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THE MAKING OF THE INDIAN CONSTITUTION
1939—1947

VOLUME I DOCUMENTS

" The Committee is of opinion that the immediate ending of British rule in India is an urgent necessity, both for the sake of India and for the success of the cause of the United Nations . "

—ALL INDIA CONGRESS COMMITTEE, August 8, 1942

". . . I was quite certain that while the British over-lordship remained no satisfactory conclusions could be reached psychologically between the parties ."

—LORD MOUNTBATTEN, July 25, 1947.

By A C BANERJEE

RAJPUT STUDIES

PESHWA MADHAV RAO I

ANNEXATION OF BURMA

INDIAN CONSTITUTIONAL DOCUMENTS

THE CONSTITUENT ASSEMBLY OF INDIA

THE EASTERN FRONTIER OF BRITISH INDIA

THE MAKING OF THE INDIAN CONSTITUTION

1939—1947

★ ★ ★ ★

BY

ANIL CHANDRA BANERJEE M A Ph D

Premchand Roychand Scholar Mouat Medallist

Lecturer in History Calcutta University

VOLUME I

DOCUMENTS

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PREFACE

In the following pages I have printed some important documents relating to the constitutional developments in India during perhaps the most eventful period in her long history 1939—1947 I have naturally given prominence to the Cripps Proposals the Wavell Plan the Cabinet Mission Plan and the Mountbatten Plan culminating in the division and independence of our country Particular attention has been directed to the views of the Indian National Congress and the Muslim League but I have tried to provide some space for all important parties and interests and the Indian States have not been ignored I have taken particular care to reproduce the authentic texts of all documents in all cases where newspaper reports have been accepted in the absence of better substitutes I have indicated that fact in the footnotes I hope this compilation will have some enduring value as a source book of Indian constitutional history

The second volume of this work will give my readers my own interpretation of the documents published in the present volume I have deliberately kept the two volumes separate in order to make it easy for them to form their own conclusions on the basis of the documents I hope it will be possible for me to bring out the second volume within a few months

A C BANERJEE

Netaji's Birthday
January 23 1948

In memory of

My Father

Late SURESH CHANDRA BANERJEE

Who hailed the Day of Independence

15 August 1947

From his death bed

CONTENTS

	SUBJECT	PAGE
1	Statement of the Congress Working Committee, September 14, 1939	1—4
2	Extracts from Statements of Lord Linlithgow, 1939	4—7
	I Statement, October 18, 1939	4
	II Statement, November 5, 1939	5
3	Mr Jinnah on "Deliverance Day" 1939	7—15
	I Appeal for the observance of "Deliverance Day," Bombay, December 2, 1939	7
	II Statement to the Press on "Deliverance Day"	9
4	Mr Jinnah on the Congress demand for a Constituent Assembly, 1939 40	15—19
	I Reply, dated December 14, 1939, to Mahatma Gandhi's statement on the Constituent Assembly, published in the "News Chronicle"	15
	II Extracts from an article in "Time and Tide," London, January 19, 1940	18
5	Extracts from Mr Jinnah's Presidential Speech Muslim League Session, Lahore, March, 1940	19—22
6	Resolution of the Muslim League, Lahore Session, March 23, 1940	22—23
7	Mr Jinnah on the Lahore Resolution, 1940	23—24
8	Extracts from Speeches of Lord Linlithgow, 1940 41	24—27
	I Speech at the Orient Club, Bombay, January 10, 1940	24
	II Statement, August 8, 1940	25
	III Speech at the Associated Chambers of Commerce, Calcutta, December 16, 1940	26
	IV Speech at the Associated Chambers of Commerce, Calcutta, December 15, 1941	27

SUBJECT		PAGE
9	The Cripps Proposals, 1942	27—71
	I Declaration of the British Government, March 11, 1942	27
	II Broadcast of Sir Stafford Cripps, Delhi, March 30, 1942	29
	III Resolution of the Congress Working Committee, April 2, 1942	34
	IV Congress-Cripps Correspondence	38
	1 From Sir Stafford Cripps to Maulana Abul Kalam Azad, April 7, 1942	38
	2 Second Formula for Defence	40
	3 Congress Working Committee Formula for Defence	41
	4 Sir Stafford Cripps' Formula for Defence	43
	5 From Maulana Azad to Sir Stafford Cripps, April 10, 1942	45
	6 From Sir Stafford Cripps to Maulana Abul Kalam Azad, April 11, 1942	51
	7 From Maulana Azad to Sir Stafford Cripps, April 11, 1942	53
	V Resolution of the Working Committee of the Muslim League, April 11, 1942	56
	VI Pandit Jawaharlal Nehru on the Cripps Proposals	60
	1 Statement at Press Conference, New Delhi, April 12, 1942	60
	2 Observations in "The Discovery of India"	69
10	Resolution of the All India Congress Committee, Bombay, August 8, 1942	71—76
11	Gandhi-Jinnah Correspondence, 1944	77—91
	1 Rajagopalachari Formula, March, 1944	77
	2 Extracts from Mr Jinnah's letter to Mahatma Gandhi, September 10, 1944	78
	3 Extracts from Mahatma Gandhi's letter to Mr Jinnah, September 11, 1944	79

SUBJECT		PAGE
4	Extracts from Mahatma Gandhi's letter to Mr Jinnah, September 15, 1944	81
5	Extracts from Mr Jinnah's letter to Mahatma Gandhi, September 17, 1944	83
6	Extracts from Mahatma Gandhi's letter to Mr Jinnah, September 19, 1944	85
7	Extracts from Mr Jinnah's letter to Mahatma Gandhi, September 21, 1944	85
8	Extracts from Mahatma Gandhi's letter to Mr Jinnah, September 22, 1944	86
9	Extracts from Mr Jinnah's letter to Mahatma Gandhi, September 23, 1944	87
10	Extracts from Mahatma Gandhi's letter to Mr Jinnah, September 24, 1944	88
11	Extracts from Mr Jinnah's letter to Mahatma Gandhi, September 25, 1944	89
12	The Wavell Plan, 1945	91—102
I	Statement of the Secretary of State, House of Commons, June 14, 1945	91
II	Broadcast of Lord Wavell, Delhi, June 14, 1945	95
III	Lord Wavell's Statement, Simla Conference, July 14, 1945	99
IV	Mr Jinnah's Statement, Press Conference, Simla, July 14, 1945	100
V	Statement of Maulana Abul Kalam Azad at Press Conference, Simla, July 14, 1945	101
13	Announcement of Lord Pethick Lawrence, House of Lords, February 19, 1946	103—104
14	Extracts from Speech of Mr Attlee, House of Commons, March 15, 1946	104—110
15	Correspondence of the Cabinet Mission with the Congress and the League, April 27—May 12, 1946	110—137
1	From Lord Pethick-Lawrence to Maulana Abul Kalam Azad and Mr M A Jinnah, April 27, 1946	110

SUBJECT		PAGE
2	From Maulana Azad to Lord Pethick Lawrence April 28 1946	111
3	From Mr Jinnah to Lord Pethick Lawrence April 29 1946	113
4	From Lord Pethick Lawrence to Maulana Azad April 29 1946	116
5	From Lord Pethick Lawrence to Mr Jinnah April 29 1946	116
6	From Maulana Azad to Lord Pethick Lawrence May 6 1946	118
7	From Lord Pethick Lawrence to Maulana Azad and Mr Jinnah May 8 1946	120
8	From Private Secretary to Lord Pethick Lawrence to Maulana Azad and Mr Jinnah May 8 1946	120
9	From Mr Jinnah to Lord Pethick Lawrence May 8 1946	122
10	From Lord Pethick Lawrence to Mr Jinnah May 9 1946	124
11	From Maulana Azad to Lord Pethick Lawrence May 9 1946	126
12	From Pandit Jawaharlal Nehru to Mr Jinnah May 10 1946	130
13	From Mr Jinnah to Pandit Nehru May 10 1946	131
14	From Pandit Nehru to Mr Jinnah May 11 1946	131
15	From Mr Jinnah to Pandit Nehru May 11 1946	131
16	League Memorandum May 12 1946	132
17	Congress Suggestions May 12 1946	133
18	Congress Note on League Suggestions May 12 1946	135
16	Statement by the Cabinet Delegation and the Viceroy May 16 1946	137—150
17	Memorandum on States Treaties and Paramountcy May 12 1946	150—153
18	Mr Jinnah's Statement May 22 1946	153—162

SUBJECT		PAGE
19.	Maulana Azad's Correspondence with Lord Pethick-Lawrence, May 20-22, 1946 . .	162—166
	1. From Maulana Azad to Lord Pethick-Lawrence, May 20, 1946	162
	2. From Lord Pethick-Lawrence to Maulana Azad, May 22, 1946 . .	165
20	Resolution of the Congress Working Committee, May 24, 1946	166—169
21	Statement of the Cabinet Delegation, May 25, 1946 .. .	169—171
22	Azad-Wavell Correspondence, May 25—30, 1946	172—174
	1 From Maulana Azad to Lord Wavell, May 25, 1946	172
	2. From Lord Wavell to Maulana Azad, May 30, 1946 ..	173
23	Lord Wavell's Letter to Mr Jinnah, June 4, 1946	174
24	Resolution of the Muslim League Council, June 6, 1946 ..	174—176
25.	Statement of the Nawab of Bhopal, June 10, 1946	176—178
26	Resolution of the All-India States Peoples Conference, June 10, 1946	178—179
27	Lord Wavell's Correspondence with Congress and League, June 12-15, 1946 .	179—189
	1. From Lord Wavell to Pandit Jawaharlal Nehru, June 12, 1946 .. .	179
	2 From Pandit Jawaharlal Nehru to Lord Wavell, June 12, 1946	180
	3 From Mr. Jinnah to Lord Wavell, June 12, 1946	180
	4 From Maulana Azad to Lord Wavell, June 13, 1946	181
	5. From Maulana Azad to Lord Wavell, June 14, 1946	183
	6. From Lord Wavell to Maulana Azad, June 15, 1946	186

SUBJECT		PAGE
	7 From Lord Wavell to Maulana Azad, June 15, 1946	186
	8 From Maulana Azad to Lord Wavell, June 14, 1946	187
	9 From Lord Wavell to Maulana Azad, June 15, 1946	187
	10 From Maulana Azad to Lord Wavell, June 16, 1946	188
	11 From Lord Wavell to Maulana Azad and Mr Jinnah, June 16, 1946	189
28	Lord Wavell's Announcement, June 16, 1946	189—191
29	Congress Viceroy Correspondence, June 18—25, 1946	191—199
	1 From Maulana Azad to Lord Wavell, June 18 1946	191
	2 From Lord Wavell to Maulana Azad, June 20, 1946	191
	3 From Maulana Azad to Lord Wavell, June 21, 1946	192
	4 From Lord Wavell to Maulana Azad, June 21, 1946	192
	5 From Lord Wavell to Maulana Azad, June 22, 1946	194
	6 From Maulana Azad to Lord Wavell, June 25, 1946	194
30	Resolution of the Congress Working Committee, June 26, 1946	200—202
31	Statement of the Cabinet Mission and the Viceroy, June 26, 1946	202—203
32	Mr Jinnah's Correspondence with Lord Wavell, June 18—28, 1946	203—210
	1 From Mr Jinnah to Lord Wavell, June 18, 1946	203
	2 From Mr Jinnah to Lord Wavell, June 19, 1946	203
	3 From Lord Wavell to Mr Jinnah, June 20, 1946	207

SUBJECT		PAGE
	4 From Lord Wavell to Mr Jinnah, June 28, 1946	208
	5 From Lord Wavell to Mr Jinnah, June 28, 1946	209
33	Mr Jinnah's Statement, June 27, 1946	210—212
34	Mr Jinnah's Statement, June 29, 1946	212—221
	Letter from Mr Jinnah to Lord Wavell, June 8, 1946	213
	Letter from Lord Wavell to Mr Jinnah, June 9 1946	215
	Letter from Lord Wavell to Mr Jinnah, June 15 1946	215
	Letter from Lord Wavell to Mr Jinnah, June 25, 1946	217
	Letter from Mr Jinnah to Lord Wavell, June 26, 1946	218
	Letter from Lord Wavell to Mr Jinnah, June 27 1946	219
	Letter from Mr Jinnah to Lord Wavell, June 28, 1946	219
	Letter from Mr Jinnah to Lord Wavell in reply to his two letters of June 28, 1946	220
35	Procedure of election to the Constituent Assembly, 1946	222—225
	I Press Note issued by the Government of Bengal, June 18, 1946	222
	II Elucidation	224
36	Extracts from Proceedings of All-India Congress Committee, Bombay, July 6-7, 1946	225—241
	I Speech of Maulana Azad, July 6, 1946	225
	II Speech of Sardar Vallabhbhai Patel, July 6, 1946	228
	III Speech of Mr Jaiprakash Narayan, July 6, 1946	230
	IV Speech of Mahatma Gandhi, July 7, 1946	233
	V Speech of Maulana Azad, July 7, 1946	235
	VI Speech of Pandit Nehru, July 7, 1946	238

SUBJECT		PAGE
37	Extracts from Pandit Nehru's Statement at Press Conference Bombay July 10 1946	241—246
38	Mr Jinnah's Statement July 13 1946	246—248
39	Extracts from Statement of Sir Stafford Cripps House of Commons July 18 1946	248—255
40	Extracts from Statement of Lord Pethick Lawrence House of Lords July 18 1946	255—259
41	Proceedings of the Muslim League Council July 29 1946	260 267
	I Resolution withdrawing acceptance of Cabinet Mission's Plan	260
	II Resolution on Direct Action	264
	III Mr Jinnah's Speech	265
42	The Congress Working Committee on the League Resolutions August 10 1946	267—269
43	Mr Jinnah's Statement on the Congress Resolution Bombay August 12 1946	269—273
44	Pandit Nehru on the Constituent Assembly September 7 1946	273
45	Papers on the formation of the Interim Government July 22—November 25 1946	273—301
	1 Letter from Lord Wavell to Mr Jinnah July 22 1946	273
	2 Letter from Mr Jinnah to Lord Wavell July 31 1946	275
	3 Letter from Lord Wavell to Mr Jinnah August 8 1946	277
	4 Communique of the Government of India August 12 1946	278
	5 Letter from Pandit Nehru to Mr Jinnah August 13 1946	278
	6 Letter from Mr Jinnah to Pandit Nehru August 15 1946	279
	7 Letter from Pandit Nehru to Mr Jinnah August 15 1946	279
	8 Letter from Mr Jinnah to Pandit Nehru August 15 1946	280

SUBJECT		PAGE
9	Extracts from Pandit Nehru's statement at Press Conference Bombay August 16 1946	281
10	Extracts from Mr Jinnah's statement August 18 1946	282
11	Extracts from Pandit Nehru's statement	283
12	Viceroy's House Communique August 24 1946	284
13	Extracts from Lord Wavell's Broadcast August 24 1946	284
14	Extracts from Mr Jinnah's statement August 25 1946	286
15	Extracts from Mr Jinnah's statement on the Viceroy's Broadcast	288
16	Extracts from Nehru Jinnah Correspondence October 6—13 1946	289
	(*i*) From Pandit Nehru to Mr Jinnah October 6 1946	289
	(*i*) From Mr Jinnah to Pandit Nehru October 7 1946	291
	(*ii*) From Pandit Nehru to Mr Jinnah October 8 1946	293
	(*iv*) From Mr Jinnah to Pandit Nehru October 12 1946	294
	(*v*) From Pandit Nehru to Mr Jinnah October 3 1946	295
17	Extracts from Wavell Jinnah correspondence October 3—13 1946	295
	(*i*) From Mr Jinnah to Lord Wavell October 3 1946	295
	(*ii*) From Lord Wavell to Mr Jinnah October 4 1946	296
	(*iii*) From Lord Wavell to Mr Jinnah October 12 1946	298
	(*iv*) From Mr Jinnah to Lord Wavell October 13 1946	298

SUBJECT		PAGE
18	Extracts from Mr Liaquat Ali Khan's statement at Press Conference, October 26, 1946	299
19	Extracts from Wavell Nehru Correspondence, October 23, 1946	300
	(*i*) From Pandit Nehru to Lord Wavell, October 23, 1946	300
	(*ii*) From Lord Wavell to Pandit Nehru, October 23 1946	300
20	Extracts from Mr Jinnah's statement at Press Conference, Karachi, November 25, 1946	301
46	Extracts from the Proceedings of the Meerut Congress, November 21—23, 1946	301—305
	I Pandit Nehru's Speech, November 21, 1946	301
	II Sardar Patel's Speech, November 23 1946	303
	III Acharya Kripalani on Pakistan	304
47	Statement of Lord Pethick Lawrence, House of Lords, November 27, 1946	305
48	Correspondence relating to the London Conference, November 26—30 1946	305—309
	1 From Pandit Nehru to Lord Wavell, November 26, 1946	305
	2 Cable from Mr Attlee to Pandit Nehru November 27, 1946	307
	3 Cable from Pandit Nehru to Mr Attlee, November 28, 1946	308
	4 Mr Attlee's cable to Pandit Nehru November 28, 1946	309
	5 Mr Jinnah's cable to Mr Attlee, November 29, 1946	309
	6 Mr Attlee's cable to Mr Jinnah, November 30, 1946	309
	7 Mr Jinnah's cable to Mr Attlee, November 30, 1946	309

	SUBJECT	PAGE
49	Statement of the British Government, December 6, 1946	309—312
50	The 'Objectives Resolution' of the Constituent Assembly	312—336
	I The Resolution	312
	II Speech of Pandit Nehru, December 13, 1946	313
	III Speech of Pandit Nehru, January 22, 1947	327
51	Debate in the House of Commons, December 11—13, 1946	336—360
	I Mr Attlee's Statement, December 11 1946	336
	II Speech of Sir Stafford Cripps, December, 12, 1946	339
	III Mr Churchill's Speech	347
	IV Speech of Mr A V Alexander, December 13, 1946	355
52	Statement and Speech of Lord Pethick Lawrence in the House of Lords December 11-16, 1946	360—364
53	Mr Jinnah's Speech in Kingsway Hall, London, December 13 1946	364—372
54	Mr Jinnah's Statement, Press Conference, London, December 14, 1946	372—375
55	Resolution of the Congress Working Committee on the Statement of the British Government, December 22, 1946	375—380
56	Extracts from Proceedings of the All India Congress Committee, New Delhi, January 5 6, 1947	380—385
	I Resolution	380
	II Pandit Nehru's Speech	382
57	Statement of Dr Rajendra Prasad on the Constituent Assembly, January 20, 1947	385—386
58	Indian States on the Constituent Assembly, January 29-30, 1947	386—391

	SUBJECT	PAGE
	I Resolutions of the Standing Committee of the Chamber of Princes January 29 1947	386
	II Speeches January 30 1947	389
59	Resolution of the Muslim League Working Committee Karachi January 31 1947	391—401
60	Statement of the British Government February 20 1947	401—405
61	Extracts from Speech of Lord Pethick Lawrence House of Lords February 25 1947	405—412
62	Debate in the House of Commons March 5 6 1947	412—435
	I Speech of Sir Stafford Cripps March 5 1947	412
	II Speech of Mr Attlee March 6 1947	429
63	Resolution of the Congress Working Committee March 6—8 1947	435—437
64	The Mountbatten Plan June 3 1947	437—443
65	Broadcast Speech of Lord Mountbatten June 3 1947	443—446
66	Broadcast Speech of Pandit Nehru June 3 1947	446—449
67	Mr Jinnah's Broadcast Speech June 3 1947	450—452
68	Lord Mountbatten at Press Conference New Delhi June 4 1947	452—461
69	Announcement of Lord Mountbatten June 10 1947	461—467
70	Resolution of the All India Congress Committee June 15 1947	467—469
71	Extracts from Proceedings of the All India Congress Committee New Delhi June 14—15 1947	469—481
	I Speech of Pandit G B Pant June 14 1947	469
	II Speech of Maulana Azad, June 14 1947	471

SUBJECT		PAGE
	III Speech of Sj Purshottamdas Tandon, June 14, 1947	472
	IV Speech of Pandit Nehru, June 15, 1947	474
	V Speech of Sardar Patel, June 15, 1947	477
72	The All-India Congress Committee on the Indian States, June 15, 1947	481—483
73	Pandit Nehru on Paramountcy, June 15, 1947	483—486
74	Announcement of Lord Mountbatten, June 16, 1947	486
75	Statement of Dr Ambedkar on the Indian States, June 17, 1947	486—496
76	The Indian Independence Act, 1947	496—517
77	Explanation of Indian Independence Bill, July 5, 1947	518—522
78	Debate in the House of Commons, June 10-14, 1947	522 - 540
	I Speech of Mr Attlee, July 10-11, 1947	522
	II Speeches of Mr R A Butler, Mr Arthur Henderson and Sir Hartley Shawcross, July 14, 1947	532
79	Lord Mountbatten's Address to Conference of Princes and Ministers, July 25, 1947	540—545
80	India (Provisional Constitution) Order, 1947	545—552
81	The Nizam's *Firman* on Berar, August 15, 1947	552—553
82	The Radcliffe Award on Bengal, August 18, 1947	554—563
83	The Radcliffe Award on the Punjab, August 18, 1947	563—569
84	India's Standstill Agreement with the Nizam, November 29, 1947	569—574
	I Text of Agreement	569
	II Extracts from the Nizam's letter to the Governor-General	571
	III Extracts from Sardar Vallabhbhai Patel's Speech, November 29, 1947	572

THE MAKING OF THE INDIAN CONSTITUTION
1939—1947

"The government of a people by itself has a meaning and a reality, but such a thing as government of one people by another does not, and cannot exist. One people may keep another for its own use, a place to make money in, a human cattle farm for the profits of its own inhabitants."

—JOHN STUART MILL

THE MAKING OF THE INDIAN CONSTITUTION

1. STATEMENT OF THE CONGRESS WORKING COMMITTEE, SEPTEMBER 14, 1939.

The Working Committee have given their earnest consideration to the grave crisis that has developed owing to the declaration of war in Europe. The principles which should guide the nation in the event of a war have been repeatedly laid down by the Congress, and only a month ago the Committee reiterated them and expressed their displeasure at the flouting of Indian opinion by the British Government in India. As a first step to dissociate themselves from this policy of the British Government the Committee called upon the Congress members of the Central Legislative Assembly to refrain from attending the next session. Since then the British Government have declared India as a belligerent country, promulgated Ordinances, passed the Government of India Act Amending Bill and taken other far-reaching measures which affect the Indian people vitally and circumscribe and limit the powers and activities of the Provincial Governments.

The Congress has repeatedly declared its entire disapproval of the ideology and practice of Fascism and Nazism and their glorification of war and violence and the suppression of the human spirit. It has condemned the aggression in which they have repeatedly indulged and their sweeping away of well-established principles and recognised standards of civilised behaviour. It has seen in Fascism and Nazism the intensification of the principle of Imperialism against which the Indian people have struggled for many years. The Working Committee must, therefore, unhesitatingly condemn the latest aggression of the Nazi Government in Germany against Poland and sympathise with those who resist it.

The Congress has further laid down that the issue of war and peace for India must be decided by the Indian people. The people of India have in the recent past faced great risks and willingly made great sacrifices to secure their own freedom.

If the war is to defend the *status quo* of imperialist possessions, colonies, vested interests and privileges, then India can have nothing to do with it. If, however, the issue is democracy and a world order based on democracy, then India is intensely interested in it. The Committee are convinced that the interests of Indian democracy do not conflict with the interests of British democracy or of world democracy.

If Great Britain fights for the maintenance and extension of democracy, then she must necessarily end Imperialism in her own possessions and establish full democracy in India, and the Indian people must have the right of self-determination by framing their own constitution through a Constituent Assembly. A free democratic India will gladly associate herself with other free nations for mutual defence against aggression and for economic co-operation. She will work for the establishment of a real world order based on freedom and democracy, utilising the world's knowledge and resources for the progress and advancement of humanity.

The crisis that has overtaken Europe is not of Europe only but of humanity and will not pass like crises or wars leaving the essential structure of the present-day world intact It is likely to refashion the world for good or evil politically, socially and economically. This crisis is the inevitable consequence of the social and political conflicts and contradictions which have grown alarmingly since the last Great War and it will not be finally resolved till those conflicts and contradictions are removed and a new equilibrium established. The equilibrium can only be based on ending of the domination and exploitation of one country by another and on a re-organisation of economic relations on a juster basis for the common good of all. India is the crux of the problem and no refashioning of the world can succeed which ignores this vital problem. With her vast resources she must play an important part in any scheme of world re-organisation.

But she can only do so as a free nation whose energies have been released to work for this great end.

The Working Committee have noted that many rulers

of Indian States have offered their services and resources and expressed their desire to support the cause of democracy in Europe. If they must make their professions in favour of democracy abroad, the Committee would suggest that their first concern should be the introduction of democracy in their own States in which to-day undiluted autocracy reigns supreme. The true measure of democracy is the ending of Imperialism and Fascism alike and the aggression that has accompanied them in the past and the present. Only on that basis can a new order be built up. In the struggle for that new world order the Committee are eager and desirous to help in every way, but the Committee cannot associate themselves or offer any co-operation in a war which is conducted on imperialistic lines and which is meant to consolidate Imperialism in India and elsewhere.

In view, however, of the gravity of the occasion and the fact that the pace of events during the last few days has often been swifter than the working of men's minds, the Committee desire to take no final decision at this stage so as to allow for the full elucidation of the issues at stake, the real objectives aimed at, and the position of India in the present and in the future. The Working Committee, therefore, invite the British Government to declare in unequivocal terms what their war aims are in regard to democracy and Imperialism and the new order that is envisaged, in particular, how these aims are going to apply to India and to be given effect to in the present. Do they include treatment of India as a free nation whose policy will be guided in accordance with the wishes of her people?

A clear declaration about the future, pledging the Government to the ending of Imperialism and Fascism alike, will be welcomed by the people of all countries, but it is far more important to give immediate effect to it to the largest possible extent, for only this will convince the people that the declaration is meant to be honoured. The real test of any declaration is its application in the present, for it is the present that will govern action to-day and give shape to the future.

War has broken out in Europe and the prospect is terrible

to contemplate, but war has been taking its heavy toll of human life during the past year in Abyssinia, Spain and China. Innumerable innocent men, women and children have been bombed to death from the air in open cities. Cold-blooded massacres, tortures and utmost humiliation have followed each other in quick succession during these years of horror. That horror grows and violence and the threat of violence shadow the world, and unless checked and ended, will destroy the precious inheritance of past ages. The horror has to be checked in Europe and China, but it will not end till its root causes, Fascism and Imperialism, are removed. To that end the Working Committee are prepared to give their co-operation; but it will be an infinite tragedy if even this terrible war is carried on in the spirit of Imperialism and for the purpose of retaining this structure which is itself the cause of war and human degradation.

The Working Committee wish to declare that the Indian people have no quarrel with the German people or the Japanese people or any other people, but they have a deep-rooted quarrel with the systems which deny freedom and are based on violence and aggression. They do not look forward to a victory of one people over another or to a dictated peace but to a victory of real democracy for all the people of all the countries and a world freed from the nightmare of violence.

The Committee earnestly appeal to the Indian people to end all internal conflict and controversy and in the grave hour of peril to keep in readiness and hold together as a united nation, calm of purpose and determined to achieve the freedom of India within the larger freedom of the world.

2. EXTRACTS FROM STATEMENTS OF LORD LINLITHGOW[1], 1939.

I. Statement, October 18, 1939.

.....His Majesty's Government recognise that when the time comes to resume consideration of the plan for the future

[1] Viceroy and Governor-General of India, April, 1936—October, 1943.

