of princes and the constituent assembly, a formula of fifty percent representation through election and fifty percent representation through nomination of the Rulers was agreed upon.

²² State of Mysore, United States of Travancore-Cochin and Saurashtra Union had functional local Constituent Assemblies and made extensive progress.

²³ Responsible governments in Unions and States such as Rajasthan, PEPSU, Vindhya Pradesh, Madhya Bharat, Hyderabad, Jammu and Kashmir, etc. were struggling in their transition phase of administration when the model constitution was presented.

²⁴ For instance, *U. Owing Singh* v. *Ka Nosibon Jyrwa*, AIR 1956 Assam 129; *H.H. The Maharaja Sahib Shri Bhagwat Singh Bahadur of Udaipur* v. *State of Rajasthan* (1964) 5 SCR 1.

²⁵ For instance, Vinod Kumar Shantilal Gosalia v. Gangadhar Narsingdas Agarwal (1981) 4 SCC 226.

²⁶ For instance, Virendra Singh v. State of Uttar Pradesh (1955) 1 SCR 415, Pramod Chander Deb v. State of Orissa, 1962 Supp (1) SCR 405.

²⁷ For instance, S.R. Bommai v. Union of India (1994) 3 SCC 1, State (NCT of Delhi) v. Union of India (2018) 8 SCC 501.

²⁸ For instance, Sardar Govindrao v. State of Madhya Pradesh (1982) 2 SCC 414.

²⁹ For instance, In Re Berubari Union and Exchange of Enclaves case (1960) 3 SCR 250.

³⁰ Chief Commissioner's Provinces were governed on unitary basis; certain subjects were assigned to Provinces to legislate but they were also heavily controlled by special powers of the Governors, the certain degree of independence that the erstwhile princely states had, was surrendered to the Dominion Government before commencement of the Constitution.

or to alter the existing boundaries, was unfettered and exclusive, most of the reorganization actually happened at the behest of the people from those territories. However, all the committees and commissions that were formed for such reorganizations,³¹ opined against doing so exclusively on linguistic basis and advocated for a balanced approach to be taken for preserving and strengthening the unity and integrity of the nation. The chapter explains in brief, the way in which reorganization for states and UTs was carried out in two phases- before 1956³² and from 1956 to 2019³³ and the resultant amendments to the Constitution.

The second part of the chapter delves into the process of reorganization, liberation and Integration of Goa, Pondicherry and Sikkim. The author narrates the religious and economic oppression of the Portuguese in Goa, the Goan uprising under the leadership of both local leaders³⁴ and prominent faces of Indian National Congress³⁵ in the contextual background of political upheavals in Portugal and the role played by Indian allies against NATO countries when the matter was taken to the United Nations Security Council by Portugal. The use of army for integration of Goa was in contrast to the almost non-violent process in which Pondicherry was integrated with Bharat, where the French government took a realistic view and cooperated in the process, barring certain delays in the name of referendums. Finally, the complicated route³⁶ through which annexation of Sikkim was done and it was progressively given full statehood is discussed in detail.

Chapter eight is the longest chapter of the book, explaining in great detail, the Political and Constitutional integration of Jammu & Kashmir and Ladakh, including the story of abrogation of article 370 as it existed before August 6, 2019 and Reorganization of State of Jammu & Kashmir into UT of Jammu & Kashmir and UT of Ladakh. The chapter initially describes the historical background of Partition and connects it with the national and international political events. The author first describes the power struggles between Britain and Russia on the Asian turf through the two World Wars and how that that influenced the wars, diplomacy and politics

³¹ For instance, S.K. Dhar Commission and J.P.V. Committee for Andhra Pradesh, Karnataka, Kerala and Maharashtra; First States Reorganization Commission under J. Fazal Ali.

³² Formation of 14 States and 6 UTs including Andhra Pradesh, Kerala, Bombay, etc.

³³ Formation of 29 States and 7 UTs including Gujarat, Chhattisgarh, Chandigarh, Assam, Nagaland, etc.

³⁴ Dr. Alvares, Luis Braganca, Tristao Cunha, etc.

³⁵ Ram Manohar Lohiya, Bal Gangadhar Tilak, etc.

³⁶ Sikkim being a frontier region and prospective trading route to China, became a ground of contest between Bhutan, Nepal, East India Company, China and leaders of its local tribes.

in the Indian sub-continent during the 19th and 20th Century.³⁷ The author then explains the reasons for Britain's agenda of supporting partition and creation of Pakistan, for safeguarding its own strategic interests against Russia in the sub-continent. The roles played by British leaders are discussed in detail, along with how they always worked in close coordination with the Muslim League.³⁸

The chapter throws light on how the demand for a separate Muslim nation was not in-fact supported by the general Muslim population and was the result of the political ambitions of Jinnah which were fuelled by British officials in return of promises of unconditional support and coordination for all war/defence efforts from Jinnah, once Pakistan is created. The author goes back and forth in time as after this, the history of Jammu and Kashmir specifically is taken up from *Dwapar Yug* to Ashoka and Mughals, Afghans and Hindu Kings, especially Maharaja Ranjit Singh and Maharaja Gulab Singh. Through this, it is portrayed how Jammu and Kashmir has always been an integral part of India's history and culture.