Federal Government of India it will be necessary to reconsider in the light of the then circumstances to what extent the details of the plan embodied in the Act of 1935 remain appropriate And I am authorised now by His Majesty's Government to say that at the end of the war they will be very willing to enter into consultation with representatives of the several communities parties and interests in India and with the Indian Princes with a view to securing their aid and co operation in the framing of such modifications as may seem desirable

the intention and the anxiety of His Majesty's Government is as stated in the Instrument of Instructions to the Governor General[1], to further the partnership between India and the United Kingdom within the Empire to the end that India may attain her due place among the great Dominions

II. Statement, November 5, 1939.

War was declared on the 3rd September In a broadcast that night I appealed to all parties and all sections in India to co operate in its prosecution On the following day I saw Mr Gandhi in Simla and I discussed the whole position freely with him I similarly took immediate steps to see Mr Jinnah[2] as representing the Muslim League Nor did I fail to see the Chancellor of the Chamber of Princes

Thereafter the general question came for consideration before the Congress Working Committee and the Working Committee of the Muslim League The Working Committee of the Congress met on the 14th of September They condemned Nazi aggression in decisive terms But they postponed final decision so as to allow for the full elucidation of the issues at stake the real objectives aimed at and the position of India in the present and in the future and they

[1] "xxxi. And finally it is Our will and pleasure that Our Governor-General should so exercise the trust which we have reposed in him that partnership between India and the United Kingdom within our Empire may be furthered, to the end that India may attain its due place among Our Dominions".

[2] President of the All-India Muslim League.

invited the British Government to declare in unequivocal terms what were their war aims and how those aims would apply to India, and be given effect to in the present[1].....

The Working Committee of the Muslim League on the 18th of September similarly asked, 'if full, effective and honourable co-operation of the Mussalmans is desired', that 'a sense of security and satisfaction' should be created amongst Muslims, and referred in particular to the position of the Muslims in Congress Provinces,[2] and to the necessity for consulting the Muslims fully regarding any change in the existing constitution and securing their consent and approval.

I now again got in touch with Mr. Gandhi, Mr. Jinnah and the Chancellor of the Chamber of Princes. I decided that given the great divergence of view which clearly existed between the two major political parties in British India, I must satisfy myself as to the trend of feeling in the country. In pursuance of that object I interviewed over 50 people, representing all parties, communities and interests. While those conversations were proceeding, the All-India Congress Committee, on the 10th of October, passed a resolution repeating the demand of the Working Committee for a statement by His Majesty's Government of their war aims and peace aims. They demanded also that India should be declared an independent nation and that present application of this status should be given to the largest possible extent.

I reported my conversations in detail to His Majesty's Government . ... .It was in the light of profound consideration and long discussion that on the 18th October I made a Declaration on behalf of His Majesty's Government..... . .....The debates in Parliament which followed the publication of my statement brought out another important point —the readiness of His Majesty's Government, if certain conditions were secured, to associate Indian opinion in a still closer and more responsible manner with the conduct of the

[1] See Document No. 1.

[2] Madras, Bombay, C. P., U. P., Bihar, Orissa, Assam, N.W.F.P.

war by a temporary expansion of the Governor-General's Executive Council [1]. But the reception in British India both of my Declaration and of the subsequent debates in Parliament was, so far as the Congress was concerned, definitely hostile. The Congress Working Committee on the 22nd of October passed a resolution to the effect that my Declaration was entirely unsatisfactory, and called upon the Congress Ministries in the Provinces to resign. The Muslim League on the same day asked that certain doubts should be removed, and complete clarification of the Declaration secured, subject to which they empowered their President, if fully satisfied, 'to give an assurance of co-operation and support on behalf of the Mussalmans of India to the British Government for the purpose of prosecution of the war'.

3. MR. JINNAH ON "DELIVERANCE DAY", 1939.

I. Appeal for the observance of "Deliverance Day", Bombay, December 2, 1939.

I wish the Mussalmans all over India to observe Friday the 22nd December as the "day of deliverance" and thanksgiving as a mark of relief that the Congress regime has at last ceased to function. I hope that the Provincial, District and Primary Muslim Leagues all over India will hold public meetings and pass the following resolution with such modifications as they may be advised, and after Jumma prayers offer prayers by way of thanksgiving for being delivered from the unjust Congress regime. I trust that all public meetings will be conducted in an orderly manner and with all due sense of humility, and nothing should be done which will cause offence to any other community, because it

[1] By a communique dated July 22, 1941, the number of members of the Executive Council was increased from 7 to 12. In the new Council the number of Indian members was 8 and they were in a majority of 2 to 1. The Secretary of State for India described this expansion as 'a change not indeed in the form of the constitution but in its spirit'. By a Press Note dated July 3, 1942, it was announced that membership of the Executive Council had been increased from 12 to 15, with 11 non-official Indians, 1 non-official European and 3 European officials (including the Commander-in-Chief).

is the High Command of the Congress that is primarily responsible for the wrongs that have been done to the Mussalmans and other minorities.

Resolution : "This public meeting of the Mussalmāns of (*name of the place*) records its opinion that the Congress Ministry has conclusively demonstrated and proved the falsehood of the Congress claim that it represents all interests justly and fairly, by its decidedly anti-Muslim policy. It is the considered opinion of this meeting that the Congress Ministry has failed to safeguard the rights and interests of the Mussalmans and other minorities and interests.

"That the Congress Ministry both in the discharge of their duties of the administration and in the Legislature have done their best to flout the Muslim opinion, to destroy Muslim culture, and have interfered with their religious and social life, and trampled upon their economic and political rights, that in matters of differences and disputes the Congress Ministry invariably have sided with, supported and advanced the cause of the Hindus in total disregard and to the prejudice of the Muslim interests.

"The Congress Government constantly interfered with the legitimate and routine duties of District officers even in petty matters to the serious detriment of the Mussalmans, and thereby created an atmosphere which spread the belief amongst the Hindu public that there was established a Hindu *Raj*, and emboldened the Hindus, mostly Congressmen, to ill-treat Muslims at various places and interfere with their elementary rights of freedom. This meeting, therefore, expresses its deep sense of relief at the termination of the Congress regime in various Provinces and rejoices in observing this day as the "Day of Deliverance" from tyranny, oppression and injustice during the last two and a half years, and prays to God to grant such strength, discipline and organisation to Muslim India as to successfully prevent the advent of such a Ministry again and to establish a truly popular Ministry which would do even justice to all communities and interests.

"This meeting urges upon His Excellency the Governor

of (*name of the place*) and his Council of Advisers to enquire into the legitimate grievances of the Mussalmans and the wrongs done to them by the outgoing Congress Ministry, and redress the same at the earliest moment in accordance with the announcements that have been made by the Governors in taking over the government of various provinces under Section 93 of the Government of India Act of 1935 and thus assure people that the new regime stands for even justice to all communities and interests concerned."

II. Statement to the Press on "Deliverance Day".

A great deal of unnecessary controversy has arisen over my appeal to Muslims to celebrate December 22 as a "day of deliverance" from oppression and, since the guilty do not admit their guilt and public memory is short, I consider it advisable to briefly trace the events that led to the reasons that prompted this appeal.

To commence with, the suggested resolution says nothing more or less than has been said on many previous occasions. The very first complaint against Congress rule was made by me very shortly after they took office and, in my speech at the Lucknow session of the Muslim League, 1937, I complained against the compulsory singing of Bande Mataram, the question of the Congress Flag and the supplanting of Urdu by Hindi and even then I called upon the Governors to exercise their special powers.

From then onwards the Congress caucus, like the proverbial steam-roller, gathered speed and complaints of oppression began to pour into the central office. These became so numerous that the Council decided to appoint, in March 1938, the Pirpur Committee which, after an elaborate and painstaking investigation over all the Congress provinces, submitted its report at the Patna session in December 1938.

The following resolution was there passed at a full session :—

"That having regard to the atrocities that have been

committed and that elementary rights of the Muslims have been trampled upon in a systematic manner in Bihar, U. P. and C. P. and that the Governments of these provinces have failed to redress their grievances or protect even the elementary rights of the Mussalmans in these provinces in spite of all constitutional methods adopted so far by the Muslims, this session of the All-India Muslim League is, therefore, of opinion that the time has now come to authorise the Working Committee of the All-India Muslim League to decide and resort to 'Direct Action' if and when necessary."

During this time, in order to prevent direct action being resorted to, I was repeatedly urging both Governors and the Governor-General, in person and by correspondence, to exercise their special powers and to take executive action to safeguard the rights and interests of the minorities placed by the Constitution under their protection, and it was only on the 17th April 1939 that the Viceroy intimated that he would take up the matter.

As regards the Congress Ministries, our complaints were dismissed as false, frivolous and vexatious, and even Mr. Gandhi, before whom I placed our charges as far back as May 1938, side-tracked the question by writing, "I believe Congress Committees have been advised to avoid as far as possible all occasions of friction over Bande Mataram and the Flag ... . The first two demands have come upon an unexpecting public. Nevertheless they undoubtedly have to be examined on their merits, but it does not appear to me to be fair to anticipate the result of the joint committees which I hope will come into being without any hitch..."

With no redress, Muslims in certain provinces grew restive and, in the C. P., ignoring the Working Committee altogether, resorted to direct action over the Vidya Mandir Scheme.

I may state here that at no stage did the Working Committee favour or encourage direct action and on request being received from Bihar, in July 1939, for permission to launch direct action, the Working Committee instructed the

Bihar Muslim League to place the whole case before the Governor-General, the Governor and the Prime Minister and to report later the result of their representation. Similar advice was given to the other Muslim Leagues who contemplated similar measures.

Complaints, however, continued to pour in and on the 27th August 1939, the Council of the League at Delhi passed the following resolution :—

"(*a*) Resolved that this Council, while deploring the policy of the British Government towards the Muslims of India by attempting to force upon them against their will a constitution and in particular the Federal Scheme, as embodied in the Government of India Act, 1935, which allows a permanent hostile communal majority to trample upon their religious, political, social and economic rights, and the utter neglect and indifference shown by the Viceroy and the Governors in the Congress-governed Provinces in exercising their special powers to protect and secure justice to the minorities ....."

In September, war was declared and on the 17th of that month, the Working Committee reaffirmed the above resolution as one of the fundamental conditions of Muslim support and the Viceroy, realising the gravity of the situation, pressed Mr. Gandhi and the Congress leaders to come to an agreement with the Muslim League in the provincial sphere on a coalition basis for at least the duration of the war.

Consequently Babu Rajendra Prasad wrote on the 5th October that the Congress was prepared to request Sir Maurice Gwyer or some other suitable person to investigate only any specific charges which the Muslim League might formulate against the Ministries of the Congress-governed Provinces.

I considered this proposal unsound and unpractical for the following reasons. First, legally and constitutionally, the Congress Working Committee has no place or power in the constitution. Secondly, the complaints of the Muslims and other minorities were directed against the Government

of certain provinces who were responsible to the legislatures and the electorates and not to the Working Committee. Thirdly, the proposed resolution of the Working Committee could not confer upon the contemplated tribunal the necessary power to summon witnesses and administer oaths, nor could the tribunal compel the production of documents that might be required and finally I wished to know to whom the tribunal was to report and who would be the final authority to take action, if any, against the Ministries.

If this final authority was the Working Committee, I pointed out that, in my opinion, it was the Working Committee itself that was primarily responsible for the injustices and the wrongs committed and I also could not believe that any adequate action would be taken against the Ministries in view of the fact that the Working Committee had already decided that the Muslim League's charges were false and unfounded.

I also informed Babu Rajendra Prasad that I had already placed the whole matter before the Governor-General and had requested him to take executive action without delay to safeguard and to secure justice for the minorities.

I must explain, at this stage, that I have never asked either the Governor-General or the Governors to act as a judicial tribunal as is suggested in Mr. Gandhi's appeal to me. What I asked them to do was to take executive action to redress our grievances, and, by intervention, to secure justice and fair play.

Mr. Gandhi's appeal to me to await the Viceroy's opinion is, therefore, based on a wrong assumption and even intervention is not possible now that the Congress Ministries have resigned. For what then should I wait?

However, just after my letter to Babu Rajendra Prasad the Congress Ministries resigned, to the very natural relief of Muslims and other minorities, and I immediately decided to appeal for the observance of a day to express our relief and to show its intensity in a manner that would force ears that had hitherto been deaf to listen to us. I might point

out that if our appeals had been heard at the proper time, no such action on our part would now be necessary.

This appeal has been variously described as ill-timed, provocative and anti-national and that the Muslims are asked to gloat over the departure of an elected Government and to welcome an official administration

I gladly deal with these points. As regards the time, my appeal could not appear before it did for reasons already made public, and its connection or effect on Pandit Jawaharlal Nehru's visit is dealt with by me at the end of my statement.

As regards provocation, let me point out the words of my appeal : " I trust that all public meetings will be conducted in an orderly manner, with due sense of humility and nothing should be done which will cause offence to any community..." However, to make quite clear my insistence that the day is observed in such spirit, I again state that I look to all District and Primary Leagues to ensure that the meetings are held in that spirit. Let there be no hartals, processions or any such demonstrations. but let a spirit of humility and a mood of reflection prevail. There is relief and gratitude in our hearts; not joy or triumph.

Thirdly, it is extremely unfair and unjust to contend that the Muslims welcome the present administration. It is true that we urge upon them to inquire into our grievances and to redress them, but this is only because it is in their power to do so. On the other hand, my appeal emphasizes that prayers should be offered for the establishment of truly popular Ministries which would do even justice to all communities and interests.

But there is one statement on my appeal that I cannot let pass coming as it does from such an authoritative source as the Chairman of the Congress Parliamentary Committee. I am told that all our charges are totally false and unwarranted, and that was to be expected, but I must take notice of his declaration :—

"Furthermore, every Premier at my instance had invited his Governor unhesitatingly to intervene in matters affect-

ing the rights and the interests of the minorities whenever the Governor felt that the action of the Ministry was not correct. When Mr. Jinnah recently made the charges, I again instructed every Premier to invite his Governor's attention to them as they also affected him and I was informed that the Governors considered the charges unwarranted."

The above statement raises a very grave issue, for it makes the Governors accessories after the fact. Let me inform Mr. Vallabhbhai Patel that we have overwhelming evidence in support of our case and, far from shirking an inquiry, as is suggested, I insist that a thorough inquiry should now be made by a properly constituted tribunal invested with all necessary powers, and I now ask that a Royal Commission be appointed by the British Government, of a purely judicial personnel and composed of judges of His Majesty's High Court and under the chairmanship of one of the Law Lords of the Privy Council.

I cannot conceive any objections to this demand from the Congress or any other quarter and call upon them to support my request.

Before concluding, I must deal with Mr. Gandhi's appeal and Pandit Jawaharlal's visit. I would have been inclined to respond to Mr. Gandhi's appeal had he and other Congress leaders practised what they preached about the necessity for a cordial atmosphere in which a communal agreement might be arrived at. May I remind them that a regular crusade, beginning with Mr. Gandhi himself, is being carried on against the League since the Delhi conversations took place?

Mr. Gandhi himself, since my conversation with him in Delhi in October, has, in the *Harijan*, described the Muslim League as an agent of Imperialism: as an obstacle and an obstruction in the way of India's freedom and progress, and has stated that the Muslim League is insatiable in its demands since it can always look to the British Government to fulfil them. He even threatens the Muslims that though

they may be holding up the country at present, they cannot do so for long.

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4. MR. JINNAH ON THE CONGRESS DEMAND FOR A CONSTITUENT ASSEMBLY, 1939-40.

I. Reply, dated December 14, 1939, to Mahatma Gandhi's statement on the Constituent Assembly, published in the "News Chronicle".

* * * *

Suddenly Mr. Gandhi, who was always sceptical about the Constituent Assembly, has now become an enthusiastic convert and its champion. He has been misrepresenting and insinuating motives to the Muslim League recently—for instance, that the League is an obstacle to the progress of the country and is out to sell itself to the highest bidder—in his periodical articles published in the *Harijan*. He generally indulges in a campaign of polemics and metaphysics, *ahimsa* and truth.

But his interview to the *News Chronicle* is for the consumption of the British public. A more disingenuous statement it would be difficult to find, coming from Mr. Gandhi, and it is a pity it comes from one who is a votary of truth. His sudden affection for the Constituent Assembly is on a par with what he has only striven for two decades.

"The opinion that counts is Indian opinion, not even the Congress opinion. India's opinion can be ascertained by the free vote of her people. The only true and democratic method is to ascertain their will through adult suffrage, or any agreed equivalent."

The first question will be when he says "any agreed equivalent to adult suffrage"; between whom is that agreement to be arrived at ? Secondly, if Britain is not to depend on Muslim, Hindu or any other opinion, not even Congress opinion, then what is India's opinion ?

Now that the Congress stands exposed, that it does not represent India and that it is really a Hindu body, Mr.

Gandhi is pleased suddenly to stand for a Constituent Assembly, which, in the present condition of India, will mean a second and larger edition of the Congress.

Having brushed aside the Indian Princes, ignoring their existence altogether, he (Mr. Gandhi) proceeds to lay down a most extraordinary proposition. "I fail to see," he says, "why Britain's intention about India should be dependent upon Muslim, Hindu or any other opinion."

Mr. Gandhi then proceeds to say, "So far as the Congress is concerned, the people of the Indian States should be represented precisely on the same footing as those of British India." Who will arrange that ? And how are electorates to be established there ? And what is to happen to the Treaty rights and relationship between the British Government and the Indian Princes ?

Then he proceeds, "Muslims and other accepted minorities may be represented by separate electorates, if necessary." This is a concession, but there is no grace in it when he further proceeds to state that it should be done in exact proportion to their numbers. He knows perfectly well that they will be in a hopeless minority in the Constituent Assembly of Mr. Gandhi's conception, where he hopes to get a brute majority against the Muslims, including other minorities.

He makes a further concession that "they will determine what is required for their protection." Is the Constituent Assembly to be bound by the minority vote as to what is required for their protection and for each minority? And then comes the omnibus clause, which is fundamentally wrong, and once more shows blind arrogance, when he says that in all matters of common interest the composite majority decision should prevail. Therefore, the Muslims and other minorities will have to submit to the verdict of the Assembly as to the nature, character and the form of the future constitution of India, which will presumably be dictated by Mr. Gandhi on behalf of the Congress, as for instance, Muslims and other minorities may prefer a bicameral legislature, whereas the Congress-controlled majority of the Assembly

may decide against it—which, according to Mr. Gandhi, will be final.

But evidently his newborn faith in the Constituent Assembly is getting shaken a bit already, because he says if a better way than the Constituent Assembly could be found "for knowing the will of the people, so far as I know, the Congress will accept it without hesitation." Mr. Gandhi is neither concerned with the size of the country nor the illiteracy of the masses. A truly representative Assembly presupposes that in order faithfully to express the judgment of the people it can only be constituted if you have a fully developed public opinion, an electorate educated and experienced, free from superstition and capable of judging the vital political issues affecting the country, and not as India stands to-day, composed of castes, creeds, superstitions and provincial jealousies, quite apart from the main division of British India and the Indian States.

The Assembly proposed by Mr. Gandhi would at best, therefore, be a packed body manœuvred and managed by the Congress caucus. It is surprising when Mr. Gandhi complacently says that an election campaign will itself be sufficient education for the purpose of broadly knowing the popular will. But have we not had sufficient evidence, under the present Constitution, though in smaller and more informed electorates ? And what about the experience of the Congress (with its four-anna franchise) of abuses of power and malpractices which were eloquently condemned by Mr. Gandhi himself? It will not be the "popular will," as Mr. Gandhi professes, but it will be the will of one community, which is in an overwhelming majority.

But he is anxious, "as a friend of Britain, bound by many personal ties, that she should come out victorious not because of superiority in the use of arms but because of her will to be just all along the line"; hence his anxiety to advise Britain to follow him to secure success in the war !

Mr. Gandhi's notion of justice is to follow what he advises, then alone it can be just. I am constrained to say I wish Mr. Gandhi will stop airing views which change from

day to day and week to week and which consistently perpetuate inconsistencies, and apply his mind to the only and one question, namely, settling the Hindu-Muslim question as he, of all the Congress leaders, is best fitted to represent the Hindus as such and he can deliver the goods on behalf of the Hindus and bring about complete adjustment between the two major communities and the rest will follow. I need hardly reiterate that I am willing to help to the utmost of my power on behalf of the Muslims towards an honourable solution.

Apart from this academic discussion about a Constituent Assembly, it shows colossal ignorance, both historic and constitutional, to expect a foreign power that is dominating this country to sign its death warrant. The Constituent Assembly can only be real when it has got the sovereign authority of the people behind it, forged by the people, and who are in a position to convene such a supreme national body, whose decisions and verdict could be respected and honoured and whose fiat and writs could be enforced. It is puerile to ask the British Government, in the first instance, to call a Constituent Assembly of another nation and afterwards have the honour and privilege of placing the Constitution framed by this supreme assembly of India on the Statute Book of the British Parliament.

II. Extracts from an article in "Time and Tide," London, January 19, 1940.

. ....Is it their (*i.e.*, the British people) desire that India should become a totalitarian Hindu State with the Central and all the Provincial Governments responsible not to their legislatures or to the electorate but to a caucus unknown to the constitution, the Working Committee of the Congress? They may rest assured that such will be the inevitable result if the Congress demand for the right of framing India's constitution through a constituent assembly is conceded.

Let us consider briefly the implications of this nebulous and impracticable constituent assembly. To commence with, the question arises why is this demand made at this parti-

cular time? The answer is obvious The War is to the Working Committee a heaven sent means of increasing its rule from over eight provinces to over the whole of India, States and Provinces If the British Government are stampeded and fall into the trap under the stress of the critical situation created by the War India will face a crisis the result of which no man could prophesy, and I feel certain that Muslim India will never submit to such a position and will be forced to resist it with every means in their power

And of what type of constitutionalists will this constituent assembly consist? There are in India roughly 400,000,000 souls who, through no fault of their own are hopelessly illiterate and consequently priest and caste-ridden They have no real conception of how they are being governed even to-day and it is proposed that to the elected representatives of such should India's future constitution be entrusted Is it too much to say that since the vast majority of the elected representatives will be illiterate Hindus, the constituent assembly will be under the influence of Mr Gandhi and the Congress leaders and the constitution that will emerge will be as the Working Committee direct?

Thus, through the constituent assembly, will the Working Committee attain its ends British control and commerce will disppear, the Indian States will be abolished, minority oppostion will be stifled and a great Hindu nation will emerge governed by its beloved leader, Mr Gandhi and the Congress Working Committee

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To conclude, a constitution must be evolved that recognises that there are in India two nations who both must share the governance of their common motherland.....

5. EXTRACTS FROM MR. JINNAH'S PRESIDENTIAL SPEECH, MUSLIM LEAGUE SESSION, LAHORE, MARCH, 1940.

Now, what is our position with regard to the future constitution? It is that, as soon as circumstances permit or

immediately after the war at the latest, the whole problem of India's future constitution must be examined *de novo* and the Act of 1935 must go once for all[1]. We do not believe in asking the British Government to make declarations. These declarations are really of no use. You cannot possibly succeed in getting the British Government out of this country by asking them to make declarations.

* * * *

The problem in India is not of an inter-communal character but manifestly of an international one, and it must be treated as such . . . the only course open to us all is to allow the major nations separate homelands by dividing India into 'autonomous national States'. There is no reason why these States should be antagonistic to each other. On the other hand the rivalry and the natural desire and efforts on the part of one to dominate the social order and establish political supremacy over the other in the government of the country will disappear. It will lead more towards natural goodwill by international pacts between them, and they can live in complete harmony with their neighbours. This will lead further to a friendly settlement all the more easily with regard to minorities by reciprocal arrangements and adjustments between Muslim India and Hindu India, which will far more adequately and effectively safeguard the rights and interests of Muslims and various other minorities.

It is extremely difficult for us to appreciate why our Hindu friends fail to understand the real nature of Islam and Hinduism. They are not religions in the strict sense of the word, but are, in fact, different and distinct social orders, and it is a dream that the Hindus and the Muslims can ever evolve a common nationality[2], and this misconception of one

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[1] On February 7, 1935, Mr. Jinnah declared in the Indian Legislative Assembly: "Modify the Provincial scheme (of the Act of 1935), drop the Central scheme, and review the whole position in consultation with Indian opinion with a view to establishing complete responsible government in British India."

[2] Sir Syed Ahmad once addressed his co-religionists as follows: "Do you not inhabit the same land? Remember that the words Hindu and Mahomedan are only meant for religious distinction—

Indian nation has gone far beyond the limits and is the cause of most of our troubles and will lead India to destruction if we fail to revise our notions in time. The Hindus and the Muslims belong to two different religious philosophies, social customs, literatures[1]. They neither intermarry nor interdine together, and, indeed, they belong to two different civilisations which are based mainly on conflicting ideas and conceptions. Their aspects on life and of life are different. It is quite clear that Hindus and Mussalmans derive their inspiration from different sources of history. They have different epics, different heroes, and different episodes. Very often the hero of one is a foe of the other, and, likewise, their victories and defeats overlap. To yoke together two such nations under a single State, one as a numerical minority and the other as a majority, must lead to growing discontent and final destruction of any fabric that may be so built up for the government of such a State.

... .under the plea of unity of India and one nation, which does not exist, it is sought to pursue here the line of one Central Government, when we know that the history of the last 1200 years has failed to achieve unity and has witnessed, during ages, India always divided into Hindu India and Muslim India. The present artificial unity of India dates back only to the British conquest and is maintained by the British bayonet, but the termination of the British regime . . . will be the herald of the entire break-up with worse disaster than has ever taken place during the last 1000 years under Muslims . . .

Muslim India cannot accept any constitution which must necessarily result in a Hindu-majority Government.

otherwise all persons, whether Hindu or Mahomedan, even the Christians who reside in this country, are all in this particular respect belonging to one and the same nation ''

[1] Speaking on the Indian Councils Bill, 1909, in the House of Lords on March 4, 1909, Lord Morley, Secretary of State for India, observed, ". .....let us not forget that the difference between Mahommedanism and Hinduism is not a mere difference of articles of religious faith. It is a difference in life, in tradition, in history, in all the social things as well as articles of belief that constitute a community ...."

Hindus and Muslims brought together under a democratic system forced upon the minorities can only mean Hindu *Raj*. Democracy of the kind with which the Congress High Command is enamoured would mean the complete destruction of what is most precious in Islam[1] . . .

Mussalmans are not a minority as it is commonly known and understood . . . Mussalmans are a nation according to any definition of a nation, and they must have their homelands, their territory and their State . . . We wish our people to develop to the fullest our spiritual, cultural, economic, social and political life in a way that we think best and in consonance with our own ideals and according to the genius of our people . . . .

6. RESOLUTION OF THE MUSLIM LEAGUE, LAHORE SESSION, MARCH 23, 1940.

Resolved that it is the considered view of this session of the All-India Muslim League that no constitutional scheme would be workable in this country or acceptable to Muslims unless it is designed on the following basic principle, *viz.*, that geographically contiguous units are demarcated into regions which should be constituted with such territorial readjustments as may be necessary, that

[1] In 1939 Mr. Jinnah made a statement on the question of democracy in India, in which he observed, "The Muslims have always had their fears and apprehensions of even a representative form of government, and far more of democracy in its strict application to India Since the time of the Minto-Morley Reforms and the historical Lucknow Pact between Hindus and Muslims in 1916, their insistence on separate electorates, weightage and statutory safeguards have been a clear indication of those fears. But, since the inauguration of the new Provincial Constitutions, it has been established beyond doubt, particularly by the way in which the Congress High Command has pursued its policies and programmes, that the sole aim and object of the Congress is to annihilate every other organisation in the country, and to set itself up as a Fascist and authoritarian organisation of the worst type. Having regard to the 35 millions of voters the bulk of whom are totally ignorant, illiterate and untutored, living in centuries-old superstitions of the worst type, thoroughly antagonistic to each other, culturally and socially, the working of this Constitution has clearly brought out that it is impossible to work a democratic Parliamentary Government in India".

the areas in which the Muslims are numerically in majority, as in the north-western and eastern zones of India, should be grouped to constitute independent States in which the constituent unit shall be autonomous and sovereign.

That adequate, effective and mandatory safeguards should be specifically provided in the constitution for minorities in these units and in these regions for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them; and in other parts of India where the Mussalmans are in a minority, adequate, effective and mandatory safeguards shall be specifically provided in the constitution for them and other minorities for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them.

7. MR. JINNAH ON THE LAHORE RESOLUTION, 1940.

In the first place, a wrong idea and false propaganda appear to be set in motion in order to frighten the Muslim minorities that they would have to migrate *en bloc* and wholesale. I wish to assure my Muslim brethren that there is no justification for this insidious misrepresentation. Exchange of population, however, on the physical division of India as far as practicable will have to be considered. Secondly, the Muslim minorities are wrongly made to believe that they would be worse off and be left in the lurch in any scheme of partition or division of India. I may explain that the Mussalmans, wherever they are in a minority, cannot improve their position under a united India or under one Central Government. Whatever happens, they would remain a minority. They can rightly demand all the safeguards that are known to any civilised Government to the utmost extent. But by coming in the way of the division of India they do not and cannot improve their own position. On the other hand they can, by their attitude of obstruction, bring the Muslim homeland and 60,000,000 of the Mussalmans

under one Government, where they would remain no more than a minority in perpetuity.

It was because of the realisation of this fact that the Mussalman minorities in Hindu India readily supported the Lahore resolution. The question for the Muslim minorities in Hindu India is whether the entire Muslim India of 90,000,000 should be subjected to a Hindu majority *Raj* or whether at least the 60,000,000 of Mussalmans residing in the areas where they form a majority should have their own homeland and thereby have an opportunity to develop their spiritual, cultural, economic and political life in accordance with their own genius and shape their own future destiny, at the same time allowing Hindus and others to do likewise. Similar will be the position of the Hindus and other minorities in the Muslim homelands.

In my opinion, after the present tension created by the ambition of one community dominating over the other and establishing supremacy over all the rest is eased, we shall find better understanding and good will created all around. The division of India will throw a great responsibility upon the majority in its respective zones to create a real sense of security amongst the minorities and win their complete trust and confidence.

8. EXTRACTS FROM SPEECHES OF LORD LINLITHGOW, 1940-41.

I. Speech at the Orient Club, Bombay, January 10, 1940.

As to the objective there is no dispute. His Majesty's Government are not blind—nor can we be blind here—to the practical difficulties involved in moving at one step from the existing constitutional position into that constitutional position which is represented by Dominion Status. But here again I can assure you that their concern and mine is to spare no effort to reduce to the minimum the interval between the existing state of things and the achievement of Dominion Status.

II. Statement, August 8, 1940.

. ....there is still in certain quarters doubt as to the intentions of His Majesty's Government for the constitutional future of India, and.....there is doubt, too, as to whether the position of minorities, whether political or religious, is sufficiently safeguarded in relation to any constitutional change by the assurances already given... .On those two points His Majesty's Government now desire me to make their position clear.

The first is as to the position of minorities in relation to any future constitutional scheme... . .they (*i.e.*, His Majesty's Government) could not contemplate the transfer of their present responsibilities for the peace and welfare of India to any system of government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a Government.

The second point of general interest is the machinery for building within the British Commonwealth of Nations a new constitutional scheme when the time comes. There has been very strong insistence that the framing of that scheme should be primarily the responsibility of Indians themselves, and should originate from Indian conceptions of the social, economic and political structure of Indian life. His Majesty's Government are in sympathy with that desire, and wish to see it given the fullest practical expression subject to the due fulfilment of the obligations which Great Britain's long connection with India has imposed upon her and for which His Majesty's Government cannot divest themselves of responsibility.

It is clear that a moment when the Commonwealth is engaged in a struggle for existence is not one in which fundamental constitutional issues can be decisively resolved. But His Majesty's Government authorise me to declare that they will most readily assent to the setting up after the conclusion of the war with the least possible delay of a body representative of the principal elements in India's national

life in order to devise the framework of the new constitution and they will lend every aid in their power to hasten decisions on all relevant matters to the utmost degree.

III. Speech at the Associated Chambers of Commerce, Calcutta, December 16, 1940.

.....Throughout the whole of this constitutional discussion, the initiative has come from His Majesty's Government and from myself. At no stage have any constructive proposals capable of realisation in the conditions of India and in the conditions of the modern world been put forward to us.....But His Majesty's Government and I are satisfied that the proposals[1] put forward by me on their behalf on 8th August last remain the best solution of the problems of this country that can be found at this time ... .

It is but natural in times such as these, when, in the different circumstances of English democracy, the affairs of the State are being guided at this critical moment by a National Government, that the idea of a National Government for India should have received the prominence which it has in this country. With that idea we all of us sympathise. But . .I am satisfied that the proposals of 8th August, the opportunity they gave for the participation in the Central Government of India and in the conduct of the war of the representatives of the leading political parties, represent more closely than any other scheme that can at this time be devised for a National Government for India—a Government, associated through the War Advisory Council with the Indian States, that will contain within itself the representatives of those great parties and communities, that will exercise full and real influence on the conduct of the war .....

[1] The proposals were 'a certain number of representative Indians' were to be invited to join the Governor-General's Executive Council, and a War Advisory Council was to be established, 'which would meet at regular intervals and which would contain representatives of the Indian States, and of other interests in the national life of India as a whole'.

IV. Speech at the Associated Chambers of Commerce, Calcutta, December 15, 1941.

.....That reorganization (*i.e.*, expansion of the Executive Council in July, 1941) did not have any basis other than administrative convenience. But in making it, though I could not look for help from the political parties, I was anxious that I should get the best men I could, the most representative men, men of real standing and importance in this country[1]. In that I can claim to have succeeded.... the process of expansion, the fact that as part of it there disappeared the European and the official majorities that had been the characteristics of that body for so many years, the transfer to non-official gentlemen of the highest standing and reputation in this country of great departments of State, with joint responsibility for all the business that comes before the Governor General in Council, was a step the significance of which is far greater than I sometimes think is realised. Its immediate importance is great. On the long-term view it is likely to prove to be even greater.

9. THE CRIPPS PROPOSALS, 1942.

I. Declaration of the British Government, March 11, 1942.

His Majesty's Government, having considered the anxieties expressed in this country and in India as to the fulfilment of promises made in regard to the future of India, have decided to lay down in precise and clear terms the steps which they propose shall be taken for the earliest possible realization of self-government in India. The object is the creation of a new Indian Union which shall constitute a Dominion associated with the United Kingdom and other Dominions by a common allegiance to the Crown but equal to them in every respect, in no way subordinate in any aspect of its domestic and external affairs.

[1] The newly appointed members were: Sir H. P. Mody, Sir Akbar Hydari, Mr. E. Raghavendra Rao, Sir Firoz Khan Noon, Mr. M. S. Aney, Sir Sultan Ahmed, Mr. Nalini Ranjan Sarker.

His Majesty's Government therefore make the following declaration:

(*a*) Immediately upon cessation of hostilities, steps shall be taken to set up in India, in the manner described hereafter, an elected body charged with the task of framing a new constitution for India.

(*b*) Provision shall be made, as set out below, for participation of Indian States in the constitution-making body.

(*c*) His Majesty's Government undertake to accept and implement forthwith the constitution so framed subject only to:

(*i*) The right of any province of British India that is not prepared to accept the new constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides.

With such non-acceding provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new constitution giving them the same full status as the Indian Union and arrived at by a procedure analogous to that here laid down.

(*ii*) The signing of a treaty which shall be negotiated between His Majesty's Government and the constitution-making body. This treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands; it will make provision, in accordance with undertakings given by His Majesty's Government, for the protection of racial and religious minorities, but will not impose any restriction on the power of the Indian Union to decide in future its relationship to other member States of the British Commonwealth.

Whether or not an Indian State elects to adhere to the constitution, it will be necessary to negotiate a revision of its treaty arrangements so far as this may be required in the new situation.

(*d*) The constitution-making body shall be composed as follows, unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of hostilities :

Immediately upon the result being known of provincial elections which will be necessary at the end of hostilities, the entire membership of the Lower Houses of Provincial Legislatures shall as a single electoral college proceed to the election of the constitution-making body by the system of proportional representation. This new body shall be in number about 1/10th of the number of the electoral college.

Indian States shall be invited to appoint representatives in the same proportion to their total population as in the case of representatives of British India as a whole and with the same powers as British Indian members.

(*e*) During the critical period which now faces India and until the new constitution can be framed, His Majesty's Government must inevitably bear the responsibility for and retain the control and direction of the defence of India as part of their world war effort but the task of organizing to the full the military, moral and material resources of India must be the responsibility of the Government of India with the co-operation of the peoples of India. His Majesty's Government desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. Thus they will be enabled to give their active and constructive help in the discharge of a task which is vital and essential for the future freedom of India.

II. Broadcast of Sir Stafford Cripps, Delhi, March 30, 1942.

First of all you will want to know what object we had in view. Well, we wanted to make it quite clear and beyond any possibility of doubt or question that the British Government and the British people desire the Indian peoples to have full self-government, with a constitution as free in every respect as our own in Great Britain or as of any of the great Dominion members of the British Commonwealth of Nations. In the words of the Draft Declaration, India

would be "associated with the United Kingdom and other Dominions by a common allegiance to the Crown but equal to them in every respect, in no way subordinate in any aspect of its domestic or external affairs."

There is, however, an existing constitution which regulates the Central and Provincial Governments of India and everyone agrees that in these troublous times we cannot here and now set about forging a new constitution. It is far too important a matter for the future of India to be improvised in a hurried way.

The principle on which these proposals are based is that the new constitution should be framed by the elected representatives of the Indian people themselves. So we propose that immediately hostilities are ended, a constitution-making body should be set up consisting of elected representatives from British India, and if the Indian States wish, as we hope they will, to become part of the new Indian Union, they too will be invited to send their representatives to this constitution-making body, though, if they do, that will not, of itself, bind them to become members of the Union. That is the broad outline of the future.

Now what is to happen in the meantime ?

The British people are determined to do their utmost for the defence of India and we are confident that, in that great task, the Indian peoples of all races and religions are eager to play their full part.

So much for the general framework of the proposals. But, as we all know, the most vital and difficult question is that which concerns the interests of the various communities amongst the Indian peoples.

I will not attempt to go into any of the historical origins of these difficulties; let us instead look at them as a present fact. In the great subcontinent of India there is more than one people, there are many peoples and races as there are in the great sub-continent of Russia. Our object is to give to the Indian peoples full self-government with complete freedom as to how they will devise and organize their own constitution.

There are those who claim that India should form a single united country : there are others who say it should be divided up into two, three or more separate countries. There are those who claim that provincial autonomy should be very wide with but few centrally controlled federal services; others stress the need for centralization in view of the growing complexity of economic development.

These and many other and various ideas are worthy to be explored and debated, but it is for the Indian peoples, and not for any outside authority, to decide under which of these forms India will in the future govern herself.

If the Indian peoples ask our help, it will, of course, be gladly given, but it is for you, the Indian peoples, to discuss and decide upon your future constitution. We shall look on with deep interest and hope that your wisdom will guide you truly in this great adventure.

We ask you, therefore, to come together—all religions and races—in a constitution-making body as soon as hostilities are over to frame your own constitution.

We have specified the form which that body will take, unless, and this is an important point, the leaders of the principal sections of Indian opinion agree between themselves before the end of hostilities upon some other and better form.

That constitution-making body will have as its object the framing of a single constitution for the whole of India —that is, of British India, together with such of the Indian States as may decide to join in.

But we realize this very simple fact: If you want to persuade a number of people who are inclined to be antagonistic to enter the same room, it is unwise to tell them that once they go in there is no way out—they are to be for ever locked in together.

It is much wiser to tell them they can go in and if they find that they can't come to a common decision, then there is nothing to prevent those who wish from leaving again by another door. They are much more likely all to go in if

they have knowledge that they can by their free will go out again if they cannot agree.

Well, that is what we say to the provinces of India. Come together to frame a common constitution—if you find after all your discussion and all the give and take of a constitution-making assembly that you cannot overcome your differences and that some provinces are still not satisfied with the constitution, then such provinces can go out and remain out if they wish and just the same degree of self-government and freedom will be available for them as for the Union itself, that is to say complete self-government.

We hope and expect to see an Indian Union strong and united because it is founded upon the free consent of all its peoples, but it is not for us, Britishers, to dictate to you, the Indian peoples. You will work out and decide that problem for yourselves.

So we provide the means and the road by which you can attain that form of the absolute and united self-government that you desire at the earliest possible moment. In the past we have waited for the different Indian communities to come to a common decision as to how a new constitution for a self-governing India should be framed and, because there has been no agreement amongst the Indian leaders, the British Government has been accused by some of using this fact to delay the granting of freedom to India We are now giving the lead that has been asked for and it is in the hands of Indians and Indians only whether they will accept that lead and so attain their own freedom. If they fail to accept this opportunity the responsibility for the failure must rest with them.

We ask you to accept this fulfilment of our pledges in the past and it is that request that I have put before your leaders in the document which you have seen.

As regards the position of minority communities within the new Indian Union, I am confident that the constitution-making body will make just provision for their protection. But in view of the undertakings given to these minorities by His Majesty's Government in the past we propose that in

the Treaty, which, under the draft Declaration, will be concluded between His Majesty's Government and the constitution-making body, the new Indian Union should undertake to protect the rights of these minorities. If there should be any non-acceding provinces a similar treaty provision would be made in respect of minority communities within their borders.

I have already indicated to you the position as to the immediate future.

I know that His Excellency the Viceroy has the greatest hope that the acceptance in principle of this document by the leaders of Indian opinion will make it possible for him to start forthwith upon the consultations which will enable him to implement the principle laid down in the last paragraph of the document .....

It contains one essential reservation—that in respect of the responsibility for Defence. This reservation does not mean that the Governor-General and his Executive Council will or indeed could be excluded from taking an effective share in the counsels for the defence of India. In this wide-flung war, defence cannot be localized in a single country and its preparation must permeate the activities of every department of Government and must demand from every department the fullest co-operation. If His Majesty's Government are to take full responsibility for the conduct of the naval, military and air defence of India, as it is their duty to do, then the defence of India must be dealt with by them as part of the world war effort in which they are now engaged, and the direction of that defence must rest in the hands of the Commander-in-Chief under the War Cabinet and their highest staff officers. But, as I have already pointed out, the Government of India must also have an effective share in the Defence counsels and so we have decided that the Commander-in-Chief must retain his position as a Member of the Executive Council.

In order, however, that India may have her full voice in this central control of strategy, defensive and offensive, not only in India itself but in all the interrelated theatres of

war, we have invited the appointment of a representative Indian to the War Cabinet and to the Pacific Council of the United Nations— that is one of the ways in which India will have her full say in the counsels of the Commonwealth and of the United Nations as an equal partner. And when it comes to the making of the peace, India will appoint her own representatives to the Peace Conference side by side with those of the other free nations and so make her contribution to the building of a new world order.

I am confident that nothing further or more complete could be done towards the immediate realization of the just claims and demands of the Indian peoples. Our proposals are definite and precise. If they were to be rejected by the leaders of Indian opinion, there would be neither the time nor the opportunity to reconsider this matter till after the war and it would be a bitter blow to the friends of India all over the world.

III. Resolution of the Congress Working Committee, April 2, 1942[1].

The Working Committee have given their full and earnest consideration to the proposals made by the British War Cabinet in regard to India and the elucidation thereof by Sir Stafford Cripps. These proposals, which have been made at the very last hour because of the compulsion of events, have to be considered not only in relation to India's demand for independence, but more especially in the present grave war crisis, with a view to meeting effectively the perils and dangers that confront India and envelop the world.

The Congress has repeatedly stated, ever since the commencement of the war in September, 1939, that the people of India would line themselves with the progressive forces of the world and assume full responsibility to face the new problems and shoulder the new burdens that had arisen, and it asked for the necessary conditions to enable them to do so

[1] This resolution was communicated to Sir Stafford Cripps on April 2, but it was not released to the Press till April 10, after the talks had failed.

to be created. An essential condition was the freedom of India, for only the realization of present freedom could light the flame which could illumine millions of hearts and move them to action. At the last meeting of the All-India Congress Committee, after the commencement of the war in the Pacific, it was stated that "only a free and independent India can be in a position to undertake the defence of the country on a national basis and be of help in the furtherance of the larger causes that are emerging from the storm of war."

The British War Cabinet's new proposals relate principally to the future upon the cessation of hostilities. The Committee, while recognizing that self-determination for the people of India is accepted in principle in that uncertain future, regret that this is fettered and circumscribed and certain provisions have been introduced which gravely imperil the development of a free and united nation and the establishment of a democratic state. Even the constitution-making body is so constituted that the people's right to self-determination is vitiated by the introduction of non-representative elements. The people of India have as a whole clearly demanded full independence and the Congress has repeatedly declared that no other status except that of independence for the whole of India could be agreed to or could meet the essential requirements of the present situation. The Committee recognize that future independence may be implicit in the proposals but the accompanying provisions and restrictions are such that real freedom may well become an illusion. The complete ignoring of the ninety millions of the people of the Indian States and their treatment as commodities at the disposal of their rulers is a negation of both democracy and self-determination. While the representation of an Indian State in the constitution-making body is fixed on a population basis, the people of the State have no voice in choosing those representatives, nor are they to be consulted at any stage, while decisions vitally affecting them are being taken. Such States may in many ways become barriers to the growth of Indian free-

dom, enclaves where foreign authority still prevails and where the possibility of maintaining foreign armed forces has been stated to be a likely contingency, and a perpetual menace to the freedom of the people of the States as well as of the rest of India.

The acceptance beforehand of the novel principle of non-accession for a province is also a severe blow to the conception of Indian unity and an apple of discord likely to generate growing trouble in the provinces, and which may well lead to further difficulties in the way of the Indian States merging themselves in the Indian Union. The Congress has been wedded to Indian freedom and unity and any break in the unity, especially in the modern world when people's minds inevitably think in terms of ever larger federations, would be injurious to all concerned and exceedingly painful to contemplate. Nevertheless the Committee cannot think in terms of compelling the people in any territorial unit to remain in an Indian Union against their declared and established will. While recognizing this principle, the Committee feel that every effort should be made to create conditions which would help the different units in developing a common and co-operative national life. The acceptance of the principle inevitably involves that no changes should be made which result in fresh problems being created and compulsion being exercised on other substantial groups within that area. Each territorial unit should have the fullest possible autonomy within the Union consistently with a strong national State. The proposal now made on the part of the British War Cabinet encourages and will lead to attempts at separation at the very inception of a Union and thus create friction just when the utmost co-operation and goodwill are most needed. This proposal has been presumably made to meet a communal demand, but it will have other consequences also and lead politically reactionary and obscurantist groups among different communities to create trouble and divert public attention from the vital issues before the country.

Any proposal concerning the future of India must de-

mand attention and scrutiny, but in to-day's grave crisis, it is the present that counts and even proposals for the future are important in so far as they affect the present. The Committee have necessarily attached the greatest importance to this aspect of the question, and on this ultimately depends what advice they should give to those who look to them for guidance. For the present the British War Cabinet's proposals are vague and altogether incomplete, and it would appear that no vital changes in the present structure are contemplated. It has been made clear that the defence of India will in any event remain under British control. At any time defence is a vital subject; during wartime it is all important and covers almost every sphere of life and administration. To take away defence from the sphere of responsibility at this stage is to reduce that responsibility to a farce and a nullity, and to make it perfectly clear that India is not going to be free in any way and her Government is not going to function as a free and independent Government during the pendency of the war. The Committee would repeat that an essential and fundamental prerequisite for the assumption of responsibility by the Indian people in the present, is their realization as a fact that they are free and are in charge of maintaining and defending their freedom. What is most wanted is the enthusiastic response of the people, which cannot be evoked without the fullest trust in them and the devolution of responsibility on them in the matter of defence. It is only thus that even at this grave eleventh hour it may be possible to galvanize the people of India to rise to the height of the occasion. It is manifest that the present Government of India, as well as its provincial agencies, are lacking in competence, and are incapable of shouldering the burden of India's defence. It is only the people of India, through their popular representatives, who may shoulder this burden worthily. But that can only be done by present freedom, and full responsibility being cast upon them.

The Committee, therefore, are unable to accept the proposals put forward on behalf of the British War Cabinet.

IV. Congress-Cripps Correspondence.

1. From Sir Stafford Cripps to Maulana Abul Kalam Azad.[1]
April 7, 1942.

I have, as I promised when I last saw you,[2] consulted His Majesty's Government as to what further step could be taken in order to meet the criticism of your Working Committee that under clause (*e*) of the draft declaration the defence of India would not fall to be administered by a representative Indian. Although, as the Working Committee have fully understood, it is impossible to make any change in the existing constitution during the period of hostilities, His Majesty's Government are anxious to give representative Indians the maximum possible participation in the government during that period, in accordance with the principle laid down in clause (*e*) of the draft declaration.

I have explained to you the technical difficulties with regard to the position of the Commander-in-Chief and will not here reiterate them.

I have also pointed out that all those main aspects of the defence of India which at present fall under the care of other members of the Executive (*e.g.*, Civil Defence, Supply, Home Affairs, Communications, *etc.*, *etc.*, will, if the scheme is accepted, be administered by representative members in the new National Government.

His Majesty's Government are however anxious to do their utmost to meet the wishes of the Indian people, and to demonstrate their complete trust in the co-operative effort of the two peoples, British and Indian, which they hope may reinforce the defence of India.

They also appreciate the force of the arguments that have been put forward as to the necessities of an effective appeal to the Indian peoples for their own defence.

[1] President of the Indian National Congress.
[2] Sir Stafford Cripps had several interviews with Maulana Azad after receipt of the resolution of the Congress Working Committee.

I am therefore authorised to propose to you as a way out of the present difficulties that,

(*a*) The Commander-in-Chief should retain a seat in the Viceroy's Executive Council as "War Member" and should retain his full control over all the war activities of the armed forces in India subject to the control of His Majesty's Government and the War Cabinet upon which body a representative Indian should sit with equal powers in all matters relating to the defence of India. Membership of the Pacific Council would likewise be offered to a representative Indian.

(*b*) An Indian representative member would be added to the Viceroy's Executive, who would take over those sections of the Department of Defence which can organisationally be separated immediately from the Commander-in-Chief's War Department and which are specified under head (*i*) of the Annexure. In addition this member would take over the Defence Co-ordination Department which is at present directly under the Viceroy, and certain other important functions of the Government of India which are directly related to Defence and which do not fall under any of the other existing departments and which are specified under head (*ii*) of the Annexure.

His Majesty's Government very much hope, as I personally hope, that this arrangement will enable the Congress to come into the scheme so that if other important bodies of Indian opinion are also willing it will be possible for His Excellency the Viceroy to embark forthwith upon the task of forming the new National Government in consultation with the leaders of the Indian opinion.

Annexure

(*i*) Matters now dealt with in the Defence Department which would be transferred to a Defence Co-ordination Department.

(*a*) Public relations.

(*b*) Demobilization and post-war reconstruction.

(*c*) Petroleum Officer, whose functions are to calculate the requirements of, and make provision

for, all the petroleum products required for the Army, Navy and Air Force, and for the Civil Departments including storage and distribution.

(*d*) Indian representation on the Eastern Group Supply Council.

(*e*) Amenities for, and welfare of, troops and their dependants, including Indian soldiers abroad.

(*f*) All canteen organisations.

(*g*) Certain non-technical educational institutions *e.g.*, Lawrence schools, K. G. R. I. M. schools and the Prince of Wales' Royal Indian Military College.

(*h*) Stationery, Printing and forms for the Army.

(*i*) Reception, accommodation and social arrangements for all foreign missions, representatives and officers.

(*ii*) In addition the Defence Co-ordination Department would take over many major questions bearing directly on defence, but difficult to locate in any particular existing department. Examples are

"Denial" policy.
Policy of evacuation from threatened areas.
Signals co-ordination.
Economic warfare.

[The formula for defence suggested in the above letter was considered by the Working Committee and rejected by them In particular the functions allotted to the Defence Minister, as listed in the Annexure, were considered totally insufficient The Committee, therefore, expressed their inability to accept this suggestion.

After the rejection of the above formula a second formula for defence was placed before the Working Committee by a mutual friend, with the previous approval of Sir Stafford Cripps. There was no list of subjects or functions attached to this].

2. *Second Formula for Defence.*

In amplification of clause (*e*) of the draft declaration His Majesty's Government make the following proposition upon the subject-matter of the Defence of India.

(*a*) The Defence Department shall be placed in charge of a representative Indian member with the exception of functions to be exercised by the Commander-in-chief as War member of the Executive Council.

(*b*) A War Department will be constituted which will take over such functions of the Defence Department as are not retained by the Defence Member. A list of all the retained functions has been agreed to, to which will be added further important responsibilities including the matters now dealt with by the Defence Co-ordination Department and other vital matters related to the defence of India.

[The Working Committee having considered the above formula varied it as follows.]

3. Congress Working Committee Formula for Defence.

(*a*) The Defence Department shall be placed in the charge of a representative Indian member, but certain functions relating to the conduct of the war will be exercised, for the duration of war, by the Commander-in-Chief, who will be in control of the war activities of the armed forces in India, and who will be an extraordinary member of the National Cabinet for that purpose.

(*b*) A War Department will be constituted under the Commander-in-Chief. This Department will take over such functions as are to be exercised by the Commander-in-Chief. A list of such functions has been prepared and is attached.

(*c*) The Defence Member shall be in charge of all other matters relating to Defence, including those now dealt with by the Defence Co-ordination Department.

[This formula was sent with a covering letter, dated April 8, 1942.]

The new proposals made by Sir Stafford Cripps on behalf of the British War Cabinet were entirely unsatisfactory. Both the approach and the allocation of subjects were, in our opinion, wrong, and there was no real transfer of responsibility for Defence to representative Indians in the National Government. Such transfer is essential for the successful defence of the country, for on it depends the full mobilization of the war-potential of the country.

The approach made in the draft you gave me this morning seems to us a more healthy one. With some alterations that we suggest, it might be made the basis of further discussions. But, it must be remembered that a very great deal depends on the allocation of subjects between the Defence Department and the War Department, and until this is done, it is not possible to give a final opinion.

Leaving aside this subject of allocation for the present, we would suggest that the formula which is to form the basis of discussion should be as follows: [The formula is given above.]

You will notice that this does not differ materially from your formula. The general approach is that the National Government is responsible for the entire government of the country including its defence. But, in view of the war and the obvious necessity of allowing full scope for war operations to the Commander-in-Chief, functions relating to the conduct of the war are delegated to him and are to be exercised by him for the duration of the war. He will, in effect, have full control of these operations and of the war activities of the armed forces in India.

It is presumed of course that there will be full co-operation between the Defence Department and the War Department. The National Government will inevitably strain every nerve towards the successful defence of the country and will give all possible help to the Commander-in-Chief in this behalf

Sir Stafford Cripps has already stated that a representative Indian will be a member of the War Cabinet in London, and that membership of the Pacific Council would likewise be offered to a representative Indian.