The author then discusses the strong nationalist stance taken by Maharaja Hari Singh against the British policy of creating *Princestan*³⁹ and merger of the state in Pakistan. The rationale behind Maharaja's policy of giving special privileges to State subjects for employment and acquisition of immovable property is explained. From this part of the chapter, the author also presents his own opinions on various occurrences, in contrast to the almost-factual style of presentation in the rest of the book. He discusses how Pandit Nehru against the better judgement of Sardar Patel and other Congress leaders always favoured Sheikh Abdullah over Maharaja Hari Singh for representing the people of Jammu and Kashmir.

The consequent incidents caused the establishment of fundamentalist and secessionist philosophies in the state under Sheikh Abdullah's leadership. He criticizes the manner in which a loyalist and patriot like the Maharaja was repeatedly discriminated against to the extent that

³⁷ The military and diplomatic struggle inspired by intense rivalry without direct war between the Russian Empire and the British Empire was termed as *'Tournament of Shadows'* by Count Nesselrode (Foreign Minister of Russia) and *'The Great Game'* by Rudyard Kipling (in his novel Kim).

³⁸ The bases, airfields and ports in North-West India (Present Pakistan) were considered to be invaluable for commonwealth defence against expansive boundaries of the Russian Empire.

³⁹ The Britishers wanted to leave with India in 3 parts- Hindustan (Hindu-majority regions), Pakistan (Muslim-majority regions) and Princestan (Indian Princely States).

⁴⁰ With improved educational facilities and cool-England like climate, many British officers were keen to acquire properties and assert their powers in the region. The special privileges for Permanent residents were introduced by the Maharaja to prevent them from taking jobs or acquiring property in the State.

he was ousted from his own state. The suspicious steps taken by the British officials in both Indian and Pakistan Army in favour of Pakistan, the aggression in Jammu and Kashmir by the Pakistani Army and the resultant execution of the Instrument of Accession by the Maharaja in favour of Bharat is discussed. The chapter describes in detail the heroic role played by the Indian Defence Forces throughout these turbulent times and especially at the times of war.

The chapter finally elucidates on the process of Constitutional Integration of Jammu and Kashmir in two parts. Part one explains the Purpose of article 370 before August 2019 and its temporary nature as a transition provision. The objective was to establish all the Constitutional and Administrative arrangements for the State in line with the other states, especially as the *Praja Sabha* was also dead. The author dismisses the constitutional and legal validity of the Delhi Agreement and Indira-Sheikh Accord as nothing more than common understanding between political leaders on certain subjects governing Centre-State relationship. The chapter especially emphasizes how article 370 was from the beginning understood to be a temporary provision and the demand of plebiscite was not legally enforceable. The part ends with a brief mention of the 'Kashmir Exodus'.

Part two explains the manner in which abrogation of article 370 and article 35A was carried out in the background of President/Governor rule in the State. The author explains how the action of the Government was constitutionally valid and morally aligned and the resultant consequences of the abrogation. Special emphasis is placed on scraping of special privileges of 'Permanent Residents' in favour of a more flexible 'Domicile-based' approach and extension of all the Fundamental Rights to all citizens of the erstwhile state without any discrimination. The Chapter ends with discussion on Reorganization of the State of Jammu and Kashmir into UT of Jammu & Kashmir and UT of Ladakh and explains the manner on which the Delimitation of Constituencies was carried out in the region.

Chapter nine concludes the book by summarising certain assertions strongly demonstrated by the chapters discussed in the book. The author recognises that the process of territorial,

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⁴¹ Head note of the Part reads as "Temporary, Transitional and Special Provisions' which is how it was explained by its author Shri Ayyangar in the Parliament as well. This is reflected when it is read in conjunction with other articles of the Constitution as well, especially article 1.

⁴² The Legislative Assembly of the State of Jammu & Kashmir.

⁴³ Agreement between Pandit Nehru and Sheikh Abdullah.

⁴⁴ Agreement between Smt. Indira Gandhi and Sheikh Abdullah.

⁴⁵ Mass-scale fleeing and killing of Kashmiri Hindus especially Pandits from the Kashmir region in January 1990.

administrative, political and constitutional integration is a never-ending process and is yet to witness many more phases.

The book is a compelling read that offers a thorough and nuanced exploration of Bharat's historical, cultural, and constitutional evolution. Through the exhaustive compilation of historical events, philosophical insights, and legal analyses, it successfully captures the spirit of unity that has defined Bharat across centuries of foreign invasions, political upheavals, and social transformations. While the book occasionally leans heavily on certain ideological perspectives, its meticulous research and thoughtful examination of Bharat's journey toward integration and nationhood, make it an invaluable resource for historians, scholars, and general readers interested in understanding the complex notion of Bharat.

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