There are many other important matters which have to be considered, but I do not wish to trouble you with them at this stage. I should like to refer to them, however, in order to prevent any misapprehension later on. In the draft declaration proposed to be made by the British Government there is much with which we do not agree. The preamble commits us to Dominion Status, though there is

a possibility of our voting ourselves out later on. Clauses C and D relate, *inter alia*, to the right of a province not to join the Union and to the nomination by the Rulers of States' representatives to the constitution-making body. We think these provisions are bad and likely to have dangerous consequences. We have indicated our views in regard to them in the resolution a copy of which I have already sent you. All these provisions are for the future and they need not come in the way of a present arrangement. As controversial matter, this might be left out of any proposed declaration at this stage. It will be open to any group or party to adhere to its own opinions in regard to them and yet co-operate in a settlement for present action. We hope that it may be possible for us to arrive at a satisfactory settlement about them at a future date.

One other matter to which we attach importance might be mentioned, though it does not arise out of the present talks. We presume that the independent status of India will be recognized by the United Nations. Whenever this is done, it will greatly help our common cause and strengthen our bonds with each other.

[Sir Stafford Cripps amended as follows the Working Committee's formula given above]

4. *Sir Stafford Cripps' Formula for Defence.*

(*a*) The Defence Department shall be placed in the charge of a representative Indian member, but certain functions relating to the conduct of the war will be exercised, until the new constitution comes into operation, by the Commander-in-Chief, who will be in control of the war activities of the armed forces in India, and who will be a member of the Executive Council for that purpose.

(*b*) A War Department will be constituted under the Commander-in-Chief. This Department will take over such functions as are to be exercised by the Commander-in-Chief. A list of such functions has been prepared and is attached.

(*c*) The Defence Member shall be in charge of all other matters relating to Defence in the Defence Department and

those now dealt with by the Defence Co-ordination Department in addition to other important matters closely related to Defence.

(*d*) In the event of any new functions falling to be discharged in relation to Defence or any dispute arising as to the allocation of any old functions it shall be decided by His Majesty's Government.

[To this was added a comprehensive description of the functions of the War Minister]

The War Department, for which the Commander-in-Chief will be Member, will be responsible for the governmental relations of G.H.Q., N.H.Q. and A.H.Q [1], which include:—

(1) Examining and sanctioning all proposals emanating from G.H.Q. and A.H.Q.

(2) Representing the policy of Government on all questions connected with the war which originate in or concern G.H.Q., N.H.Q. or A.H.Q.

(3) Acting as the channel of communication between the Government of India and H.M.G. on all such questions

(4) Acting as liaison between these headquarters and the other Departments of Government, and Provincial Governments.

[The above formula was received on April 8, 1942. On receipt of it a letter was sent on behalf of the Working Committee pointing out that the description of the War Minister's functions appeared as all-comprehensive. It was, therefore, requested that illustrative lists of the functions of both the Defence Minister and the War Minister be supplied to enable the Working Committee to understand the implications of the proposal. No such lists were supplied then or at any time later.

The Working Committee met as usual in the morning and afternoon of April 9th and gave full consideration to the new proposal. In view of the absence of the list of functions no definite decision could be taken. After an interview with Sir Stafford Cripps on April 9, the Working Committee decided on April 10 that they could not accept the British Government's proposals as they stood. The following letter was therefore sent by the Congress President to Sir Stafford Cripps:]

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[1] G. H. Q=General Headquarters, N. H Q=Navy Headquarters; A. H Q.=Air Headquarters.

5. *From Maulana Azad to Sir Stafford Cripps, April 10, 1942.*

On the 2nd April I sent you the resolution of the Working Committee of the Congress containing their views on the tentative proposals put forward by you on behalf of the British Government. In this resolution we expressed our dissent from several important and far-reaching proposals for the future. Further consideration of these proposals has only strengthened us in our conviction in regard to them and we should like to repeat that we cannot accept them as suggested. The Working Committee's resolution gives expression to our conclusions relating to them which we reached after the most earnest consideration.

That resolution, however, emphasized the gravity of the present situation and stated that the ultimate decision that we might take would be governed by the changes made in the present. The over-riding problem before all of us, and more especially before all Indians, is the defence of the country from aggression and invasion. The future, important as it is, will depend on what happens in the next few months and years. We were therefore prepared to do without any assurances for this uncertain future, hoping that through our sacrifices in the defence of our country we would lay the solid and enduring foundations for a free and independent India We concentrated, therefore, on the present.

Your original proposals in regard to the present, as contained in clause (*e*) of the proposed declaration, were vague and incomplete, except in so far as it was made clear that "His Majesty's Government must inevitably bear the full responsibility for the defence of India." These proposals, in effect, asked for participation in the tasks of to-day with a view to ensure "the future freedom of India." Freedom was for an uncertain future, not for the present; and no indication was given in clause (*e*) of what arrangements or governmental and other changes would be made in the present. When this vagueness was pointed out, you said that this was deliberate, so as to give you freedom to deter-

mine these changes in consultation with others. In our talks you gave us to understand that you envisaged a National Government which would deal with all matters except Defence.

Defence at any time, and more particularly in war time, is of essential importance and without it a National Government functions in a very limited field. Apart from this consideration, it was obvious that the whole purpose of your proposals and our talks centred round the urgency of the problems created by the threat of the invasion of India. The chief functions of a National Government must necessarily be to organize Defence both intensively and on the widest popular basis and to create a mass psychology of resistance to an invader. Only a National Government could do that, and only a Government on whom this responsibility was laid. Popular resistance must have a national background, and both the soldier and the civilian must feel that they are fighting for their country's freedom under national leadership.

We pointed this out to you. The question became one not of just satisfying our national aspirations but of effective prosecution of the war and fighting to the last any invader who set foot on the soil of India. On general principles a National Government would control defence through a Defence Minister, and the Commander-in-Chief would control the armed forces and would have full latitude in the carrying out of operations connected with the war. An Indian National Government should have normally functioned in this way. We made it clear that the Commander-in-Chief in India would have control of the armed forces and the conduct of operations and other matters connected therewith. With a view to arriving at a settlement, we were prepared to accept certain limitations on the normal powers of the Defence Minister. We had no desire to upset in the middle of the war the present military organization or arrangements. We accepted also that the higher strategy of the war should be controlled by the War Cabinet in London which would have an Indian member. The immediate object before us was

to make the defence of India more effective, to strengthen it, to broadbase it on the popular will, and to reduce all red tape, delay and inefficiency from it. There was no question of our interfering with the technical and operational sides. One thing, of course, was of paramount importance to us: India's safety and defence. Subject to this primary consideration, there was no reason why there should be any difficulty in finding a way out of the present impasse in accordance with the unanimous desire of the Indian people, for in this matter there are no differences amongst us.

The emphasis on Defence led you to reconsider the matter and you wrote to me on the 7th April suggesting a formula for defence.

In this letter you said: "As the Working Committee have understood, it is impossible to make any change in the existing constitution during the period of hostilities." The Working Committee's attitude in the matter has been completely misunderstood and I should like to clear this up, although we are not immediately concerned with it. The Committee do not think that there is any inherent difficulty in the way of constitutional changes during the war. Everything that helps in the war not only can be but must be done, and done with speed. That is the only way to carry on and win a war. No complicated enactments are necessary. A recognition of India's freedom and right to self-determination could easily be made, if it were so wished, together with certain other consequential but important changes. The rest can be left to future arrangements and adjustments. I might remind you that the British Prime Minister actually proposed a union of France and England on the eve of the fall of France. No greater or more fundamental change could be imagined, and this was suggested at a period of grave crisis and peril. War accelerates change; it does not fit in with static conceptions.

The formula for Defence that you sent us was considered by us together with its annexure which gave a list of subjects or departments which were to be transferred to the Defence Department. This list was a revealing one as it proved that

the Defence Minister would deal with relatively unimportant matters. We were unable to accept this and we informed you accordingly.

Subsequently, a new formula for Defence was suggested to us, but without any list of subjects. This formula seemed to us to be based on a more healthy approach and we suggested certain changes pointing out that our ultimate decision would necessarily depend on the allocation of subjects. A revised formula was then sent back to us together with an indication of the functions of the War Department.

This was so widely and comprehensively framed that it was difficult for us to know what the actual allocation of subjects and departments, as between the Defence Department and the War Department, would be. A request was made on our behalf that illustrative lists of these subjects might be supplied to enable us to consider the matter. No such lists were supplied to us.

In the interview we had with you yesterday we discussed the new formula and expressed our viewpoint in regard to it. I need not repeat what I said then. The wording of the formula is after all a minor matter and we would not allow that to come in our way, unless some important principle is at stake. But behind that wording lay certain ideas and we were surprised to find that during the past few days we had been proceeding on wrong assumptions.

When we asked you for illustrative lists of subjects for the two departments, you referred us to the old list for the Defence Department which you had previously sent us and which we had been unable to accept. You added that certain residuary subjects might be added to this but, in effect, there was not likely to be any such subject as the allocation was complete. Thus, you said that substantially there was no change between the old list and any new one that might be prepared. If this was so, and we were to go back ultimately to the place we started from, then what was the purpose of our searching for a new formula? A new set of words meaning the same thing made no difference. In the course of our talks many other matters

were also cleared up, unfortunately to our disadvantage. You had referred both privately and in the course of public statements to a National Government and a "Cabinet" consisting of "ministers." These words have a certain significance and we had imagined that the new Government would function with full powers as a Cabinet, with the Viceroy acting as a constitutional head. But the new picture that you placed before us was really not very different from the old, the difference being one of degree and not of kind. The new Government could neither be called, except vaguely and inaccurately, nor could it function as a National Government. It would just be the Viceroy and his Executive Council with the Viceroy having all his old powers. We did not ask for any legal changes but we did ask for definite assurances and conventions which would indicate that the new Government would function as a free Government the members of which act as members of a cabinet in a constitutional government. In regard to the conduct of the war and connected activities the Commander-in-Chief would have freedom, and he would act as War Minister.

We were informed that nothing can be said at this stage, even vaguely and generally, about the conventions that should govern the Government and the Viceroy. Ultimately there was always the possibility of the members of the Executive Council resigning or threatening to resign if they disagreed with the Viceroy. That sanction or remedy is of course always open, but it is curious that we should base our approach to a new government on the probability of conflict and resignation at the very outset.

The picture therefore placed before us is not essentially different from the old one. The whole object which we, and I believe you have in view—that is, to create a new psychological approach to the people, to make them feel that their own National Government had come, that they were defending their newly won freedom—would be completely frustrated when they saw this old picture again, with even the old labels on. The continuation of the India Office,

which has been a symbol of evil to us, would confirm this picture It has almost been taken for granted for sometime past that the India Office would soon disappear as it was an anachronism But now we are told that even this undesirable relic of a past age is going to continue

The picture of the Government, which was so like the old in all essential features, is such that we cannot fit into it Normally we would have had little difficulty in disposing of this matter for it is so far removed from all that we have striven for, but in the circumstances of today we were prepared to give full consideration to every proposal which might lead to an effective organisation of the defence of India The peril that faces India affects us more than it can possibly affect any foreigner, and we are anxious and eager to do our utmost to face it and overcome it But we cannot undertake responsibilities when we are not given the freedom and power to shoulder them effectively and when an old environment continues which hampers the national effort

While we cannot accept the proposals you have made, we want to inform you that we are yet prepared to assume responsibility provided a truly National Government is formed We are prepared to put aside for the present all questions about the future, though as we have indicated, we hold definite views about it But in the present, the National Government must be a Cabinet Government with full power and must not merely be a continuation of the Viceroy's Executive Council In regard to defence we have already stated what, in our opinion, the position should be at present We feel that such an arrangement is the very minimum that is essential for the functioning of a National Government and for making the popular appeal which is urgently needed

We would point out to you that the suggestions we have put forward are not ours only but may be considered to be the unanimous demand of the Indian people On these matters there is no difference of opinion among various groups and parties, and the difference is as between the

Indian people as a whole and the British Government. Such differences as exist in India relate to constitutional changes in the future. We are agreeable to the postponement of this issue so that the largest possible measure of unity might be achieved in the present crisis for the defence of India. It would be a tragedy that even when there is this unanimity of opinion in India, the British Government should prevent a free National Government from functioning and from serving the cause of India as well as the larger causes for which millions are suffering and dying today.

6. From Sir Stafford Cripps to Maulana Abul Kalam Azad, April 11, 1942.

I was extremely sorry to receive from you your letter of April 10th expressing the rejection by the Congress Working Committee of His Majesty's Government's draft declaration.

I will not deal with those points which are covered by the original resolution of your Committee which you sent me, as they were clearly not the reason for your decision.

Nor need I go into the question of the division of duties between the Defence Minister and the Commander-in-Chief as War Member with which you deal at length. This division allotted to the Defence Minister all functions outside those actually connected with the General Headquarters, Navy Headquarters and Air Headquarters which are under the Commander-in-Chief as head of the fighting forces in India.

In addition to these functions in the narrow field of "Defence" it was suggested that all other portfolios relating to that subject such as —

Home Department—Internal order, police, refugees, etc.

Finance Department—All war finance in India.

Communications Department—Railways, roads, transport, etc.

Supply Department—Supplies for all forces, munitions.

Information and Broadcasting Department—Propaganda, publicity, etc.

Civil Defence Department—A. R. P. and all forms of civilian defence.

Legislative Department—Regulations and orders.

Labour Department—Man power.

Defence Department—Administration of Indian personnel, etc.

should be put in the hands of representative Indians as members of the Executive Council.

Nothing further could have been done by way of giving responsibility for Defence Services to representative Indian members without jeopardising the immediate defence of India under the Commander-in-Chief. This defence is, as you know, a paramount duty and responsibility of His Majesty's Government, while unity of command is essential in the interests of the Allied help to India.

The real substance of your refusal to take part in a National Government is that the form of Government suggested is not such as would enable you to rally the Indian people as you desire.

You make two suggestions. First, that the constitution might now be changed. In this respect I would point out that you made this suggestion for the first time last night, nearly three weeks after you had received the proposals, and I would further remark that every other representative with whom I have discussed this view has accepted the practical impossibility of any such legislative change in the middle of a war and at such a moment as the present.

Second, you suggest "a truly National Government" be formed, which must be a "Cabinet Government with full power."

Without constitutional changes of a most complicated character and on a very large scale this would not be possible, as you realise.

Were such a system to be introduced by convention under the existing circumstances, the nominated Cabinet

(nominated presumably by the major political organisations) would be responsible to no one but itself, could not be removed and would in fact constitute an absolute dictatorship of the majority.

This suggestion would be rejected by all minorities in India, since it would subject all of them to a permanent and autocratic majority in the Cabinet. Nor would it be consistent with the pledges already given by His Majesty's Government to protect the rights of those minorities.

In a country such as India where communal divisions are still so deep an irresponsible majority Government of this kind is not possible.

Apart from this, however, until such time as the Indian peoples frame their new constitution, His Majesty's Government must continue to carry out its duties to those large sections of the Indian people to whom it has given its pledges.

The proposals of His Majesty's Government went as far as possible short of a complete change in the constitution which is generally acknowledged as impracticable in the circumstances of to-day.

While therefore both I and His Majesty's Government recognise the keen desire of your Working Committee to carry on the war against the enemy by every means in their power, they regret that your Working Committee has not seen its way to join in the war effort upon the conditions sincerely offered, the only conditions which could have brought together all the different communities and sections of the Indian people.

I propose to publish this answer.

7. *From Maulana Azad to Sir Stafford Cripps, April 11, 1942.*

I have just received your letter of April 11th and I must confess that my colleagues and I were considerably surprised to read it. I am sending you this reply immediately and can only deal briefly here with some of the points you have raised.

The points covered by our original resolution are important and represent my Committee's well-considered views on the British proposals as a whole. But we pointed out to you that so far as the proposals relate to the future they might be set aside, as we were anxious to assume responsibility for India's government and defence in this hour of danger. This responsibility could only be undertaken, however, if it was real responsibility and power.

As regards the division of functions between the Defence Minister and the War Minister you did not give illustrative lists, as requested by us, and referred us to the previous list of the Defence Minister's functions, which, as you know, we had been wholly unable to accept. In your letter under reply you mention certain subjects, directly or indirectly related to the war, which will be administered by other departments. So far as the Defence Minister is concerned, it is clear that his functions will be limited by the first list that you sent.

No one has suggested any restrictions on the normal powers of the Commander-in-Chief. Indeed we went beyond this and were prepared to agree to further powers being given to him as War Minister. But it is clear that the British Government's conception and ours in regard to defence differ greatly. For us it means giving it a national character and calling upon every man and woman in India to participate in it. It means trusting our own people and seeking their full co-operation in this great effort. The British Government's view seems to be based on an utter lack of confidence in the Indian people and in withholding real power from them. You refer to the paramount duty and responsibility of His Majesty's Government in regard to defence. That duty and responsibility cannot be discharged effectively unless the Indian people are made to have and feel their responsibility, and the recent past stands witness to this. The Government of India do not seem to realise that the war can only be fought on a popular basis.

Your statement that we have for the first time after three weeks suggested a change in the constitution is hardly

correct. In the course of our talks reference was made to it, but it is true that we did not lay stress on it as we did not want to introduce new issues. But when you stated explicitly in your letter that we had agreed that no constitutional changes could be made during the war, we had to deny this and correct your impression.

It is the last part of your letter that has especially surprised and pained us. It seems that there has been a progressive deterioration in the British Government's attitude as our negotiations proceeded. What we were told in our very first talk with you is now denied or explained away. You told me then that there would be a National Government which would function as a Cabinet and that the position of the Viceroy would be analogous to that of the King in England *vis-a-vis* his Cabinet. In regard to the India Office, you told me that you were surprised that no one had so far mentioned this important matter, and that the practical course was to have this attached or incorporated with the Dominions Office.

The whole of this picture which you sketched before us has now been completely shattered by what you told us during our last interview.

You have put forward an argument in your letter which at no time during our talks was mentioned by you. You refer to the 'absolute dictatorship of the majority.' It is astonishing that such a statement should be made in this connection and at this stage. This difficulty is inherent in any scheme of a mixed Cabinet formed to meet an emergency, but there are many ways in which it can be provided for. Had you raised this question we would have discussed it and found a satisfactory solution. The whole approach to this question has been that a mixed Cabinet should be formed and should co-operate together. We accepted this. We are not interested in the Congress as such gaining power, but we are interested in the Indian people as a whole having freedom and power. How the Cabinet should be formed and should function was a question which might have been considered after the main question was decided;

that is, the extent of power which the British Government would give up to the Indian people. Because of this we never discussed it with you or even referred to it. Nevertheless you have raised this matter for the first time, in what is presumably your last letter to us, and tried most unjustifiably to sidetrack the real issue between us.

You will remember that in my very first talk with you, I pointed out that the communal or like questions did not arise at this stage. As soon as the British Government made up its mind to transfer real power and responsibility, the other questions could be tackled successfully by those concerned. You gave me the impression that you agreed with this approach.

We are convinced that if the British Government did not pursue a policy of encouraging disruption, all of us, to whatever party or group we belonged, would be able to come together and find a common line of action. But, unhappily, even in this grave hour of peril, the British Government is unable to give up its wrecking policy. We are driven to the conclusion that it attaches more importance to holding on to its rule in India, as long as it can, and promoting discord and disruption here with that end in view, than to an effective defence of India against the aggression and invasion that overhang us. To us, and to all Indians, the dominant consideration is the defence and safety of India, and it is by that test that we judge.

You mention that you propose to publish your letter to me. I presume that you have no objection now to our publishing our original resolution, your letters to us, and our letters to you.

V. Resolution of the Working Committee of the Muslim League, April 11, 1942.[1]

The Committee appreciate that the British Prime Minister, in his pronouncement, made it clear that the Draft

[1] On this date the resolution was released to the press.

Declaration embodied only the proposals of His Majesty's Government and not their decision, and that they are subject to agreement between the main elements in India, thus maintaining the validity of the Declaration of August 8, 1940, which had promised to the Mussalmans that neither the machinery for the framing of the constitution should be set up nor the constitution itself should be enforced without the approval and consent of Muslim India.

The Committee, while expressing their gratification that the possibility of Pakistan is recognized by implication by providing for the establishment of two or more independent Unions in India, regret that the proposals of His Majesty's Government, embodying the fundamentals, are not open to any modification and, therefore, no alternative proposals are invited. In view of the rigidity of the attitude of His Majesty's Government with regard to the fundamentals not being open to any modification, the Committee have no alternative but to say that the proposals in their present form are unacceptable to them for reasons given below.

(1) The Mussalmans, after twenty-five years of genuine efforts for the reconciliation of the two major communities and the bitter experience of the failure of such efforts, are convinced that it is neither just nor possible, in the interest of peace and happiness of the two peoples, to compel them to constitute one Indian Union, composed of the two principal nations—Hindus and Muslims—which appears to be the main object of His Majesty's Government, as adumbrated in the Preamble of the Draft Declaration, the creation of more than one Union being relegated only to the realm of remote possibility and purely illusory.

(2) In the Draft Declaration a constitution-making body has been proposed with the primary object of creating one Indian Union. So far as the Muslim League is concerned, it has finally decided that the only solution of India's constitutional problem is the partition of India into independent zones; and it will, therefore, be unfair to the Mussalmans to compel them to enter such a constitution-making body, whose main object is the creation of a new Indian

Union. With conditions as they are, it will be not only futile but on the contrary may exacerbate bitterness and animosity amongst the various elements in the country.

Besides, the machinery which has been proposed for the creation of the constitution-making body, namely, that it will consist of members elected by the newly elected Lower Houses of the eleven provinces, upon the cessation of hostilities, as a single electoral college by the system of proportional representation, is a fundamental departure from the right of the Mussalmans, hitherto enjoyed by them, to elect their representatives by means of separate electorates, which is the only sure way in which true representatives of the Mussalmans can be chosen.

The constitution-making body will take decisions by a bare majority on all questions of most vital and paramount character involved in the framing of the constitution, which is a departure from the fundamental principles of justice and contrary to constitutional practice so far followed in the various countries and Dominions; and the Mussalmans, by agreeing to this, will, instead of exercising their right and judgment as a constituent factor, be at the entire mercy of the constitution-making body, in which they will be a minority of about twenty-five per cent.

(3) The right of non-accession to the Union, as contemplated in the Draft Declaration, has been conceded, presumably, in response to the insistent demands by the Mussalmans for the partition of India, but the method and procedure laid down are such as to negative the professed object, for, in the draft proposals, the right of non-accession has been given to the existing provinces, which have been formed from time to time for administrative convenience and on no logical basis.

The Mussalmans cannot be satisfied by such a Declaration on a vital question affecting their future destiny and demand a clear and precise pronouncement on the subject. Any attempt to solve the future problem of India by the process of evading the real issues is to court disaster.

In the draft proposals no procedure has been laid down

as to how the verdict of the province is to be obtained in favour of, or against, accession to one Union, but in the letter dated April 2, from the secretary of Sir Stafford Cripps, addressed to the President of the All-India Muslim League, it is stated that "a province should reach the decision whether or not to stand out of the Union by a vote in the Legislative Assembly on a resolution to stand in. If the majority for accession to the Union is less than sixty per cent., the minority will have the right to demand a plebiscite of the adult population." In this connection it must be emphasized that in the provinces where the Mussalmans are in a majority, as in the case of the major provinces of Bengal and the Punjab, they are in a minority in the Legislative Assemblies ; and in the Assemblies of Sind and the North-West Frontier Province, the total number, namely sixty and fifty respectively, is so small and the weightage given to the non-Muslims so heavy that it can be easily manipulated and a decision under such conditions cannot be the true criterion of ascertaining the real opinion of the Mussalmans of those provinces.

As regards the suggested plebiscite in the provinces in which the Mussalmans are in a majority, in the event of the requisite majority not being available in the Legislative Assemblies, the procedure laid down is that reference shall be made to the whole adult population of the provinces and not to the Mussalmans alone, which is to deny them the inherent right to self-determination.

(4) With regard to the Indian States, it is the considered opinion of the Committee that it is a matter for them to decide whether to join or not to join or form a Union.

(5) With regard to the treaties to be negotiated between the Crown and the Indian Union or Unions, the proposals do not indicate as to what would happen in case of disagreement on the terms between the contracting parties, nor is there any provision made as to what would be the procedure when there is a difference of opinion in negotiating a revision of treaty arrangements with the Indian States in the new situation.

(6) With regard to the interim arrangement, there is no definite proposal except the bare statement that His Majesty's Government desire and invite the effective and immediate participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. The Committee are, therefore, unable to express their opinion until a complete picture is available. Another reason why the Committee are unable to express their opinion of the interim arrangements for participation in the counsels of the country, is that Sir Stafford Cripps has made it clear that the scheme goes through as a whole or is rejected as a whole and that it would not be possible to retain only the part relating to the immediate arrangements at the Centre and discard the rest of the draft scheme, and as the Committee have come to the conclusion that the proposals for the future are unacceptable, it will serve no useful purpose to deal further with the question of the immediate arrangements.

In conclusion the Committee wish to point out that the position of the Muslim League has been and is that unless the principle of Pakistan scheme, as embodied in the Lahore Resolution dated March, 1940, which is now the creed of the All-India Muslim League.....is unequivocally accepted and the right of the Mussalmans to self-determination is conceded by means of a machinery which will reflect the true verdict of Muslim India, it is not possible for the Muslim League to accept any proposal or scheme regarding the future.

VI. Pandit Jawaharlal Nehru on the Cripps Proposals.

1. Statement at Press Conference, New Delhi, April 12, 1942.

Who is responsible for the failure of the Cripps negotiations? In answer to this question, Pandit Nehru explained in detail the various stages of the negotiations. If he had

been asked just before his last interview with Sir Stafford Cripps, he would have said that the chances of coming to an agreement were about 75 per cent. At that interview, however, that full picture which Sir Stafford, suddenly and for the first time, put before them of the proposals was such that he could not agree to it. "A big change had occurred somewhere in the middle", said Pandit Nehru. It was obvious, he added, that there was some trouble between Sir Stafford and others.

Pandit Nehru went on to say: "While it was my extreme desire to find a way out and make India function effectively for defence and make the war a popular effort—so great was my desire that some things I have stood for during the last quarter of a century, things which I could never have imagined for a moment I would give up, I now agreed to give up—I am convinced personally that it is impossible for us to agree to the proposals as they eventually emerged from the British Government's mind. I am in complete and whole-hearted agreement with the Congress resolution and the letters of the Congress President."

The change in the attitude of Sir Stafford Cripps which led to the sudden breakdown of the negotiations was then described by Pandit Nehru. From the first, the impression which Sir Stafford had given was that the new Government would be a National Government. Sir Stafford had himself often used the words, "National Cabinet." He had also said that the position of the Viceroy would be analogous to that of the King, in other words, a constitutional head. The language used by Sir Stafford had led them to assume that everything was being transferred except Defence and also that the Viceroy would not interfere with the decision of the Cabinet though he might have special powers such as in connection with the States or some major issue. So the question of the new Government's powers, etc., was not even discussed. At the last iterview on Thursday night, however, the picture which Sir Stafford gave showed that the premises and assumptions on which they had been arguing had no real foundation. Sir Stafford began to talk of

the Viceroy's "Executive Council" and not a "National Government." Names did make a difference. "If we go to the country, talking about the Viceroy's Executive Council, what would the people think?" asked Pandit Nehru amidst laughter. They agreed to the legal phraseology, but contrary to their old assumptions, Sir Stafford suddenly made it perfectly clear that there would be no essential change between the position of the Viceroy's Council and that of the new Government which they were asked to join. "I was amazed," declared Pandit Nehru. It might be that Sir Stafford had been pulled up by his senior partner in England or someone here. "We cannot change laws," said Sir Stafford, but when he was asked: "Tell us at least what conventions you propose. Will they function as a Cabinet? Will the Viceroy work as a constitutional head?" Sir Stafford replied: "I am totally unable to say anything on the subject, because it is completely within the discretion of the Viceroy. Go to him later on and discuss the matter with him. I cannot interfere or indicate what should be done." So it amounted to the old August offer again—with a few minor changes. They were merely asked to agree to join the Viceroy's Council practically unconditionally—with the vague background provided by the Cabinet's declaration.

Dealing with the Defence question, Pandit Nehru said that at no time had it been suggested by the Congress that the normal powers of the Commander-in-Chief for carrying on the war in an effective way should be interfered with. But in addition to his powers as Commander-in-Chief, he was now having other powers which were really those of a Defence Minister. Pandit Nehru said that the removal of Defence from their responsibilities made the position of the Defence Minister absurd and ridiculous. Their conception of defence was different from that of the Government. It was not keeping a regiment here and there, but they wanted to mobilize hundreds of millions of Indians. They wanted to make every man and woman do something for the war —make it a popular war. The military conception was to fight with their armies and, if the latter failed, to surrender,

but their conception was different. They would not surrender whatever happened—whatever happened to military forces, popular resistance should continue to the end—as in China and Russia. Could they discharge their duty in this spirit? Could they make India hum as an organized unit of resistance? Could they make India feel that she was fighting her own war for her freedom? That was their idea in asking for a popular conception of Defence, but the Government's attitude as put to them was a singularly complacent attitude —a conception of India from a standpoint which was peculiar only to England. "We are in the right. All those who are against us, are not only in the wrong, but damnably in the wrong."

Referring to the Defence question during the Cripps negotiations Pandit Jawaharlal Nehru said that at first a certain formula was given by Sir Stafford according to which the Commander-in-Chief was to be War Minister and the Defence Minister was to have certain functions entrusted to him. Attached to it was a list—practically exhaustive—of the functions entrusted to the Defence Minister. They were propaganda, canteens, petroleum, amenities, stationery and subjects of that kind. The subjects proposed to be allotted were such that "they would have made the Defence Minister's position ridiculous in the eyes of the public," said Pandit Nehru. It was not acceptable to the Congress Working Committee. Then came a new formula—at the instance of a third party but presumably with Sir Stafford's approval—with no list of subjects attached.

In the Working Committee's opinion, this afforded a basis for arriving at an agreed formula for Defence, but the really important point was—what would be the subjects transferred to the Defence Minister? Sir Stafford did not reply to a letter asking for a list of these subjects: "At no stage did we receive them", said Pandit Nehru. When they asked him personally, Sir Stafford referred them to the Army Manual. Later, Sir Stafford entered into a long disquisition on the Indian Army—that it was really an offshoot of the British Army controlled by the British Government,

through their representative, the Commander-in-Chief. It was explained to Sir Stafford on behalf of the Congress that it was not their intention to do anything to upset present arrangements, but what they wanted was, firstly, to make the Indian people feel that the Army was theirs. They wanted to give the national background, the psychological appeal, necessary for a popular war. Sir Stafford's attitude was, however, rigid. In the end, he said that the list of subjects were those already given in his original formula.

Sir Stafford refused to follow the Australian model saying that Mr. Curtin in Australia had even greater powers than Mr. Churchill had in England. As regards the citizen army, Sir Stafford said that the matter would lie within the discretion of the Commander-in-Chief, but he added that the Commander-in-Chief would probably agree. If he did not agree, it was open to the Ministers to resign.

Commenting on this attitude of the Government, Pandit Nehru said: "That is not the way to bring about a settlement." He went on to say: "That is not the way to fight a war—not the lackadaisical way of the Viceroy's House and the Government of India. If there is a National Government, everybody will have to work or get out. It is not an evening dress war. It is work, work, work. Those who sit to dinner in evening dress at 8-15 are not going to win this war." In reply to those who talked of the want of equipment as a reason against a citizen army, he cited the example of China and Spain. The former was now self-sufficient so far as small arms were concerned. In India, with a National Government, they could double or treble the production of our factories. They could do without luxuries and turn those factories producing non-essential goods into factories for small arms. The whole conception of the citizen army was, he said, a practical conception, a psychological conception, an essential conception.

Pandit Nehru went on to narrate how a person who had become a German prisoner and had managed to escape told him and others what the Germans thought of the Indian troops, how much they had been struck by their courage

and efficiency in action. "It is a magnificent army. What would we not do, if we had such people to draw upon?" said the Germans. "If they fight like this in a mercenary way, how much better would they fight if they thought they were fighting for their own freedom?" It was really a question of psychological approach, declared Pandit Nehru. Explaining further he said:

"The whole approach was one of lighting a spark in hundreds of millions of minds in India. It was not an easy responsibility for anyone to undertake. Nevertheless, we felt that circumstances demanded it and whatever our grievances with the British Government, whatever the past history of our relations, we could not allow that to come in the way of what we considered our duty to our country at present."

Referring to the future, Pandit Nehru said: "India and Russia are the two important theatres of war. Little else counts for the present. Much will, of course, depend on the next two or three months in the Russo-German War. A great deal will depend on India or what happens as between Germany and Russia; but apart from that India is going to be for the next three or four months the crux of the war. It will make a difference to the length of the war and the intensity of the war. Every country in the world realizes this, except, of course, the big people in New Delhi and Whitehall—they are slow of understanding and comprehension—and, therefore, you have these frantic radio appeals from Germany and Japan.

"If to-day a National Government of India said, 'We are going to arm the Indian people. We may not have the best of modern arms, aeroplanes, tanks; but we are going to arm them with such guns as we can make,' think how the world situation will change; what reaction it will have on Germany and Japan and also in the Allied countries."

In answer to a question, Pandit Nehru said:—

"So far as I know India, and I know it tolerably well, the major sentiment in India naturally is one of hostility to the British in India. You cannot root out 150 years of past

history and all that has happened in those years. It has sunk deep down into the Indian soul. Suppose we had come to an agreement and had to convert, to change that sentiment suddenly, we could have done it if we could have given a sensation of freedom to the people of India. The fundamental factor to-day is distrust or dislike of the British Government. It is not pro-Japanese sentiment. It is anti-British sentiment. That may occasionally lead individuals to pro-Japanese expression of views. This is short-sighted. It is a slave's sentiment, a slave's way of thinking, to imagine that to get rid of one person who is dominating us we can expect another person to help us and not dominate us later. Free men ought not to think that way. It distresses me that any Indian should talk of the Japanese liberating India. The whole past history of Japan has been one of dominating others. Japan comes here either for Imperialist reasons straight out or to fight with the British Government. Anyhow, whatever the reason, if it comes here, it does not come here to liberate."

In the course of his talk, Pandit Nehru removed two or three misconceptions. In reply to Sir Stafford's charge that the Congress had, for the first time, in its letter of April 10 asked for big changes immediately in the constitution, Jawaharlalji explained that the reference in the letter was only intended to remove a misunderstanding. In one of his letters Sir Stafford had said that the Congress had agreed that there should be no constitutional changes in the interim period. As this was not correct, the President explained the position. The Congress had merely said that it did not want to enter into an argument now on these constitutional questions, but they had made no commitment of the kind that they agreed not to ask for any immediate constitutional changes. Their position was this: "While we are not agreeing, we are not pressing this. It is not an issue." Sir Stafford was not, therefore, correct in saying that a major issue had been raised.

Pandit Nehru referred to the offer made by Mr. Churchill, at a critical time in the war, to France for a union with

England. The suggestion made by Pandit Nehru was that Parliament should pass a small Bill of six sections giving independent status to India and agreeing to the principle of self-determination. Other details, communal and other, could be left over for settlement later, but if this had been done, the whole approach to the question would have become different—as between England and India and also between the communities. The Congress point of view was this—they were prepared to have a National Government for war purposes, but as regards the future Government, they were prepared to leave over for future consideration the question of detailed and precise proposals for the future Government. Pandit Nehru said, however, that the present proposals would have also to be considered with the viewpoint of the future. If the independence of India was now accepted in principle, it would have a great psychological effect on the people.

Asked about Sir Stafford's reference to the "tyrannical rule of a majority" in his farewell statement Pandit Nehru said:

"I want to make it perfectly clear that throughout our talks and correspondence, except for the last two letters, there was no reference at all at any stage in the slightest degree to the question of majority rule, because much as we disliked it we accepted the idea of a composite Cabinet formed from different groups representing different ideologies in the country, some coming among others from the Muslim League and from the Hindu Mahasabha and the Sikhs. We accepted that, although it was a thing which would have made the functioning of the National Government very difficult. At no stage, did we discuss the number of any groups in the Council. It was important, but we did not discuss it because we, speaking on behalf of the Congress, never laid stress on the Congress having this or that. We wanted no power for the Congress. We always talked in terms of what the National Government would have, whoever may be there and whatever numbers it may consist of. We talked of it as a group and of what power that group

should have. The communal issue in any form was never discussed except that Sir Stafford Cripps often repeated one formula, that he was only concerned with agreement between three groups in India, the British Government, the Congress and the Muslim League. He did not care whether others agreed or not, but if any of these three did not agree the scheme fell through.

"For the first time," he went on, "this question was definitely emphasised by Sir Stafford Cripps in his letter dated April 10 in which he used the phrase 'tyrannical rule of the majority.' Now, for an eminent lawyer and constitutionalist like Sir Stafford to use these phrases in this manner is extraordinary. We were thinking in terms really not even of a legislature but of a Cabinet consisting of 15 persons. What the proportions in that Cabinet may be we never discussed. Suppose there was the so-called Congress majority in it, though the Congress was not thinking on those lines. But Sir Stafford's mind was continually functioning, balancing the different communal factors. Suppose, then, in a Cabinet of 15 there was a Congress majority of eight or nine. Now Cabinets, if they are to function at all, cannot function and do not function, especially in war-time, by majority. You must have a certain homogeneity or common outlook; otherwise the Cabinet may break up. Sir Stafford has been continuously reminding us of the ultimate sanction of resignation. If we had that ultimate sanction, so also every group in that Cabinet had that ultimate sanction. So, the talk of the tyranny of the majority is amazing and fantastic nonsense."

Pandit Nehru referred to the mention of the "Hindu Press" in one of Sir Stafford's letters. When further questioned, he said he meant the *Hindustan Times*. That in itself showed how he was continually thinking in regard to every matter in terms of Hindu and Muslim.

Pandit Nehru observed he could not conceive of Mr. Jinnah or Mr. Savarkar really disagreeing with anything that the Congress had put to Sir Stafford in regard to the proposals for the immediate present.

Earlier at the conference, Pandit Nehru declared: "To-day the dominant factor is the imminent peril to India, and I want you to appreciate what I say. We agreed to things which in the last 22 years we would never have dreamt of agreeing to or coming near. In these 22 years we have stood for something. Not only the Congress but vast numbers of people outside the formal fold of the Congress, even communal organizations have demanded independence. For the first time in these 22 years, I swallowed many a bitter pill, when I said I was prepared to agree to many things so as somehow to come to an agreement. I did want to throw all my sympathy and all the energy I possess in the organization of the defence of India."

2. Observations in "The Discovery of India"[1].

And then, just when I was most hopeful, all manner of odd things began to happen. Lord Halifax[2], speaking somewhere in the U.S.A., made a violent attack on the National Congress. Why he should do so just then in far America was not obvious, but he could hardly speak in that manner, when negotiations were actually going on with the Congress, unless he represented the views and policy of the British Government. In Delhi it was well-known that the Viceroy Lord Linlithgow, and the high officials of the Civil Service were strongly opposed to a settlement and to a lessening of their powers. Much happened, which was only vaguely known.

When we met Sir Stafford Cripps again to discuss the latest formula about the functions of the Defence Minister, it transpired that all our previous talk was entirely beside the point, as there was going to be no ministers with any power. The existing Viceroy's Executive Council was to continue and all that was contemplated was to appoint additional Indians, representing political parties, to this Council.....

[1] See *'The Discovery of India,'* pp 548-562.

[2] British Ambassador in the U.S.A. Formerly Viceroy and Governor-General of India (1926-1931) and known as Lord Irwin.

So it all came to this that the existing structure of government would continue exactly as before, the autocratic powers of the Viceroy would remain, and a few of us could become his liveried camp-followers and look after canteens and the like.....

. .. .it was inconceivable and impossible for us to accept this position at any time and more specially at that time. If we had ventured to do so we would have been disowned and rejected by our own people ...

In the whole course of our talks with Sir Stafford Cripps the so-called minority or communal issue was at no time raised or considered. Indeed it did not rise at that stage. It was an important issue in considering future constitutional changes, but these had been deliberately put aside after our initial reaction to the British proposals. If the principle of an effective transfer of power to a National Government had been agreed to, then the question would no doubt have arisen as to the relative strengths of the various groups represented in it. But as we never reached the stage of agreement on that principle, the other question did not arrive and was not considered at all. So far as we were concerned, we were so anxious to have an effective National Government having the confidence of the principal parties that we felt that the question of proportions would not give much trouble .. ..

In a subsequent and final letter of the Congress President it was stated: "We are not interested in the Congress as such gaining power, but we are interested in the Indian people as a whole having freedom and power . .....We are convinced that if the British Government did not pursue a policy of encouraging disruption, all of us, to whatever party or group we belonged, would be able to come together and find a common line of action. But, unhappily, even in this grave hour of peril, the British Government is unable to give up its wrecking policy. We are driven to the conclusion that it attaches more importance to holding on to its rule in India, as long as it can, and promoting discord and disruption here with that end in view,

than to an effective defence of India against the aggression and invasion that overhang us".....

Almost immediately after this last letter of the Congress President, Sir Stafford Cripps returned to England by air. But before he did so and on his return, he made certain statements to the public which were contrary to the facts and which were bitterly resented in India. In spite of contradictions by responsible persons in India, those statements were repeated by Sir Stafford Cripps and others.

The British proposals had been rejected not by the Congress only but by every single party or group in India. Even the most moderate of our politicians had expressed their disapproval of them. Apart from the Moslem League, the reasons for disapproval were more or less the same. The Moslem League, as has been its custom, waited for others to express their opinions and then, for its own reasons, rejected the proposals.

It was stated in the British Parliament and elsewhere that the rejection by the Congress was due to the uncompromising attitude of Gandhiji. This is wholly untrue. Gandhiji had strongly disapproved, in common with most others, of the indefinite and innumerable partitions that the proposals involved and of the way in which the ninety million people of the Indian States had been allowed no say in their future. All the subsequent negotiations, which dealt with changes in the present and not with the future, took place in his absence, as he had to leave because of his wife's illness, and he had nothing whatever to do with them. The Working Committee had, on several previous occasions, disagreed with him on the question of non-violence, and was anxious to have a National Government to co-operate in the war and especially the defence of India.

10. RESOLUTION OF THE ALL-INDIA CONGRESS COMMITTEE, BOMBAY, AUGUST 8, 1942.

The All-India Congress Committee has given the most careful consideration to the reference made to it by the

Working Committee in their resolution[1] dated July 14, 1942, and to subsequent events including the development of the war situation, the utterances of responsible spokesmen of the British Government, and the comments and criticisms made in India and abroad The Committee approves of and endorses that resolution and is of opinion that events subsequent to it have given it further justification and have made it clear that immediate ending of British rule in India is an urgent necessity both for the sake of India and for the success of the cause of the United Nations The continuation of that rule is degrading and enfeebling India and making her progressively less capable of defending herself and of contributing to the cause of world freedom

The Committee has viewed with dismay the deterioration of the situation of the Russian and Chinese people and records its high appreciation of their heroism in defence of their freedom This increasing peril makes it incumbent on all those who sympathise with the victims of aggression to examine the foundations of the policy so far pursued by the Allied Nations, which have led to repeated and disastrous failure It is not by adhering to such aims and policies and methods that failure can be converted into success, for past experience has shown that failure is inherent in them

[1] The resolution demanded the immediate end of British rule in India and contemplated the following arrangement regarding transfer of power On the withdrawal of British rule in India responsible men and women of the country will come together to form a Provisional Government representative of all important sections of the people of India which will later evolve a scheme by which a Constituent Assembly can be convened in order to prepare a constitution for the government of India acceptable to all sections of the people Representatives of free India and representatives of Great Britain will confer together for the adjustment of future relations and for the co operation of the two countries as allies in the common task of meeting aggression ' The resolution did not overlook the possibility of the British Government refusing to part with power ' Should however this appeal fail the Congress cannot view without the gravest apprehension the continuation of the present state of affairs involving a progressive deterioration of the situation and the weakening of India's will and power to resist aggression The Congress will then be reluctantly compelled to utilise all the non-violent strength it might have gathered since 1920 for the vindication of political rights and liberty Such a widespread struggle would inevitably be under the leadership of Mahatma Gandhi "

These policies have been based not on freedom so much as on the domination of subject and Colonial countries and the continuation of the Imperialist tradition and method. The possession of Empire, instead of adding to the strength of the ruling power, has become a burden and a curse. India, the classic land of modern Imperialism, has become the crux of the question, for by the freedom of India will Britain and the United Nations be judged and the peoples of Asia and Africa be filled with hope and enthusiasm.

The ending of the British rule in this country is thus a vital and immediate issue on which depend the future of the war and the success of freedom and democracy. A free India will assure this success by throwing all her great resources in the struggle for freedom and against the aggression of Nazism, Fascism and Imperialism. This will not only affect materially the fortunes of the war, but will bring all subject and oppressed humanity on the side of the United Nations, and give these nations, whose ally India would be, the moral and spiritual leadership of the world. India in bondage will continue to be the symbol of British Imperialism and the taint of that Imperialism will affect the United Nations.

The peril of to-day, therefore, necessitates the independence of India and the ending of British domination. No future promises or guarantees can affect the present situation or meet that peril. They cannot produce the needed psychological effect on the mind of the masses. Only the glow of freedom now can release that energy and enthusiasm of millions of people which will immediately transform the nature of the war.

The A.I.C.C., therefore, repeats with all emphasis the demand for the withdrawal of the British power from India. On the declaration of India's independence, a Provisional Government will be formed and free India will become an ally of the United Nations, sharing with them in the trials and tribulations of the joint enterprise of the struggle for freedom. The Provisional Government can only be formed by the co-operation of the principal parties and groups in

the country. It will thus be a composite Government representative of all important sections of the people of India. Its primary functions must be to defend India and resist aggression with all the armed as well as the non-violent forces at its command, together with its Allied Powers, and to produce the well-being and progress of the workers in the fields and factories and elsewhere, to whom essentially all power and authority must belong. The Provisional Government will evolve a scheme for a Constituent Assembly which will prepare a constitution for the government of India acceptable to all sections of the people. This constitution, according to the Congress view, should be a federal one, with the largest measure of autonomy for the federating Units and with residuary powers vesting in these Units . . Freedom will enable India to resist aggression effectively with the people's united will and strength behind it.

The freedom of India must be the symbol of and prelude to the freedom of all other Asiatic nations under foreign domination. Burma, Malaya, Indo-China, the Dutch Indies, Iran and Iraq must also attain their complete freedom. It must be clearly understood that such of these countries as are under Japanese control now must not subsequently be placed under the rule or control of any other colonial power.

While the A.-I. C. C. must primarily be concerned with the independence and defence of India in this hour of danger, the Committee is of opinion that the future peace, security and ordered progress of the world demand a world federation of free nations, and on no other basis can the problems of the modern world be solved. Such a world federation would ensure the freedom of its constituents, the prevention of aggression and exploitation by one nation over another, the protection of national minorities, the advancement of all backward areas and peoples, and the pooling of the world's resources for the common good of all. On the establishment of such a world federation, disarmament would be practicable in all countries; national armies, navies and air forces

would no longer be necessary and a world federation defence force would keep the world peace and prevent aggression.

An independent India would gladly join such a world federation and co-operate on equal basis with other countries in the solution of international problems.

Such a federation would be open to all nations who agree with its fundamental principles. In view of the war, however, the federation must inevitably, to begin with, be confined to the United Nations. Such a step taken now will have a most powerful effect on the war, on the peoples of the Axis countries, and on the peace to come.

The Committee regretfully realizes, however, that despite the tragic and overwhelming lessons of the war and the perils that overhang the world, the Governments of few countries are yet prepared to take this inevitable step towards world federation. The reactions of the British Government and the misguided criticism of the foreign press also make it clear that even the obvious demand for India's independence is resisted, though this has been made essentially to meet them in their hour of need. The Committee is anxious not to embarrass in any way the defence of China or Russia, whose freedom is precious, and must be preserved, or to jeopardise the defence capacity of the United Nations. But the peril grows both to India and these nations, and submission to a foreign administration at this stage is not only degrading India and reducing her capacity to defend herself and resist aggression but is no answer to that growing peril and is no service to the peoples of the United Nations. The earnest appeal of the Working Committee to Great Britain and the United Nations has so far met with no response and the criticisms made in many foreign quarters have shown an ignorance of India's and the world's need and sometimes even hostility to India's freedom which is significant of a mentality of domination and racial superiority which cannot be tolerated by a proud people conscious of their strength and of the justice of their cause.

The A-I C C would yet again, at this last moment, in the interest of world freedom renew this appeal to Britain and the United Nations But the Committee feels that it is no longer justified in holding the nation back from endeavouring to assert its will against an imperialist and authoritarian Government which dominates over it and prevents it from functioning in its own interest and in the interest of humanity The Committee resolves, therefore, to sanction, for the vindication of India's inalienable right to freedom and independence, the starting of a mass struggle on non-violent lines, on the widest possible scale so that the country might utilise all the non-violent strength it has gathered during the last 22 years of peaceful struggle Such a struggle must inevitably be under the leadership of Gandhiji and the Committee requests him to take the lead and guide the nation in the steps to be taken

The Committee appeals to people of India to face the dangers and hardships that will fall to their lot with courage and endurance, and to hold together under the leadership of Gandhiji and carry out his instructions as disciplined soldiers of Indian freedom They must remember that non-violence is the basis of the movement A time may come when it may not be possible to issue instructions or for instructions to reach our people, and when no Congress Committees can function When this happens every man and woman who is participating in this movement must function for himself or herself within the four corners of the general instructions issued Every Indian who desires freedom and strives for it must be his own guide urging him along the hard road where there is no resting place and which leads ultimately to the independence and deliverance of India

Lastly, while the A-I C C has stated its own view of the future governance under free India, the A-I C C wishes to make it quite clear to all concerned that by embarking on a mass struggle it has no intention of gaining power for the Congress The power, when it comes, will belong to the whole people of India

11. CANDHI-JINNAH CORRESPONDENCE, 1944.

1. Rajagopalachari Formula,[1] *March, 1944.*

Basis for terms of settlement between the Indian National Congress and the All-India Muslim League to which Gandhiji and Mr Jinnah agree and which they will endeavour respectively to get the Congress and the League to approve

(1) Subject to the terms set out below as regards the constitution for Free India, the Muslim League endorses the Indian demand for independence and will co-operate with the Congress in the formation of a provisional Interim Government for the transitional period

(2) After the termination of the war a commission shall be appointed for demarcating contiguous districts in the north-west and east of India, wherein the Muslim population is in absolute majority In the areas thus demarcated, a plebiscite of all the inhabitants held on the basis of adult suffrage or other practicable franchise shall ultimately decide the issue of separation from Hindustan If the majority decide in favour of forming a sovereign state separate from Hindustan, such decision shall be given effect to, without prejudice to the right of districts on the border to choose to join either state

(3) It will be open to all parties to advocate their points of view before the plebiscite is held

(4) In the event of separation, mutual agreements shall be entered into for safeguarding defence, and commerce and communications and for other essential purposes

(5) Any transfer of population shall only be on an absolutely voluntary basis

(6) These terms shall be binding only in case of transfer by Britain of full power and responsibility of the governance of India

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[1] Mr. Rajagopalachari wrote to Mr Jinnah on April 8, 1944, that this 'basis for a settlement' had Mahatma Gandhi's 'full approval'.

2. *Extracts from Mr. Jinnah's letter to Mahatma Gandhi, September 10, 1944.*

I understood from you that you had come to discuss the Hindu-Muslim settlement with me in your individual capacity, and not in any representative character or capacity on behalf of the Hindus or the Congress nor had you any authority to do so I naturally pointed out to you that there must be someone on the other side with authority holding a representative status with whom I can negotiate and, if possible, come to a settlement on the Hindu-Muslim question, and that for the position you had adopted there was no precedent, and that this raises great difficulties in my way

* * *

I am submitting to you the following points which require clarification

(1) With regard to the preamble in what capacity will you be a consenting party if any agreement is reached between you and me?

(2) Clause 1 With regard to "the constitution for a free India" referred to in this clause, I should like to know first—what constitution do you refer to, who will frame it and when will it come into being?

Next, it is stated in the formula that "the Muslim League endorses the Indian demand for independence" Does it mean the Congress demand for independence as formulated in the August Resolution of 1942 by the All-India Congress Committee in Bombay or, if not, what is the significance of this term, for you know the Muslim League has made it clear, not only by its resolutions but by its creed, that we stand for the freedom and independence of the whole of this sub-continent, and that applies to Pakistan and Hindustan

Next, it is stated that the Muslim League "will co operate with the Congress in the formation of a provisional Interim Government for the transitional period" I should like to know the basis or the lines on which such a Government is to be set up or constituted If you have a complete or definite scheme, please let me have it

(3) Clause 2 Who will appoint the Commission referred to in this clause and who will give effect to their findings? What is the meaning of absolute majority referred to in it? Will the contemplated plebiscite be taken districtwise or if not on what basis? Who will determine and decide whether such a plebiscite should be based on adult franchise or other practicable franchise? Who will give effect to the decision i.e. verdict of the above mentioned plebiscite? Would only the districts on the border which are taken out from the boundaries of the present provinces by delimitation be entitled to choose to join either State or would also those outside the present boundaries have the right to choose to join either State?

(4) Clause 3 Who are meant by all parties in this clause?

(5) Clause 4 I should like to know between whom and through what machinery and agency will the mutual agreements referred to in this clause be entered into? What is meant by safeguarding defence and commerce and communications and for other essential purposes? Safeguarding against whom?

(6) Clause 6 I should like to know to whom is this power to be transferred through what machinery and when?

* * *

3. Extracts from Mahatma Gandhi's letter to Mr. Jinnah, September 11, 1944.

.....I have approached you as an individual. My life mission has been Hindu-Muslim unity which I want for its own sake but which is not to be achieved without the foreign ruling power being ousted.

Hence the first condition of the exercise of the right of self-determination is achieving independence by the joint action of all parties and groups composing India. If such joint action is unfortunately impossible, then too, I must

fight with the assistance of such elements as can be brought together.[1]

* * *

.The Lahore resolution is indefinite. Rajaji has taken from it the substance and given it a shape.[2]

Now for the points raised by you.

1. I have already answered this in the foregoing.

2. The constitution will be framed by the Provisional Government contemplated in the formula or an authority specially set up by it after the British power is withdrawn. The independence contemplated is of the whole of India as it stands.[3] The basis for the formation of the provisional Interim Government will have to be agreed to between the League and the Congress.

3. The Commission will be appointed by the Provisional Government. Absolute majority[4] means a clear majority over non-Muslim elements as in Sind, Baluchistan or the Frontier Province. The form of plebiscite and the franchise must be a matter for discussion.[5]

[1] Mr Jinnah wrote on September 11, 1944, to Mahatma Gandhi, "This, in my opinion, is, as I have repeatedly said, putting the cart before the horse, and is generally opposed to the policy and declarations of the All-India Muslim League In order to achieve the freedom and independence of the peoples of India it is essential, in the first instance, that there should be a Hindu-Muslim settlement"

[2] Mr. Jinnah wrote on September 11, 1944, to Mahatma Gandhi, "I cannot agree that Rajaji has taken from it its substance and given it shape. On the contrary, he has not only put it out of shape but mutilated it ... "

[3] Mahatma Gandhi wrote on September 15, 1944, to Mr Jinnah, "Independence does mean as envisaged in the A I.C.C. Resolution of 1942. But it cannot be on the basis of a United India If we come to a settlement it would be on the basis of the settlement, assuming of course that it secures general acceptance in the country. The process will be somewhat like this. We reach by joint effort independence for India as it stands India become free will proceed to demarcation, plebiscite and partition if the people concerned vote for partition. All this is implied in the Rajaji formula".

[4] Mahatma Gandhi wrote on September 14, 1944, to Mr. Jinnah, "Rajaji tells me that absolute majority is used in the same sense as it is used in ordinary legal parlance wherever more than two groups are dealt with."

[5] Mahatma Gandhi wrote on September 14, 1944, to Mr. Jinnah, "I should say it should be by adult suffrage of all the inhabitants of the Pakistan area."

4. "All parties" means parties interested.

5. "Mutual agreement" means agreement between contracting parties. "Safeguarding defence etc." means for me a central or joint board of control. "Safeguarding" means safeguarding against all who may put the common interests in jeopardy.

6. The power is to be transferred to the nation, that is, to the Provisional Government. The formula contemplates peaceful transfer by the British Government... ...

4. Extracts from Mahatma Gandhi's letter to Mr. Jinnah, September 15, 1944.

* * *

You must admit that the resolution[1] itself makes no reference to the two nations theory In the course of our discussions you have passionately pleaded that India contains two nations, *i.e* , Hindus and Muslims and that the latter have their homelands in India as the former have theirs. .
I find no parallel in history for a body of converts and their descendants claiming to be a nation apart from the parent stock. If India was one nation before the advent of Islam it must remain one in spite of the change of faith of a very large body of her children.

You do not claim to be a nation by right of conquest but by reason of acceptance of Islam. Will the two nations become one if the whole of India accepted Islam? Will Bengalis, Oriyas, Andhras, Tamilians, Maharashtrians, Gujaratis, etc., cease to have their special characteristics if all of them became converts to Islam? These all have become one politically because they are subject to one foreign control. They are trying to-day to throw off that subjection.

You seem to have introduced a new test of nationhood. If I accept it, I would have to subscribe to many more claims and face an insoluble problem. The only real though awful test of our nationhood arises out of our common political subjection. If you and I throw off this subjection by our

[1] The Lahore (1940) Resolution of the Muslim League.

combined effort we shall be born a politically free nation out of our travail. If by then we have not learnt to prize our freedom we may quarrel among ourselves and for want of a common master holding us together in his iron grip seek to split up into small groups or nationalities. There will be nothing to prevent us from descending to that level and we shall not have to go in search of a master. There are many claimants to the throne that never remains vacant.

With this background I shall present you with my difficulty in accepting your resolution.

(1) Pakistan is not in the resolution. Does it bear the original meaning Punjab, Afghanistan, Kashmir, Sind and Baluchistan out of which the name was mnemonically formed? If not, what is it?

(2) Is the goal of Pakistan Pan-Islam?

(3) What is it that distinguishes an Indian Muslim from every other Indian, if not his religion? Is he different from a Turk or an Arab?

(4) What is the connotation of the word "Muslim" in the resolution under discussion? Does it mean the Muslims of the India of geography or of the Pakistan to be?

(5) Is the resolution addressed to the Muslims by way of education, or to the inhabitants of the whole of India by way of appeal or to the foreign ruler as an ultimatum?

(6) Are the constituents in the two zones to constitute "independent states", an undefined number in each zone?

(7) Is the demarcation to take place during the pendency of British rule?

(8) If the answer to the last question is in the affirmative, the proposal must be accepted by Britain and then imposed upon India, not evolved from within by the free will of the people of India!

(9) Have you examined the position and satisfied yourself that these "independent States" will be materially and otherwise benefited by being split up into fragments?

(10) Please satisfy me that these independent sovereign

states will not become a collection of poor states, a menace to themselves and to the rest of India.

(11) Pray show me by facts and figures or otherwise how independence and welfare of India as a whole can be brought about by the acceptance of the resolution.

(12) How are the Muslims under the Princes to be disposed of as a result of this scheme?

(13) What is your definition of "minorities"?

(14) Will you please define the "adequate, effective and mandatory safeguards" for minorities referred to in the second part of the resolution?

(15) Do you not see that the Lahore resolution contains only a bare statement of the objective and does not give any idea as to the means to be adopted for the execution of the idea and the concrete corollaries thereof ? For instance,

(*a*) Are the people in the regions falling under the plan to have any voice in the matter of separation and, if so, how is it to be ascertained?

(*b*) What is the provision for defence and similar matters of common concern contemplated in the Lahore resolution?

(*c*) There are many groups of Muslims who have continuously expressed dissent from the policy of the League. While I am prepared to accept the preponderating influence and position of the League and have approached you for that very reason, is it not our joint duty to remove their doubts and carry them with us by making them feel that they and their supporters have not been practically disfranchised?

(*d*) Does this not lead again to placing the resolution of the League before the people of the zone concerned as a whole for acceptance?

5. *Extracts from Mr. Jinnah's letter to Mahatma Gandhi, September 17, 1944.*

* * *

.....We maintain and hold that Muslims and Hindus are two major nations by any definition and test of a nation.

We are a nation of a hundred million, and what is more, we are a nation with our own distinctive culture and civilization, language and literature, art and architecture, names and nomenclature, sense of values and proportion, legal laws and moral codes, customs and calendar, history and traditions, aptitudes and ambitions, in short, we have our own distinctive outlook on life and of life. Now I shall proceed to reply to your various points:

(1) Yes, the word "Pakistan" is not mentioned in the resolution and it does not bear the original meaning. The word has now become synonymous with the Lahore resolution.

(2) This point does not arise, but still I reply that the question is a mere bogey.

(3) This point is covered by my answer that the Mussalmāns of India are a nation. As to the last part of your query, it is hardly relevant to the matter of clarification of the resolution

(4) Surely you know what the word "Muslims" means.

(5) The point does not arise by way of clarification of the text of the Lahore resolution.

(6) No, they will form units of Pakistan.

(7) As soon as the basis and the principles embodied in the Lahore resolution are accepted, the question of demarcation will have to be taken up immediately.

(8) In view of my reply to (7), your question (8) has been answered.

(9) Does not relate to clarification.

(10) My answer to (9) covers this point.

(11) Does not arise out of the clarification of the resolution. Surely this is not asking for the clarification of the resolution. I have in numerous speeches of mine and the Muslim League in its resolutions have pointed out that this is the only solution of India's problem and the road to achieve freedom and independence of the peoples of India.

(12) "Muslims under the Princes." The Lahore resolu-

tion is only confined to British India. The question does not arise out of the clarification of the resolution.

(13) The definition of "minorities". You yourself have often said minorities means "accepted minorities."

(14) The "adequate, effective and mandatory safeguards" for minorities referred to in the resolution are a matter for negotiation and settlement with the minorities in the respective States, viz., Pakistan and Hindustan.

(15) It does give basic principles and when they are accepted, then the details will have to be worked out by the contracting parties.

(*a*) Does not arise by way of clarification.

(*b*) Does not arise by way of clarification.

(*c*) The Muslim League is the only authoritative and representative organization of Muslim India.

(*d*) No. See answer (*c*).

* * *

6. *Extracts from Mahatma Gandhi's letter to Mr. Jinnah, September 19, 1944.*

* * *

I hope you do not expect me to accept the Lahore resolution without understanding its implications. If your letter is the final word, there is little hope. Can we not agree to differ on the question of "two nations" and yet solve the question on the basis of self-determination? It is this basis that has brought me to you. If the regions holding Muslim majorities have to be separated according to the Lahore resolution, the grave step of separation should be specifically placed before and approved by the people in that area.

7. *Extracts from Mr. Jinnah's letter to Mahatma Gandhi, September 21, 1944.*

* * *

.....It seems to me that you are labouring under some misconception of the real meaning of the word "self-deter-

mination." ... Can you not appreciate our point of view that we claim the right of self-determination as a nation and not as a territorial unit, and that we are entitled to exercise our inherent right as a Muslim nation, which is our birth-right? Whereas you are labouring under the wrong idea that self-determination means only that of a territorial unit which, by the way, is neither demarcated nor defined yet, and there is no Union or Federal constitution of India in being, functioning as a sovereign Central Government, ours is a case of division and carving out sovereign States by way of settlement between two major nations, Hindus and Muslims, and not of severance or session from any existing Union which is non-existent in India. The right of self-determination which we claim postulates that we are a nation, and as such it would be the self-determination of the Mussalmans, and they alone are entitled to exercise that right.

I hope you will now understand that your question 15 (*a*) does not arise out of the Lahore resolution or of any part thereof. As to 15 (*b*), again it does not arise as a matter of clarification, for it will be a matter for the constitution-making body chosen by Pakistan to deal with and decide all matters as sovereign body representing Pakistan *vis-a-vis* the constitution-making body of Hindustan or any other party concerned. There cannot be defence and similar matters of common concern, when it is accepted that Pakistan and Hindustan will be two separate independent sovereign States.

8. *Extracts from Mahatma Gandhi's letter to Mr. Jinnah, September 22, 1944.*

..... I am unable to accept the proposition that the Muslims of India are a nation distinct from the rest of the inhabitants of India. Mere assertion is no proof. .....

You seem to be averse to a plebiscite. In spite of the admitted importance of the League, there must be clear proof that the people affected desire partition. In my opinion all the people inhabiting the area ought to express their opinion specifically on this single issue of division. Adult suffrage is the best method, but I would accept any other equivalent.

You summarily reject the idea of common interest between the two arms. I can be no willing party to a division which does not provide for the simultaneous safeguarding of common interests such as defence, foreign affairs and the like. There will be no feeling of security by the people of India without a recognition of the natural and mutual obligations arising out of physical contiguity.

. .. .You adhere to the opinion often expressed by you that the August 1942 resolution is "inimical to the ideals and demands of Muslim India." There is no proof for this sweeping statement.

* * *

9. Extracts from Mr. Jinnah's letter to Mahatma Gandhi, September 23, 1944.

. .....I am sorry that you think I have summarily rejected the idea of common interest between two arms, and now you put it somewhat differently from 15(*b*), when you say there will be no feeling of security by the people of India without a recognition of the natural and mutual obligations arising out of physical contiguity. My answer, already given, is that it will be for the constitution-making body of Pakistan and that of Hindustan, or any other party concerned, to deal with such matters on the footing of their being two independent States.

I am really surprised when you say there is no proof of what you characterize as a sweeping statement of mine, that the August 1942 resolution is inimical to the ideals and demands of Muslim India. The resolution in its essence is as follows:—

(*a*) Immediate grant of complete independence and setting up immediately of a Federal Central Government on the basis of a united democratic Government of India with federated units or provinces, which means establishing a Hindu *Raj*.

(*b*) That this National Government so set up will evolve a scheme for a constituent assembly, which will be chosen

by adult franchise, which will prepare a constitution for the Government of India, which means that the constituent assembly chosen will be composed of an overwhelming majority of the Hindus, nearly 75 per cent.

(c) To enforce this demand of the Congress the August resolution decides on and sanctions a resort to mass civil disobedience at your command and when ordered by you as the sole dictator of the Congress.

This demand is basically and fundamentally opposed to the ideals and demands of Muslim India of Pakistan, as embodied in the Lahore resolution, and to enforce such a demand by means of resort to mass civil disobedience is inimical to the ideals and demands of Muslim India, and it would be a death-blow to Muslim India.....

* * *

10. Extracts from Mahatma Gandhi's letter to Mr. Jinnah, September 24, 1944.

. You must have no apprehensions that the August resolution will stand in the way of our reaching an agreement. The resolution dealt with the question of India as against Britain and it cannot stand in the way of our settlement

I proceed on the assumption that India is not to be regarded as two or more nations but as one family consisting of many members of whom the Muslims living in the north-west zones, *i.e.*, Baluchistan, Sind, North-West Frontier Province and that part of the Punjab where they are in absolute majority over all the other elements, and in parts of Bengal and Assam where they are in absolute majority, desire to live in separation from the rest of India.

Differing from you on the general basis I can yet recommend to the Congress and the country the acceptance of the claim for separation contained in the Muslim League resolution of Lahore of 1940 on my basis and on the following terms:

The areas should be demarcated by a Commission approved by the Congress and the League. The wishes of

the inhabitants of the areas demarcated should be ascertained through the votes of the adult population of the areas or through some equivalent method.

If the vote is in favour of separation it shall be agreed that these areas shall form a separate State as soon as possible after India is free from foreign domination and can therefore be constituted into two sovereign independent States. There shall be a treaty of separation which should also provide for the efficient and satisfactory administration of foreign affairs, defence, internal communications, customs, commerce and the like, which must necessarily continue to be the matters of common interest between the contracting parties.

The treaty shall also contain terms for safeguarding the rights of the minorities in the two States.

Immediately on the acceptance of this agreement by the Congress and the League the two shall decide upon a common course of action for the attainment of independence of India.

The League will, however, be free to remain out of any direct action to which the Congress may resort and in which the League may not be willing to participate.

* * *

11. Extracts from Mr. Jinnah's letter to Mahatma Gandhi, September 25, 1944.

.....You have already rejected the basis and fundamental principles of the Lahore resolution.

(1) You do not accept that the Mussalmans of India are a nation.

(2) You do not accept that the Mussalmans have an inherent right of self-determination.

(3) You do not accept that they alone are entitled to exercise this right of theirs for self-determination

(4) You do not accept that Pakistan is composed of two zones, North-West and North-East, comprising six provinces, namely, Sind, Baluchistan, North-West Frontier Province, the Punjab, Bengal and Assam, subject to territorial adjust-

ments that may be agreed upon, as indicated in the Lahore resolution.

* * *

.. .the August resolution, as I have already stated, is against the ideals and demands of the Muslim League. Further, there is the resolution of Jagat Narayan Lal, passed by the All-India Congress Committee in May, 1942, at Allahabad, which, in express terms, lays down as follows:

"The A.-I. C. C. is of opinion that any proposal to disintegrate India by giving liberty to any component State or territorial unit to secede from the Indian Union or Federation will be highly detrimental to the best interests of the people of the different states and provinces and the country as a whole and the Congress, therefore, cannot agree to any such proposal."

These two resolutions, so long as they stand, are a complete bar to any settlement on the basis ot the division of India as Pakistan and Hindustan.. . .....

* * *

Now let me take your main terms·

(*a*) "I proceed on the assumption that India is not to be regarded as two or more nations but as one family consisting of many members of whom the Muslims living in the north-west zones, *i.e.*, Baluchistan, Sind, North-West Frontier Province and that part of the Punjab where they are in absolute majority over all the other elements, and in parts of Bengal and Assam where they are in absolute majority, desire to live in separation from the rest of India" If this term were accepted and given effect to, the present boudaries of these provinces would be maimed and mutilated beyond redemption and leave us only with the husk, and it is opposed to the Lahore resolution.

(*b*) That even in these mutilated areas so defined, the right of self-determination will not be exercised by the Muslims but by the inhabitants of those areas so demarcated. This again is opposed to the fundamentals of the Lahore resolution.

(*c*) That if the vote is in favour of separation they shall

be allowed to form a separate State as soon as possible after India is free from foreign domination, whereas we propose that we should come to a complete settlement of our own immediately, and by our united front and efforts do everything in our power to secure the freedom and independence of the peoples of India on the basis of Pakistan and Hindustan.

(*d*) Next you say, "There shall be a treaty of separation which should also provide for the efficient and satisfactory administration of foreign affairs, defence, internal communications, customs, commerce and the like which must necessarily continue to be matters of common interest between the contracting parties" If these vital matters are to be administered by some central authority, you do not indicate what sort of authority or machinery will be set up to administer these matters, and how and to whom again that authority will be responsible According to the Lahore resolution, as I have already explained to you, all these matters, which are the life blood of any State, cannot be delegated to any central authority or Government. The matter of security of the two States and the natural and mutual obligations that may arise out of physical contiguity will be for the constitution-making body of Pakistan and that of Hindustan, or other party concerned, to deal with on the footing of their being two independent States.....

* * *

12. THE WAVELL[1] PLAN, 1945.

I. Statement of the Secretary of State,[2] House of Commons, June 14, 1945.

1. During the recent visit of Field-Marshall Viscount Wavell to this country His Majesty's Government reviewed with him a number of problems and discussed particularly the present political situation in India.

[1] Lord Wavell was Viceroy and Governor-General of India from October, 1943, to March, 1947.

[2] Mr. Leopold Amery (Conservative).

2. Members will be aware that since the offer by His Majesty's Government to India in March, 1942, there has been no further progress towards the solution of the Indian constitutional problem.

3. As was then stated, the working out of India's new constitutional system is a task which can only be carried through by the Indian peoples themselves.

4. While His Majesty's Government are at all times most anxious to do their utmost to assist the Indians in the working out of a new constitutional settlement, it would be a contradiction in terms to speak of the imposition by this country of self-governing institutions upon an unwilling India. Such a thing is not possible, nor could we accept the responsibility of enforcing such institutions at the very time when we were, by its purpose, withdrawing from all control of British Indian affairs.

5. The main constitutional position remains therefore as it was. The offer of March, 1942, stands in its entirety without change or qualification. His Majesty's Government still hope that the political leaders in India may be able to come to an agreement as to the procedure whereby India's permanent future form of government can be determined.

6. His Majesty's Government are, however, most anxious to make any contribution that is practicable to the breaking of the political deadlock in India While that deadlock lasts not only political but social and economic progress is being hampered.

7. The Indian administration, over-burdened with the great tasks laid upon it by the war against Japan and by the planning for the post-war period, is further strained by the political tension that exists.

8. All that is so urgently required to be done for agricultural and industrial development and for the peasants and workers of India cannot be carried through unless the whole-hearted co-operation of every community and section of the Indian people is forthcoming.

9. His Majesty's Government have, therefore, considered whether there is something which they could suggest in this

interim period, under the existing constitution, pending the formulation by Indians of their future constitutional arrangements, which would enable the main communities and parties to co-operate more closely together and with the British to the benefit of the people of India as a whole.

10. It is not the intention of His Majesty's Government to introduce any change contrary to the wishes of the major Indian communities. But they are willing to make possible some step forward during the interim period if the leaders of the principal Indian parties are prepared to agree to their suggestions and to co-operate in the successful conclusion of the war against Japan as well as in the reconstruction in India which must follow the final victory.

11. To this end they would be prepared to see an important change in the composition of the Viceroy's Executive. This is possible without making any change in the existing statute law except for one amendment to the Ninth Schedule to the Act of 1935. That Schedule contains a provision that not less than three members of the Executive must have had at least ten years' service under the Crown in India. If the proposals I am about to lay before the House meet with acceptance in India, that clause would have to be amended to dispense with that requirement.

12. It is proposed that the Executive Council should be reconstituted and that the Viceroy should in future make his selection for nomination to the Crown for appointment to his Executive from amongst leaders of Indian political life at the Centre and in the provinces, in proportions which would give a balanced representation of the main communities, including equal proportions of Moslems and Caste Hindus.

13. In order to pursue this object, the Viceroy will call into conference a number of leading Indian politicians who are the heads of the most important parties or who have had recent experience as Prime Ministers of Provinces, together with a few others of special experience and authority. The Viceroy intends to put before this conference the proposal that the Executive Council should be reconstituted as above

stated and to invite from the members of the conference a list of names. Out of these he would hope to be able to choose the future members whom he would recommend for appointment by His Majesty to the Viceroy's Council, although the responsibility for the recommendations must, of course, continue to rest with him, and his freedom of choice, therefore, remains unrestricted.

14. The members of his Council who are chosen as a result of this arrangement would, of course, accept the position on the basis that they would whole-heartedly co-operate in supporting and carrying through the war against Japan to its victorious conclusion.

15 The members of the Executive would be Indians with the exception of the Viceroy and the Commander-in-Chief, who would retain his position as War Member. This is essential so long as the defence of India remains a British responsibility.

16. Nothing contained in any of these proposals will affect the relations of the Crown with the Indian States through the Viceroy as Crown Representative.

17. The Viceroy has been authorised by His Majesty's Government to place this proposal before the Indian leaders. His Majesty's Government trust that the leaders of the Indian communities will respond For the success of such a plan must depend upon its acceptance in India and the degree to which responsible Indian politicians are prepared to co-operate with the object of making it a workable interim arrangement. In the absence of such general acceptance existing arrangements must necessarily continue.

18. If such co-operation can be achieved at the Centre it will no doubt be reflected in the provinces and so enable responsible Governments to be set up once again in those provinces where, owing to the withdrawal of the majority party from participation, it became necessary to put into force the powers of the Governors under Section 93 of the Act of 1935. It is to be hoped that in all the provinces these Governments would be based on the participation of the main

parties, thus smoothing up communal differences and allowing Ministers to concentrate upon their very heavy administrative tasks.

19. There is one further change which, if these proposals are accepted, His Majesty's Government suggest should follow.

20. That is, that External Affairs (other than those tribal and frontier matters which fall to be dealt with as part of the defence of India) should be placed in the charge of an Indian Member of the Viceroy's Executive so far as British India is concerned, and fully accredited representatives shall be appointed for the representation of India abroad.

21. By their acceptance of and co-operation in this scheme the Indian leaders will not only be able to make their immediate contribution to the direction of Indian affairs, but it is also to be hoped that their experience of co-operation in government will expedite agreement between them as to the method of working out the new constitutional arrangements.

22. His Majesty's Government consider, after the most careful study of the question, that the plan now suggested gives the utmost progress practicable within the present constitution. None of the changes suggested will in any way prejudice or prejudge the essential form of the future permanent constitution or constitutions for India.

23. His Majesty's Government feel certain that given goodwill and a genuine desire to co-operate on all sides, both British and Indian, these proposals can mark a genuine step forward in the collaboration of the British and Indian peoples towards Indian self-government and can assert the rightful position, and strengthen the influence, of India in the counsels of the nations.

II. Broadcast of Lord Wavell, Delhi, June 14, 1945.

I have been authorised by His Majesty's Government to place before Indian political leaders proposals designed to

ease the present political situation and to advance India towards her goal of full self-government. These proposals are at the present moment being explained to Parliament by the Secretary of State for India. My intention in this broadcast is to explain to you the proposals, the ideas underlying them, and the method by which I hope to put them into effect.

This is not an attempt to obtain or impose a constitutional settlement. His Majesty's Government had hoped that the leaders of the Indian parties would agree amongst themselves on a settlement of the communal issue, which is the main stumbling block, but this hope has not been fulfilled.

In the meantime, India has great opportunities to be taken and great problems to be solved, which require a common effort by the leading men of all parties. I therefore propose, with the full support of His Majesty's Government, to invite Indian leaders both of Central and Provincial politics to take counsel with me with a view to the formation of a new Executive Council more representative of organised political opinion. The proposed new Council would represent the main communities and would include equal proportions of Caste Hindus and Moslems. It would work, if formed, under the existing constitution. But it would be an entirely Indian Council, except for the Viceroy and the Commander-in-Chief, who would retain his position as War Member.

It is also proposed that the portfolio of External Affairs, which has hitherto been held by the Viceroy, should be placed in charge of an Indian Member of Council, so far as the interests of British India are concerned.

A further step proposed by His Majesty's Government is the appointment of a British High Commissioner in India, as in the Dominions, to represent Great Britain's commercial and other such interests in India.

Such a new Executive Council will, you realise, represent a definite advance on the road to self-government. It will be almost entirely Indian, and the Finance and Home Members will for the first time be Indians, while an Indian

will also be charged with the management of India's foreign affairs. Moreover, Members will now be selected by the Governor-General after consultation with political leaders, though their appointment will, of course, be subject to the approval of His Majesty the King-Emperor.

The Council will work within the frame-work of the present Constitution and there can be no question of the Governor-General agreeing not to exercise his constitutional power of control ; but it will of course not be exercised unreasonably.

I should make it clear that the formation of the Interim Government will in no way prejudice the final constitutional settlement.

The main tasks for this new Executive Council would be :—

First, to prosecute the war against Japan with the utmost energy till Japan is utterly defeated.

Secondly, to carry on the government of British India, with all the manifold tasks of post-war development in front of it, until a new permanent constitution can be agreed upon and come into force.

Thirdly, to consider, when the Members of the Government think it possible, the means by which such agreement can be achieved. The third task is most important. I want to make it quite clear that neither I nor His Majesty's Government have lost sight of the need for a long-term solution, and that the present proposals are intended to make a long-term solution easier.

I have considered the best means of forming such a Council; and have decided to invite the following to Viceregal Lodge to advise me :—

Those now holding office as Premier in a Provincial Government; and for provinces now under Section 93 Government, those who last held the office of Premier.

The Leader of the Congress party and the Deputy Leader of the Muslim League in the Central Assembly; the Leaders of the Congress Party and the Muslim League in the Council

of State; also the Leaders of the Nationalist Party and the European Group in the Assembly.

Mr. Gandhi and Mr. Jinnah as the recognised leaders of the two main political parties.

Rao Bahadur N. Shiva Raj to represent the Scheduled classes.

Master Tara Singh to represent the Sikhs.

Invitations to these gentlemen[1] are being handed to them to-day and it is proposed to assemble the Conference on 25th June at Simla where we shall be cooler than at Delhi.

I trust that all those invited will attend the Conference and give me their help On me and on them will lie a heavy responsibility in this fresh attempt to make progress towards a final settlement of India's future.

If the meeting is successful, I hope that we shall be able to agree on the formation of the new Executive Council at the Centre. I also hope that it will be possible for Ministries to reassume office and again undertake the tasks of Government in the provinces now administered under Section 93 of the Constitution Act and that these Ministries will be coalitions.

If the meeting should unfortunately fail, we must carry on as at present until the parties are ready to come together. The existing Executive Council, which has done such valuable work for India, will continue if other arrangements cannot be agreed.

But I have every hope that the meeting will succeed, if the party leaders will approach the problem with the sincere intention of working with me and with each other. I can assure them that there is behind this proposal a most genuine desire on the part of all responsible leaders in the United Kingdom and of the British people as a whole to help India towards her goal. I believe that this is more than a step towards the goal, it is a considerable stride forward and a stride on the right path.

I should make it clear that these proposals affect British

[1] No representative of the Hindu Mahasabha was invited.

India only and do not make any alteration in the relations of the Princes with the Crown Representative.

With the approval of His Majesty's Government, and after consultation with my Council, orders have been given for the immediate release of the members of the Working Committee of Congress who are still in detention. I propose to leave the final decision about the others still under detention as the result of the 1942 disturbances to the new Central Government, if formed, and to the Provincial Governments.

The appropriate time for fresh elections for the Central and provincial legislatures will be discussed at the conference.

III. Lord Wavell's Statement, Simla Conference, July 14, 1945.

Unfortunately, the Conference was unable to agree about the strength and composition of the Executive Council, and on the 29th June I undertook, with the approval of the Conference, to endeavour to produce a solution not based on any formula agreed in advance. I asked the parties to let me have lists of names, and said I would do what I could to produce a solution acceptable to the leaders and to the Conference.

I received lists from all parties represented here except from the European Group, who decided not to send a list, and the Muslim League. I was, however, determined that the Conference should not fail until I had made every possible effort to bring it to a successful ending. I therefore made my provisional selections including certain Muslim League names, and I have every reason to believe that if these selections had been acceptable here they would have been acceptable to His Majesty's Government.

My selections would, I think, have given a balanced and efficient Executive Council, whose composition would have been reasonably fair to all parties.

I did not find it possible, however, to accept the claims of any party in full. When I explained my solution to Mr. Jinnah he told me that it was not acceptable to the

Muslim League and he was so decided that I felt it would be useless to continue the discussion.

In the circumstances I did not show my selections as a whole to Mr. Jinnah, and there was no object in showing them to the other leaders. The Conference has, therefore, failed.

Nobody can regret this more than I do myself. I wish to make it clear that the responsibility for the failure is mine. The main idea underlying the Conference was mine. If it had succeeded its success could have been attributed to me and I cannot place the blame for its failure upon any of the parties.

IV. Mr. Jinnah's Statement,[1] Press Conference, Simla, July 14, 1945.

Mr Jinnah said, "On a final examination and analysis of the Wavell plan we found that it was a snare There was the combination consisting of Gandhi Hindu Congress, who stand for India's Hindu national independence as one India, and the latest exponent of geographical unity,[2] Lord Wavell, and Glancy[3]-Khizr,[4] who are bent upon creating disruption among the Mussalmans in the Punjab, and we were sought to be pushed into this arrangement, by which, if we had agreed to, as proposed by Lord Wavell, we would have signed our death warrant."

Mr. Jinnah continued, "Next, in the proposed Executive we would be reduced to a minority of one-third. All the other minorities, such as the Scheduled Castes, Sikhs and Christians, have the same goal as the Congress. They have their grievances as minorities, but their goal and ideology is and cannot be different from or otherwise than that of United India.

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[1] No authoritative version of this statement being available extracts have been quoted from Press reports.

[2] Speaking at the Indian Legislative Assembly on February 17, 1944, Lord Wavell said "You cannot alter geography. From the point of view of defence, of many internal and external economic problems, India is a natural unit."

[3] Sir Bertrand Glancy, Governor of the Punjab

[4] Malik Khizr Hyat Khan, Chief Minister of the Punjab.

Ethnically and culturally they are very closely knitted to the Hindu society. I am not against full justice being done to all the minorities and they should be fully safeguarded and protected as such, wherever they may be, but in the actual working and practice, invariably their vote will be against us and there is no safeguard for us except the Viceroy's veto, which, it is well-known to any constitutionalist, cannot be exercised lightly as every day business against majority decisions with regard to the policy and the principles that will have to be laid down and measures adopted, both administrative and legislative."

"On the top of this came the last straw on the camel's back, that even about the five members of the Muslim bloc which were allotted to us communalwise, which is the essence of the Wavell proposals, we were told that the Muslim League was not entitled to nominate all the Muslim representatives as our chosen spokemen and there were two claimants—the Congress which claimed two, and Glancy-Khizr on behalf of the Punjab claimed one. This move on the part of these two went at the very root and the very existence of the Muslim League regarding its position, character and status. But finally we broke as Lord Wavell insisted upon his having one non-Leaguer, a nominee of Malik Khizr Hyat Khan, representing the Punjab Muslims."

V. Statement[1] of Maulana Abul Kalam Azad[2] at Press Conference, Simla, July 14, 1945.

Maulana Azad explained the talks he had with the Viceroy on June 24 when he placed the Congress point of view before him. He said that he emphasised that (1) the present arrangement was purely temporary and interim, (2) it was a preliminary step to the goal of independence, and (3) the Working Committee wished to co-operate in every reasonable way but their decision required ratification by the All-India Congress Committee.

[1] No authoritative version of this statement being available, extracts have been quoted from Press reports.

[2] President of the Indian National Congress.

Maulana Azad threw further light on other points that (1) every effort should be made to give national character to the Indian Army and to bring about cordiality between the National Army and the National Government and the people, and (2) the Indian Government could not support any policy aimed at continuation of imperialist control of any of the countries in South-East Asia nor could it allow use of its resources in men and money.

Maulana Azad said that the Congress was prepared to accommodate the Muslim League consistently with its national policy. This would be made clear when the panel submitted by the Congress was officially released. Failure of the Conference, he added, was due to the uncompromising attitude taken by the League.

Continuing, Maulana Azad said that the British Government must share the responsibility for the communal situation in the country to-day. Settlement would be possible either now or in future only on a reasonable and fair term, he added.

"Two points arise out of the present position; the first is that the attitude of the Muslim League is responsible for the failure of the Conference and the second point which emerges from the situation is that after the refusal of the Muslim League the question naturally came before the Viceroy whether a forward step should be taken or not. The Viceroy decided not to take it for the present", observed Maulana Azad.

Maulana Azad said that he had made it clear to the Viceroy that the Congress was prepared to go forward and if a certain group wished to keep out it might be left out.

"With a faltering step and wavering mind we cannot cover our destination", remarked Maulana Azad.

"It is good to think twice before taking a step forward. But when the step has already been taken hesitation is not virtue but weakness. If the British Government wished to give shape to things they should have realised the communal condition. They should have been prepared not to surrender the right of veto to any group and thus block the path of progress", Maulana Azad said.

13. ANNOUNCEMENT OF LORD PETHICK-LAWRENCE[1], HOUSE OF LORDS, FEBRUARY 19, 1946.

The House will recall that on 19th September, 1945, on his return to India after discussions with the British Government, the Viceroy made a statement of policy[2] in the course of which he outlined the positive steps to be taken immediately after the Central and Provincial elections to promote in conjunction with leaders of Indian opinion early realisation of full self-government in India.

Those steps include:

First, preparatory discussions with elected representatives of British India and with Indian States in order to secure the widest measure of agreement as to the method of framing a constitution.

Second, the setting up of a constitution-making body and third, the bringing into being of an Executive Council having the support of the main Indian parties.

Elections at the Centre were held at the end of last year and in some of the provinces they are also over and responsible Governments are in the process of formation. In other provinces polling dates are spread over the next few weeks. With the approach of the end of the electoral campaign, the British Government have been considering the most fruitful method of giving effect to the programme to which I have referred.

In view of the paramount importance not only to India and to the British Commonwealth but to the peace of the world

[1] Secretary of State for India in Mr Attlee's Cabinet

[2] In this statement Lord Wavell expressed the hope that 'ministerial responsibility will be accepted by political leaders in all Provinces" on the conclusion of elections to the Cenral and Provincial Legislatures during the cold weather of 1945-46. He added, "It is the intention of His Majesty's Government to convene as soon as possible a constitution-making body H.M.G. are proceeding to the consideration of the content of the treaty which will require to be concluded between Great Britain and India .. H.M.G. have..... authorised me, as soon as the results of the Provincial elections are published, to take steps to bring into being an Executive Council which will have the support of the main Indian parties."

of a successful outcome of discussions with leaders of Indian opinion the British Government have decided with the approval of His Majesty the King to send out to India a special mission of Cabinet Ministers consisting of the Secretary of State of India (Lord Pethick-Lawrence), the President of the Board of Trade (Sir Stafford Cripps) and the First Lord of the Admiralty (Mr A V. Alexander) to act in association with the Viceroy in this matter.

This decision has full concurrence of Lord Wavell

I feel sure that the House will give its support and goodwill to the Ministers and the Viceroy in carrying out a task in which the future of 400,000,000 people and crucial issues both for India and the world will be at stake

14. EXTRACTS FROM SPEECH OF MR. ATTLEE,[1] HOUSE OF COMMONS, MARCH 15, 1946.

I do not intend to make a long speech today, and I do not think it would be wise to do so. In particular, I think it would be most unhelpful to review the past. It is so easy to go back over the past and, in accordance with one's predilections, apportion the blame for past failure in the long drawn out discussions there have been on this extraordinarily difficult problem—the problem of the development of India into a completely self-governing nation Over such a long period of the past it is so easy to say that at this stage or at that stage opportunities were missed by the faults of one side or the other. I think also . .it would be a great mistake to stake out the claims of rival communities; we may be quite sure that will be done any way.

I have had a fairly close connection with this problem now for nearly 20 years, and I would say there have been faults on all sides but at this time we should be looking to the future rather than harking back to the past This alone I would say to hon. Members that it is no good applying the formulæ of the past to the present position. The tempera-

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[1] Prime Minister of England

ture of 1946 is not the temperature of 1920 or of 1930 or even of 1942. The slogans of an early day are discarded. Indeed, sometimes words that seemed at that time to Indians to express the height of their aspirations are now set on one side, and other words, other ideas, are substituted. Nothing increases more the pace of the movement of public opinion than a great war. Everyone who had anything to do with this question in the early days between the wars knows what an effect the war of 1914-18 had on Indian aspirations and Indian ideals. A tide which runs slowly in peace becomes in war-time vastly accelerated, especially directly after a war, because that tide is to some extent banked up during the war.

I am quite certain that at the present time the tide of nationalism is running very fast in India and, indeed, all over Asia One always has to remember that India is affected by what happens elsewhere in Asia. I remember so well, when I was on the Simon Commission, how it was borne on upon us what an effect the challenge that had been thrown out by Japan at that time had had on the Asiatic people. The tide of nationalism that at one time seemed to be canalised among a comparatively small proportion of the people of India—mainly a few of the educated classes—has tended to spread wider and wider. I remember so well, indeed, I think we put it in the Simon Commission Report,[1] that although there were great differences in the expression of nationalist sentiment between what are called the extremists and the moderates, and although in many circumstances there might be such a stress on communal claims as might seem almost to exclude the conception of nationalism, yet we found that Hindu, Muslim Sikh or Mahrattah, the politician or civil servant—among all of them that conception of nationalism had been growing stronger and stronger. To-day I think that national idea has spread right through and not least, perhaps, among some of those soldiers who have given such wonderful service in the war. I should like to-day, therefore, not to stress too much the differences between Indians. Let us all realise that what-

[1] Mr Attlee was a member of the Simon Commi

ever the difficulties, whatever the divisions may be, there is the underlying demand among all the Indian peoples

The right hon. gentleman[1] did not suggest that the Government should publish any exact terms of reference of the Mission. We have set out the general purpose and it is our intention that they should be given as free a hand as possible. There will be matters, undoubtedly, on which it will be necessary to refer back for a Cabinet decision, but in the rather fluid position at the present time, when we desire to get the utmost co-operation and goodwill between all the leaders of Indian opinion, it would be unwise to try to tie down those who are going out too rigidly. Indeed the obvious reason of sending out Cabinet Ministers is that we send out persons of responsibility who are able to take decisions. Of course, there must be an area in which there may have to be a reference back.

The right hon. gentleman stressed the great part India played during the war. It is worth while recording that twice in 25 years India has played a great part in the defeat of tyranny. Is it any wonder that to-day she claims—as a nation of 400,000,000 people that has twice sent her sons to die for freedom—that she should herself have freedom to decide her own destiny? My colleagues are going to India with the intention of using their utmost endeavours to help her to attain that freedom as speedily and fully as possible. What form of government is to replace the present regime is for India to decide; but our desire is to help her to set up forthwith the machinery for making that decision. There we are met sometimes with the initial difficulty of getting that machinery set up. We are resolved that machinery shall be set up and we seek the utmost co-operation of all Indian leaders to do so.

The right hon. gentleman quoted the statement[2] that had been made with regard to India's future. India herself must choose what will be her future constitution; what will be her position in the world. I hope that the Indian

[1] Mr R. A. Butler, who spoke on behalf of the Conservatives.
[2] Statement of Mr. Amery, June 14, 1945. See pp. 91-95.

people may elect to remain within the British Commonwealth. I am certain that she will find great advantages in doing so. In these days that demand for complete, isolated nationhood, apart from the rest of the world, is really outdated. Unity may come through the United Nations, or through the Commonwealth, but no great nation can stand alone without sharing in what is happening in the world. But if she does so elect, it must be by her own free will. The British Commonwealth and Empire is not bound together by chains of external compulsion It is a free association of free peoples. If, on the other hand, she elects for independence, in our view she has a right to do so. It will be for us to help to make the transition as smooth and easy as possible.

We should be conscious that the British have done a great work in India. We have united India and given her that sense of nationality which she so very largely lacked over the previous centuries. She has learned from us principles of democracy and justice. When Indians attack our rule, they base their attack, not on Indian principles, but on the basis of standards derived from Britain. I was very struck the other day in the United States, at a dinner where I met a number of distinguished Americans, including a very distinguished Indian, where the talk was turning on the way in which principles worked out here have been applied on the continent of America. It was pointed out that America had a great heritage from Britain. My Indian friend said to me, "You know, the Americans sometimes forget there is another great nation that has also inherited these principles and traditions, and that is India. We feel that we have a duty, a right and a privilege because we also bring to the world and work those very principles that you evolved in Britain."

I am well aware, when I speak of India, that I speak of a country containing a congeries of races, religions and languages, and I know well all the difficulties thereby created. But those difficulties can only be overcome by Indians. We are very mindful of the rights of Minorities and Minorities should be able to live free from fear. On the other hand, we

cannot allow a Minority to place a veto on the advance of the Majority.

We cannot dictate how these difficulties may be overcome. Our first duty is to get the machinery of decision set up That is the main purpose of my hon. friends and the Viceroy. We also want to see set up an Interim Government. One of the purposes of the Bill[1] which has been discussed to-day is to give the Viceroy a greater freedom in order that in the period that shall elapse while this constitution is being worked out, we may have a Government commanding the greatest possible support in India I would not like to fetter the Viceroy's discretion in any way with regard to the allocation of portfolios.

There were a number of points my right hon friend mentioned with which I should like to deal. There is the problem of the Indian States. In many Indian States great advances have been made in democratic institutions, and a most interesting experiment is now going forward in Travancore, under the guidance of the distinguished statesman, Sir C. P. Ramaswami Aiyar [2] Of course, the feelings in British India in regard to nationalism and the unity of India cannot be confined by the boundaries that separate these States from the provinces. I hope that the statesmen of British India and of princely India will be able to work out a solution of the problem of bringing together, in one great polity, these disparate constituent parts. There again, we must see that the Indian States find their due place, there can be no positive veto on advance, and I do not believe for a moment that the Indian princes would desire to be a bar to the forward march of India. But, as in the case of any other problems, this is a matter that Indians will settle themselves.

I am very well aware, as we all are, of the Minority problems in India, and I think that Indian leaders are more and more realising the need for settling them if India is to have a smooth passage in future years. I believe that due

(Central Government and Legislature)' Act, 1946
n of Travancore

provision will be made for that in the Constitution, and my right hon. friends, in their conversation, will certainly not neglect the point. We must, however, recognise that we cannot make Indians responsible for governing themselves and, at the same time, retain over here responsibility for the treatment of Minorities and the power to intervene in their behalf. We are mindful, too, I can assure the right hon gentleman, of the position of the Services—the men who have done great service to India and the position of their families. I think India should be sensible of the responsibility she has towards those who have served her, and I think that a Government which takes over, so to speak, the assets of our Government will also have to take over the liabilities There again, that is a point to be dealt with later on. It does not concern the immediate purpose of setting up what I have called the instrument of decision. I entirely agree with what the right hon. gentleman said with regard to the Treaty.[1] That Treaty is primarily for India We are not going to hang out for anything for our own advantage which would be a disadvantage to India.

In conclusion, may I stress again the crucial nature of the task before us This problem is of vital importance not only to India and the British Commonwealth and Empire, but to the world. There is this immense nation, set in the midst of Asia which has been ravaged by war. Here we have the one great country that has been seeking to apply the principles of democracy. I have always hoped myself that politically India might be the light of Asia. . . . . At the present moment I do not think I should say anything on the social and economic difficulties[2] to which the right hon. gentleman referred except this: I believe that those economic and social difficulties can only be solved by the Indians themselves, because they are so closely bound up with the whole Indian

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[1] Mr Butler said, " we should not seek in that treaty to provide for any thing incompatible with the interests of India".

[2] Mr. Butler said, "May I say how deeply we feel for India in facing the economic and social problems which beset her at the present time, and which cannot but obtrude themselves on the attention of His Majesty's Ministers?"

way of life and outlook. Whatever we can to assist, we shall do. My right hon. friends are going out to India resolved to succeed and I am sure everyone will wish them God-Speed.

15. CORRESPONDENCE OF THE CABINET MISSION WITH THE CONGRESS AND THE LEAGUE, APRIL 27—MAY 12, 1946.

1. From Lord Pethick-Lawrence to Maulana Abul Kalam Azad[1] and Mr. M. A. Jinnah,[2] April 27, 1946.

The Cabinet Mission and His Excellency the Viceroy have carefully reviewed the opinions expressed to them by the various representatives they have interviewed and have come to the conclusion that they should make one further attempt to obtain agreement between the Muslim League and the Congress.

They realise that it would be useless to ask the two parties to meet unless they were able to place before them a basis of negotiation which could lead to such an agreement.

I am, therefore, asked to invite the Muslim League to send four negotiators to meet the Cabinet Mission and the Viceroy together with a similar number from the Congress Working Committee with a view to discussing the possibility of agreement upon a scheme based upon the following fundamental principles:—

The future constitutional structure of British India to be as follows:—

A Union Government dealing with the following subjects:—Foreign Affairs, Defence and Communications. There will be two Groups of provinces, the one of the predominantly Hindu provinces and the other of the predominantly Muslim provinces, dealing with all other subjects which the provinces in the respective Groups desire to be dealt with in common. The Provincial Governments will deal with all other subjects and will have all the residuary sovereign rights.

It is contemplated that the Indian States will take their

[1] President of the Indian National Congress
[2] President of the Muslim League.

appropriate place in this structure on terms to be negotiated with them.

I would point out that we do not think it either necessary or desirable further to elaborate these principles as all other matters could be dealt with in the course of the negotiations.

If the Muslim League and Congress are prepared to enter into negotiations on this basis you will perhaps be so good as to let me know the names of the four people appointed to negotiate on their behalf. As soon as I receive these, I will let you know the locus of the negotiations which will in all probability be in Simla, where the climate will be more temperate.

2. From Maulana Azad to Lord Pethick-Lawrence, April 28, 1946.

I thank you for your letter of April 27th. I have consulted my colleagues of the Congress Working Committee in regard to the suggestion made by you, and they desire me to inform you that they have always been willing to discuss fully any matters concerning the future of India with representatives of the Muslim League or any other organisation. I must point out, however, that the "fundamental principles" which you mention require amplification and elucidation in order to avoid any misunderstanding.

As you are aware, we have envisaged a Federal Union of autonomous units Such a Federal Union must of necessity deal with certain essential subjects of which Defence and its allied subjects are the most important. It must be organic and must have both an executive and legislative machinery as well as the finance relating to these subjects and the power to raise revenues for these purposes in its own right. Without these functions and powers it would be weak and disjointed and defence and progress in general would suffer. Thus among the common subjects in addition to Foreign Affairs, Defence and Communications, there should be currency, customs, tariffs and such other subjects as may be found on closer scrutiny to be intimately allied to them.

Your reference to two Groups of provinces, the one of the

predominantly Hindu provinces and the other of the predominantly Muslim provinces, is not clear The only predominantly Muslim provinces are the North-West Frontier Province, Sind and Baluchistan. Bengal and Punjab have a bare Muslim majority. We consider it wrong to form Groups of provinces under the Federal Union and more so on religious or communal basis It also appears that you leave no choice to a province in the matter of joining or not joining a Group It is by no means certain that a province as constituted would like to join any particular Group. In any event it would be wholly wrong to compel a province to function against its own wish. While we agree to the provinces having full powers in regard to all remaining subjects as well as the residuary powers, we have also stated that it should be open to any province to exercise its option to have more common subjects with the Federal Union. Any sub-federation within the Federal Union would weaken the Federal Centre and would be otherwise wrong. We do not, therefore, favour any such development.

Regarding the Indian States we should like to make it clear that we consider it essential that they should be parts of the Federal Union in regard to the common subjects mentioned above. The manner of their coming into the Union can be considered fully later.

You have referred to certain "fundamental principles" but there is no mention of the basic issue before us, that is, Indian independence and the consequent withdrawal of the British army from India. It is only on this basis that we can discuss the future of India, or any interim arrangement.

While we are ready to carry on negotiations with any party as to the future of India, we must state our convictions that reality will be absent from any negotiations whilst an outside ruling power still exists in India.

I have asked three of my colleagues of the Congress Working Committee, namely, Pandit Jawaharlal Nehru, Sardar Vallabhbhai Patel and Khan Abdul Ghaffar Khan to accompany me in any negotiations that may take place as a result of your suggestion.

3. From Mr. Jinnah to Lord Pethick-Lawrence, April 29, 1946.

I thank you for your letter of the 27th April, which I placed before my Working Committee yesterday morning.

My colleagues and I fully appreciate the further attempt that the Cabinet Mission and His Excellency the Viceroy are making to bring about an agreement between the Muslim League and the Congress by proposing a meeting of the representatives of the two organisations for the purpose of negotiating an agreement. They, however, desire me to invite your attention to the position taken up by the Muslim League since the passing of the Lahore Resolution in 1940 and, thereafter, successfully endorsed by the All-India Muslim League sessions and again by the convention of the Muslim League legislators, as recently as the 9th of April, 1946, as per copy enclosed.

The Working Committee desire to point out that many important matters, both of principle and detail, in your brief letter require elucidation and clarification, which, in their opinion, can be achieved at the meeting proposed by you.

Therefore, without prejudice or commitment, the Working Committee, in their anxiety to assist in finding an agreed solution of the Indian constitutional problem, have authorised me to nominate three representatives on behalf of the Muslim League to participate in the negotiations. The following are the four names: 1. Mr. M. A. Jinnah, 2. Nawab Mohammad Ismail Khan, 3. Nawabzada Liaquat Ali Khan, and, 4. Sardar Abdur Rab Nishtar.

Enclosure

Resolution passed by the Subjects Committee, to be placed before the All-India Muslim League Legislators Convention on April 9th, 1946.

Whereas in this vast sub-continent of India a hundred million Muslims are the adherents of a Faith which regulates

every department of their life (educational, social, economic and political), whose code is not confined merely to spiritual doctrines and tenets or rituals and ceremonies and which stands in sharp contrast to the exclusive nature of Hindu *Dharma* and Philosophy which has fostered and maintained for thousands of years a rigid Caste System resulting in the degradation of 60 million human beings to the position of untouchables, creation of unnatural barriers between man and man and superimposition of social and economic inequalities on a large body of the people of this country, and which threatens to reduce Muslims, Christians and other minorities to the status of irredeemable helots, socially and economically ;

Whereas the Hindu Caste System is a direct negation of nationalism, equality, democracy and all the noble ideals that Islam stands for ;

Whereas different historical backgrounds, traditions, cultures and social and economic orders of the Hindus and Muslims have made impossible the evolution of a single Indian nation inspired by common aspirations and ideals and whereas after centuries they still remain two distinct major nations ;

Whereas soon after the introduction by the British of the policy of setting up political institutions in India on the lines of Western democracies based on majority rule which meant that the majority of one nation or society could impose its will on the majority of the other nation or society in spite of their opposition as was amply demonstrated during the two and a half years regime of Congress Government in the Hindu majority Provinces under the Government of India Act, 1935, when the Muslims were subjected to untold harassment and oppression as a result of which they were convinced of the futility and ineffectiveness of the so-called safeguards provided in the Constitution and in the Instrument of Instructions to the Governors and were driven to the irresistible conclusion that in a United Indian Federation, if established, the Muslims even in majority Provinces would meet no better fate and their rights and interests could never be adequately protected against perpetual Hindu Majority at the Centre ;

Whereas the Muslims are convinced that with a view to save Muslim India from the domination of the Hindus and in order to afford them full scope to develop themselves according to their genius, it is necessary to constitute a sovereign independent State comprising Bengal and Assam in the North-East zone and the Punjab, North-West Frontier Province, Sind and Baluchistan in the North-West zone :

This Convention of the Muslim League Legislators of India, Central and Provincial, after careful consideration hereby declares that the Muslim Nation will never submit to any constitution for a United India and will never participate in any single constitution-making machinery set up for the purpose, and that any formula devised by the British Government for transferring power from the British to the peoples of India, which does not conform to the following just and equitable principles calculated to maintain internal peace and tranquillity in the country, will not contribute to the solution of the Indian problem:

1. That the zones comprising Bengal and Assam in the North-East and the Punjab, North-West Frontier Province, Sind and Baluchistan in the North-West of India, namely Pakistan zones, where the Muslims are in a dominant majority, be constituted into a sovereign independent State and that an unequivocal undertaking be given to implement the establishment of Pakistan without delay ;

2. That two separate constitution-making bodies be set up by the peoples of Pakistan and Hindustan for the purpose of framing their respective constitutions ;

3. That the minorities in Pakistan and Hindustan be provided with safeguards on the lines of the All-India Muslim League Resolution passed on the 23rd March 1940, at Lahore;

4. That the acceptance of the Muslim League demand of Pakistan and its implementation without delay are the *sine qua non* for the Muslim League co-operation and participation in the formation of an interim Government at the Centre.

This Convention further emphatically declares that any attempt to impose a constitution on a United India basis or to

force any interim arrangement at the Centre contrary to the Muslim League demand will leave the Muslims no alternative but to resist such imposition by all possible means for their survival and national existence.

4. From Lord Pethick-Lawrence to Maulana Azad, April 29, 1946.

Thank you for your letter of 28th April. The Cabinet Delegation are very glad to know that the Congress agree to enter the joint discussion with representatives of the Muslim League and ourselves.

We have taken note of the views you have expressed on behalf of the Working Committee of the Congress. These appear to deal with matters which can be discussed at the Conference, for we have never contemplated that acceptance by Congress and the Muslim League of our invitation would imply, as a preliminary condition, full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement, and what we have asked the Congress Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Muslim League in order to discuss it.

Assuming that the Muslim League, whose reply we expect to receive in the course of the afternoon, also accept our invitation, we propose that these discussions should be held at Simla, and intend to move there ourselves on Wednesday next. We hope that you will be able to arrange for the Congress representatives to be in Simla in time to open the discussions on the morning of Thursday, May second.

5. From Lord Pethick-Lawrence to Mr. Jinnah, April 29, 1946.

Thank you for your letter of the 29th April. The Cabinet Delegation are very glad to know that the Muslim League agree to enter the joint discussion with the representatives of the Congress and ourselves. I am glad to say I have received a letter from the President of the Congress to say

that they are also willing to participate in the proposed discussions and have nominated Maulana Azad, Pandit Nehru, Sardar Vallabhbhai Patel and Khan Abdul Ghaffar Khan as their representatives.

We have taken note of the resolution of the Muslim League to which you draw our attention We have never contemplated that acceptance by the Muslim League and the Congress of our invitation would imply, as a preliminary condition, full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement and what we have asked the Muslim League Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Congress in order to discuss it.

We propose that these discussions should be held at Simla and intend to move there ourselves on Wednesday next. We hope that you will be able to arrange for the Muslim League representatives to be in Simla in time to open the discussions on the morning of Thursday, May second.

(*Agenda*):

1. Groups of Provinces:—
   - (A) Composition.
   - (B) Method of deciding Group Subjects.
   - (C) Character of Group organisation.
2. Union:—
   - (A) Union subjects.
   - (B) Character of Union constitution.
   - (C) Finance.
3. Constitution-making machinery:—
   - (A) Composition.
   - (B) Functions:
     - (I) In respect of Union ;
     - (II) In respect of Groups ;
     - (III) In respect of Provinces.

[*The Tripartite Conference opened on May 5, 1946.*]

6. From Maulana Azad to Lord Pethick-Lawrence, May 6, 1946.

My colleagues and I followed with care the proceedings of the Conference yesterday and tried to understand what our conversations were leading up to. I confess to feeling somewhat mystified and disturbed at the vagueness of our talks and some of the assumptions underlying them. While we would like to associate ourselves with every effort to explore ways and means of finding a basis for agreement, we must not deceive ourselves, the Cabinet Mission or the representatives of the Muslim League into the belief that the way the Conference has so far proceeded furnishes hope of success. Our general approach to the questions before us was stated briefly in my letter to you of April 28. We find that this approach has been largely ignored and a contrary method has been followed. We realise that some assumptions have to be made in the early stages as otherwise there can be no progress. But assumptions which ignore or run contrary to fundamental issues are likely to lead to misunderstandings during the later stages.

In my letter of April 28th I stated that the basic issue before us was that of Indian independence and the consequent withdrawal of the British army from India, for there can be no independence so long as there is a foreign army on Indian soil. We stand for the independence of the whole of India now and not in the distant or near future. Other matters are subsidiary to this and can be fitly discussed and decided by the Constituent Assembly.

At the Conference yesterday I referred to this again and we were glad to find that you and your colleagues, as well as the other members of the Conference, accepted Indian independence as the basis of our talks. It was stated by you that the Constituent Assembly would finally decide about the nexus or other relationship that might be established between a Free India and England. While this is perfectly true, it does not affect the position now, and that is the acceptance of Indian independence now.

If that is so then certain consequences inevitably follow We felt yesterday that there was no appreciation of these consequences A Constituent Assembly is not going to decide the question of independence , that question must be and we take it has been decided now That Assembly will represent the will of the free Indian nation and give effect to it It is not going to be bound by any previous arrangements It has to be preceded by a Provisional Government which must function as far as possible as a Government of Free India, and which should undertake to make all arrangements for the transitional period

In our discussions yesterday repeated references were made to Groups' of provinces functioning together and it was even suggested that such a Group would have an executive and legislative machinery This method of Grouping has not so far been discussed by us but still our talks seemed to presume all this I should like to make it very clear that we are entirely opposed to any executive or legislative machinery for a group of provinces or units of the Federation That will be sub federation if not something more, and we have already told you that we do not accept this It would result in creating three layers of executive and legislative bodies, an arrangement which will be cumbrous, static and disjointed, leading to continuous friction We are not aware of any such arrangement in any country

We are emphatically of opinion that it is not open to the Conference to entertain any suggestions for a division of India If this is to come, it should come through the Constituent Assembly free from any influence of the present governing power

Another point we wish to make clear is that we do not accept the proposal for parity as between Groups in regard to the Executive or Legislature We realise that everything possible should be done to remove fears and suspicions from the mind of every group and community But the way to do this is not by unreal methods which go against the basic principles of democracy on which we hope to build up our constitution

7. From Lord Pethick-Lawrence to Maulana Azad and Mr. Jinnah, May 8, 1946.

My colleagues and I have been thinking over the best method of laying before the Conference what in our judgment seems the most likely basis of agreement as shown by the deliberations so far.

We have come to the conclusion that it will be for the convenience of the parties if we commit this to writing and send them confidential copies before the Conference meets again.

We hope to be in a position to let you have this in the course of the morning. But as this will give you too short a time to study it adequately before the proposed resumption of the Conference at three o'clock this afternoon I feel sure that you will agree that the meeting be postponed until the same hours (3 o'clock) to-morrow afternoon, Thursday, 9th May, and I hope that you will concur in this change of time which we are convinced is in the interests of all parties.

8. From Private Secretary to Lord Pethick-Lawrence to Maulana Azad and Mr. Jinnah, May 8, 1946.

With reference to the Secretary of State's letter to you this morning the Cabinet Delegation wish me to send to you the enclosed document which is the paper to which the Secretary of State referred. The Delegation propose that this paper should be discussed at the next meeting to be held on Thursday afternoon at 3 p.m. if that is agreeable to the Congress/Muslim League delegates.

Enclosure:

Suggested points for agreement between the representatives of Congress and the Muslim League:—

1. There shall be an All-India Union Government and Legislature dealing with Foreign Affairs, Defence, Communications, Fundamental Rights and having the necessary powers to obtain for itself the finances it requires for these subjects.

2. All the remaining powers shall vest in the provinces.

3. Groups of provinces may be formed and such Groups may determine the provincial subjects which they desire to take in common.

4. The Groups may set up their own Executives and Legislatures.

5. The Legislature of the Union shall be composed of equal proportions from the Muslim-majority provinces and from the Hindu-majority provinces whether or not these or any of them have formed themselves into Groups, together with representatives of the States.

6. The Government of the Union shall be constituted in the same proportion as the Legislature.

7. The constitutions of the Union and the Group (if any) shall contain a provision whereby any province can by a majority vote of its Legislative Assembly call for a reconsideration of the terms of the constitution after an initial period of ten years and at ten yearly intervals thereafter.

For the purpose of such reconsideration a body shall be constituted on the same basis as the original Constituent Assembly and with the same provision as to voting and shall have power to amend the constitution in any way decided upon.

8. The constitution-making machinery, to arrive at a constitution on the above basis, shall be as follows:

A. Representatives shall be elected from each Provincial Assembly in proportion to the strength of the various parties in that Assembly on the basis of 1/10th of their numbers.

B. Representatives shall be invited from the States on the basis of their population in proportion to the representation from British India.

C. The Constituent Assembly so formed shall meet at the earliest date possible in New Delhi.

D. After its preliminary meeting at which the general order of business will be settled, it will divide into three sections, one section representing the Hindu-majority provinces,

one section representing the Muslim-majority provinces and one representing the States.

E. The first two sections will then meet separately to decide the provincial constitutions for their Group and, if they wish, a Group constitution.

F. When these have been settled it will be open to any province to decide to opt out of its original Group and go into the other Group or to remain outside any Group.

G. Thereafter the three bodies will meet together to settle the constitution for the Union on the lines agreed in paragraphs 1—7 above.

H. No major point in the Union constitution which affects the communal issue shall be deemed to be passed by the Assembly unless a majority of both the two major communities vote in its favour

9. The Viceroy shall forthwith call together the above constitution-making machinery which shall be governed by the provisions stated in paragraph 8 above.

9. *From Mr. Jinnah to Lord Pethick-Lawrence, May 8, 1946.*

I have now received the letter of your Private Secretary, dated 8th May, 1946, and the enclosed document to which you had referred in your earlier letter of 8th May, 1946. It is proposed by you that this "paper" be discussed at the next meeting of the Conference to be held on Thursday afternoon at 3 p.m. if this is agreeable to Muslim League Delegation.

Your proposal embodied in your letter of 27th April, 1946, runs as follows:—

"A Union Government dealing with the following subjects:—Foreign Affairs, Defence and Communications. There will be two Groups of provinces, the one of the predominantly Hindu provinces and the other of the predominantly Muslim provinces, dealing with all other subjects which the provinces in the respective Groups desire to be dealt with in common. The Provincial Governments will

deal with all other subjects and will have all residuary sovereign rights."

This matter was to be discussed at Simla and we agreed to attend the Conference on Sunday, 5th May, 1946, on the terms of my letter, dated 28th April, 1946.

You were good enough to explain your formula and then after hours of discussion on the 5th and 6th of May, the Congress finally and definitely turned down the proposed Union confined only to three subjects even with power to levy contribution for financing the Union.

Next, your formula clearly envisaged an agreement precedent between the Congress and the Muslim League with regard to the Grouping of Muslim and Hindu provinces and the formation of two federations of the grouped provinces and it followed that there must be two constitution-making machineries. It was on that basis that some kind of Union was suggested in your formula confined only to three subjects and our approval was sought in order to put into this skeleton blood and flesh. This proposal was also categorically turned down by the Congress and the meeting had to be adjourned for the Mission to consider the matter further as to what steps they may take in the matter.

And now the new enclosed document has been sent to us with a view that "this paper should be discussed at the next meeting to be held on Thursday afternoon at 3 p.m." The heading of the paper is "Suggested points for agreement between the representatives of Congress and the Muslim League." By whom are they suggested, it is not made clear.

We are of the opinion that the new suggested points for agreement are a fundamental departure from the original formula embodied in your letter of 27th April, which was rejected by the Congress.

To mention some of the important points, we are now asked to agree that there should be one all-India Union Government in terms of paragraphs 1—7 of this paper, which adds one more subject to be vested in the Union Government, *i.e.*, "fundamental rights" and it is not made clear whether the Union Government and Legislature will have

power or not to obtain for itself the finance by means of taxation.

In the new "Suggestions" the question of Grouping of provinces is left exactly as the Congress spokesmen desired in the course of discussions that have taken place hitherto, and is totally different from your original formula.

That there should be a single constitution-making body, we can never agree to· nor can we agree to the method of formation of constitution-making machineries suggested in the paper.

There are many other objectionable features contained in the suggestions which we have not dealt with as we are only dealing with the main points arising out of this paper. In these circumstances, we think, no useful purpose will be served to discuss this paper, as it is a complete departure from your original formula, unless after what we have said above you still desire us to discuss it in the Conference itself to-morrow.

10. From Lord Pethick-Lawrence to Mr. Jinnah,
May 9, 1946.

I have to acknowledge your letter of yesterday which I have shown to my colleagues. In it you raise a number of issues to which I propose to reply in order

1. You claim that Congress "finally and definitely turned down the proposed Union confined only to three subjects even with power to levy contribution for financing the Union." This statement is not in accord with my recollection of what took place in the Conference room. It is true that the Congress representatives expressed their view that the limitation was too narrow and argued further that even so limited it necessarily included certain ancillary matters. Up to a point you recognised that there was some force in the argument because you agreed, as I understood, that some power to obtain the necessary finance must be given. There was no final decision on this matter (or of course on any other).

2. Next you claim, if I understand you aright, that our reference to the formation of Groups is at variance with the

formula in our invitation. I am afraid I cannot accept this view. It is of course a slightly amplified form because it specifies the manner in which the provinces can decide as to joining any particular Group. This amplified form is put forward by us as a reasonable compromise between the views of the Muslim League and those originally expressed by Congress against Grouping at all.

3. You further take exception to the machinery that we suggest should be set up for making the constitution. I would point out to you however that you yourself in explaining how your two constitution-making bodies would work agreed on Tuesday last in the Conference that they would have to join together in the end to decide the constitution of the Union and you took no exception to their having a preliminary session in common to decide procedure. What we are proposing is in fact precisely the same thing expressed in different words. I am therefore quite at a loss to understand what you have in mind when you use the words: "this proposal was also categorically turned down by the Congress."

4. In your next succeeding paragraph you ask who it is that makes the suggestions that are contained in the document I sent you. The answer is the Cabinet Mission and His Excellency the Viceroy who make them in our endeavour to bridge the gap between the viewpoints of the Congress and the Muslim League.

5. You next take exception to our departing from the original formula in my invitation. I would remind you that in accepting my original invitation neither the Muslim League nor the Congress bound itself to accept in full the original formula, and in my reply of April 29th I wrote these words:—

"We have never contemplated that acceptance by the Muslim League and the Congress of our invitation would imply as a preliminary condition full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement and what we have asked the Muslim League Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the

Congress in order to discuss it." Indeed this is the only sensible attitude because the object of all our discussions is to explore every conceivable possibility of reaching agreement.

6. "Fundamental Rights" were included by us in our suggestions for addition to the list of Union subjects because it seemed to us that it would be of benefit both to the large communities and to the small minorities for them to be put in and, accordingly, to be worthy of consideration in our Conference. As to finance, it will of course be quite open to discuss in the Conference the precise significance of the inclusion of this word in its context.

7. Your two following paragraphs are mainly a recapitulation of your previous arguments and have been already dealt with above. From your last paragraph I understand that though you do not consider in the circumstances that any good purpose would be served by the attendance of the Muslim League delegation at the Conference fixed for this afternoon, you are willing to come if we express a desire that you should do so My colleagues and I wish to obtain the views of both parties on the document submitted and, therefore, would be glad to see you at the Conference.

11. From Maulana Azad to Lord Pethick-Lawrence, May 9, 1946.

My colleagues and I have given the most careful consideration to the memorandum sent by you yesterday suggesting various points of agreement. On the 28th April I sent you a letter in which I explained briefly the Congress viewpoint in regard to certain "Fundamental Principles" mentioned in your letter of 27th April. After the first day of the Conference, on May 6th, I wrote to you again to avoid any possible misunderstanding regarding the issues being discussed in the Conference.

I now find from your memorandum that some of your suggestions are entirely opposed to our views and to the views repeatedly declared by the Congress. We are thus placed in

a difficult position. It has been and is our desire to explore every avenue for a settlement and a change-over in India by consent, and for this purpose we are prepared to go far. But there are obvious limits beyond which we cannot go if we are convinced that this would be injurious to the people of India and to India's progress as a free nation.

In my previous letters I have laid stress on the necessity of having a strong and organic Federal Union. I have also stated that we do not approve of sub-federations or Grouping of provinces in the manner suggested, and are wholly opposed to parity in Executives or Legislatures as between wholly unequal Groups. We do not wish to come in the way of provinces or other units co-operating together, if they so choose, but this must be entirely optional.

The proposals you have put forward are meant, we presume, to limit the free discretion of the Constituent Assembly. We do not see how this can be done. We are at present concerned with one important aspect of a larger problem. Any decision on this aspect taken now might well conflict with the decisions we, or the Constituent Assembly, might want to take on other aspects.

The only reasonable course, it appears to us, is to have a Constituent Assembly with perfect freedom to draw up its constitution, with certain reservations to protect the rights of minorities. Thus we may agree that any major communal issue must be settled by consent of the parties concerned, or where such consent is not obtained, by arbitration.

From the proposals you have sent us (8 *D. E. F. G.*) it would appear that two or three separate constitutions might emerge for separate Groups, joined together by a flimsy common super-structure left to the mercy of the three disjointed Groups.

There is also compulsion in the early stages for a province to join a particular Group whether it wants to or not. Thus why should the Frontier Province, which is clearly a Congress province, be compelled to join any Group hostile to the Congress?

We realise that in dealing with human beings, as indi-

viduals or groups, many considerations have to be borne in mind besides logic and reason. But logic and reason cannot be ignored altogether, and unreason and injustice are dangerous companions at any time and, more especially, when we are building for the future of hundreds of millions of human beings.

I shall now deal with some of the points in your memorandum and make some suggestions in regard to them.

No. 1. We note that you have provided for the Union to have necessary powers to obtain for itself the finance it requires for the subjects it deals with. We think it should be clearly stated that the Federal Union must have power to raise revenues in its own right; further that currency and customs must in any event be included in the Union subjects, as well as such other subjects as on closer scrutiny may be found to be intimately allied to them. One other subject is an essential and inevitable Union subject and that is planning. Planning can only be done effectively at the Centre, though the Provinces or units will give effect to it in their respective areas.

The Union must also have power to take remedial action in cases of breakdown of the Constitution and in grave public emergencies.

Nos. 5 and 6.—We are entirely opposed to the proposed parity, both in the Executive and Legislature, as between wholly unequal Groups. This is unfair and will lead to trouble. Such a provision contains in itself the seed of conflict and the destruction of free growth. If there is no agreement on this or any similar matter, we are prepared to leave it to arbitration.

No. 7.—We are prepared to accept the suggestion that provision be made for a reconsideration of the Constitution after ten years. Indeed, the Constitution will necessarily provide the machinery for its revision at any time.

The second clause lays down that reconsideration should be done by a body constituted on the same basis as the Constituent Assembly. The present provision is intended to meet an emergency. We expect that the Constitution for

India will be based on adult suffrage. Ten years hence India is not likely to be satisfied with anything less than adult suffrage to express its mind on all grave issues.

No. 8.—*A*. We would suggest that the just and proper method of election, fair to all parties, is the method of proportional representation by single transferable vote.

It might be remembered that the present basis of election for the provincial Assemblies is strongly weighted in favour of the minorities.

The proportion of one-tenth appears to be too small and will limit the numbers of the Constituent Assembly too much. Probably the number would not exceed two hundred. In the vitally important tasks the Assembly will have to face, it should have larger numbers We suggest that at least one-fifth of the total membership of the provincial Assemblies should be elected for the Constituent Assembly.

No. 8.—*B*. This clause is vague and requires elucidation. But for the present we are not going into further details.

No. 8.—*D. E. F. G* I have already referred to these clauses. We think that both the formation of these Groups and the procedure suggested are wrong and undesirable. We do not wish to rule out the formation of the Groups if the provinces so desire. But this subject must be left open for decision by the Constituent Assembly. The drafting and setting of the constitution should begin with the Federal Union. This should contain common and uniform provisions for the provinces and other units The provinces may then add to these.

No. 8.—*H*. In the circumstances existing to-day we are prepared to accept some such clause. In case of disagreement the matter should be referred to arbitration.

I have pointed out above some of the obvious defects, as we see them, in the proposals contained in your memorandum. If these are remedied, as suggested by us, we might be in a position to recommend their acceptance by the Congress. But

as drafted in the memorandum sent to us, I regret that we are unable to accept them.

On the whole, therefore, if the suggestions are intended to have a binding effect, with all the will in the world to have an agreement with the League, we must repudiate most of them. Let us not run into any evil greater than the one all of us three parties should seek to avoid.

If an agreement honourable to both the parties and favourable to the growth of free and united India cannot be achieved we would suggest that an Interim Provisional Government responsible to the elected members of the Central Assembly be formed at once and the matters in dispute concerning the Constituent Assembly between the Congress and the League be referred to an independent tribunal.

[*Failure now seemed certain, but it was prevented by the generous statesmanship of Pandit Jawaharlal Nehru. He suggested that an umpire should be appointed to settle matters of difference between the parties. He wrote to and met Mr. Jinnah.*]

12. From Pandit Jawaharlal Nehru to Mr. Jinnah, May 10, 1946.

In accordance with our decision yesterday at the Conference, my colleagues have given a good deal of thought to the choice of a suitable umpire. We have felt that it would probably be desirable to exclude Englishmen, Hindus, Muslims and Sikhs. The field is thus limited Nevertheless we have drawn up a considerable list from which a choice can be made. I presume that you have also, in consultation with your executive prepared a list of possible umpires. Would you like these two lists to be considered by us, that is, by you and me? If so, we can fix up a meeting for the purpose After we have met, our recommendation can be considered by the eight of us, that is, the four representatives of the Congress and the four representatives of the Muslim League, and a final choice can be made, which we can place before the conference when it meets to-morrow.

13. From Mr. Jinnah to Pandit Nehru, May 10, 1946.

I received your letter of 10th May at 6 p.m.

At yesterday's meeting between you and me at the Viceregal Lodge, we discussed several points besides the fixing of an umpire. After a short discussion, we came to the conclusion that we will further examine your proposal made by you at the conference yesterday, with all its implications, after your and my consulting our respective colleagues.

I shall be glad to meet you to consider the various aspects of your proposal any time that may suit you to-morrow morning after 10 o'clock.

14. From Pandit Nehru to Mr. Jinnah, May 11, 1946.

Your letter of May 10 reached me at 10 last night.

During the talk we had at Viceregal Lodge, you referred to various matters besides the choice of an umpire and I gave you my reactions in regard to them but I was under the impression that the proposal to have an umpire had been agreed to and our next business was to suggest names. Indeed it was when some such agreement was reached in the conference that we had our talk. My colleagues have proceeded on this basis and prepared a list of suitable names. The conference will expect us to tell them this afternoon the name of the umpire we fix upon, or at any rate to place before them suggestions in this behalf.

The chief implication in having an umpire is to agree to accept his final decision. We agree to this. We suggest that we might start with this and report accordingly to the conference.

As suggested by you, I shall come over to your place of residence at about 10-30 this morning.

15. From Mr. Jinnah to Pandit Nehru, May 11, 1946.

I am in receipt of your letter of 11th May.

During the talk we had at the Viceregal Lodge which lasted for about fifteen or twenty minutes, I pointed out

various aspects and implications of your proposal and we had a discussion for a little while, but no agreement was arrived at between you and me on any point except that at your suggestion that you consult your colleagues and I should do likewise we adjourned to meet again the next day to further discuss the matter.

I shall be glad to meet you at ten-thirty this morning for a further talk.

16. League Memorandum, May 12, 1946.

Principles to be agreed to as our offer:

1. The six Muslim Provinces (Punjab, N.-W. F P., Baluchistan, Sind, Bengal and Assam) shall be grouped together as one Group and will deal with all other subjects and matters except Foreign Affairs, Defence and Communications necessary for Defence, which may be dealt with by the constitution-making bodies of the two Groups of Provinces—Muslim provinces (hereinafter named Pakistan Group) and Hindu provinces—sitting together.

2. There shall be a separate constitution-making body for the six Muslim provinces named above, which will frame constitutions for the Group and the provinces in the Group and will determine the list of subjects that shall be Provincial and Central (of the Pakistan Federation) with residuary sovereign powers vesting in the provinces.

3. The method of election of the representatives to the constitution-making body will be such as would secure proper representation to the various communities in proportion to their population in each province of the Pakistan Group.

4. After the constitutions of the Pakistan Federal Government and the provinces are finally framed by the constitution-making body, it will be open to any province of the Group to decide to opt out of its Group, provided the wishes of the people of that province are ascertained by a referendum to opt out or not.

5. It must be open to discussion in the joint constitution-making body as to whether the Union will have a Legislature or not. The method of providing the Union with finance should also be left for the decision of the joint meeting of the two constitution-making bodies, but in no event shall it be by means of taxation.

6. There should be parity of representation between the two Groups of provinces in the Union Executive and the Legislature, if any.

7. No major point in the constitution which affects the communal issue shall be deemed to be passed in the joint constitution-making body, unless the majority of the members of the constitution-making body of the Hindu provinces and the majority of the members of the constitution-making body of the Pakistan Group, present and voting, are separately in its favour.

8. No decision, legislative, executive or administrative, shall be taken by the Union in regard to any matter of controversial nature, except by a majority of three-fourths.

9. In Group and provincial constitutions fundamental rights and safeguards concerning religion, culture and other matters affecting the different communities will be provided for.

10. The constitution of the Union shall contain a provision whereby any province can, by a majority vote of its Legislative Assembly, call for reconsideration of the terms of the constitution, and will have the liberty to secede from the Union at any time after an initial period of ten years.

These are the principles of our offer for a peaceful and amicable settlement and this offer stands in its entirety and all matters mentioned herein are interdependent.

17. Congress Suggestions, May 12, 1946.

1. The Constituent Assembly to be formed as follows:—
   (*i*) Representatives shall be elected by each Provincial Assembly by proportional representation

(single transferable vote). The number so elected should be one-fifth of the number of members of the Assembly and they may be members of the Assembly or others.

(*ii*) Representatives from the States on the basis of their population in proportion to the representation from British India. How these representatives are to be chosen is to be considered later.

2. The Constituent Assembly shall draw up a Constitution for the Federal Union. This shall consist of an All-India Federal Government and Legislature dealing with Foreign Affairs, Defence, Communications, Fundamental Rights, Currency, Customs and Planning as well as such other subjects as, on closer scrutiny, may be found to be intimately allied to them. The Federal Union will have necessary powers to obtain for itself the finances it requires for these subjects and the power to raise revenues in its own right. The Union must also have power to take remedial action in cases of breakdown of the Constitution and in grave public emergencies.

3. All the remaining powers will vest in the provinces or units.

4. Groups of provinces may be formed and such Groups may determine the provincial subjects which they desire to take in common.

5. After the Constituent Assembly has decided the Constitution for the All-India Federal Union as laid down in paragraph two above, the representatives of the provinces may form Groups to decide the provincial Constitutions for their Group and, if they wish, a Group Constitution.

6. No major point in the All-India Federal Constitution which affects the communal issue shall be passed by the Constituent Assembly unless a majority of the members of the community or communities connected present in the Assembly and voting are separately in its favour provided that in case there is no agreement on any such issue it will be referred to arbitration. In case of doubt as to whether any

point is a major communal issue the Speaker will decide, or, if so desired, it may be referred to the Federal Court.

7. In the event of a dispute arising in the process of constitution-making the specific issue shall be referred to arbitration.

8. The constitution should provide machinery for its revision at any time subject to such checks as may be devised. If so desired, it may be specifically stated that this whole constitution may be reconsidered after ten years.

18. Congress Note on League Suggestions, May 12, 1946.

The approach of the Muslim League is so different from that of the Congress in regard to these matters that it is a little difficult to deal with each point separately without reference to the rest. The picture as envisaged by the Congress is briefly given in a separate note. From consideration of this note and the Muslim League's proposals the difficulties and the possible agreement will become obvious.

The Muslim League's proposals are dealt with below:—

(1) We suggest that the proper procedure is for one constitution-making body or one Constituent Assembly to meet for the whole of India and later for Groups to be formed if so desired by the provinces concerned. The matter should be left to the provinces and if they wish to function as a Group they are at liberty to do so and to frame their own constitution for the purpose.

In any event Assam has obviously no place in the Group mentioned, and the North-West Frontier Province, as the election shows, is not in favour of this proposal.

(2) We have agreed to residuary powers, apart from the Central subjects, vesting in the provinces. They can make such use of them as they like and, as has been stated above, function as a Group. What the ultimate nature of such a Group may be cannot be determined at this stage and should be left to the representatives of the provinces concerned.

(3) We have suggested that the most suitable method of election would be by single transferable vote. This would

give proper representation to the various communities in proportion to their present representation in the Legislatures. If the population proportion is taken, we have no particular objection, but this would lead to difficulties in all the provinces where there is weightage in favour of certain communities. The principle approved of would necessarily apply to all the provinces.

(4) There is no necessity for opting out of a province from its Group as the previous consent of the provinces is necessary for joining the Group.

(5) We consider it essential that the Federal Union should have a legislature. We also consider it essential that the Union should have power to raise its own revenue.

(6 and 7). We are entirely opposed to parity of representation as between Groups of provinces in the Union executive or legislature We think that the provision to the effect that no major communal issue in the Union constitution shall be deemed to be passed by the Constituent Assembly unless a majority of the members of the community or communities concerned present and voting in the Constituent Assembly are separately in its favour, is a sufficient and ample safeguard of all minorities We have suggested something wider and including all communities than has been proposed elsewhere. This may give rise to some difficulties in regard to small communities, but all such difficulties can be got over by reference to arbitration. We are prepared to consider the method of giving effect to this principle so as to make it more feasible

(8) This proposal is so sweeping in its nature that no Government or legislature can function at all. Once we have safeguarded major communal issues, other matters, whether controversial or not, require no safeguard. This will simply mean safeguarding vested interests of all kinds and preventing progress, or indeed any movement in any direction. We, therefore, entirely disapprove of it.

(9) We are entirely agreeable to the inclusion of fundamental rights and safeguards concerning religion, culture

and like matters in the constitution. We suggest that the proper place for this is the All-India Federal Union constitution. There should be uniformity in regard to these fundamental rights all over India.

(10) The constitution of the Union will inevitably contain provisions for its full reconsideration at the end of ten years. The matter will be open then for a complete reconsideration. Though it is implied, we would avoid reference to secession as we do not wish to encourage this idea.

16. STATEMENT BY THE CABINET DELEGATION AND THE VICEROY, MAY 16, 1946.

1. On March 15th last, just before the despatch of the Cabinet Delegation to India, Mr. Attlee, the British Prime Minister, used these words:—

"My colleagues are going to India with the intention of using their utmost endeavours to help her to attain her freedom as speedily and fully as possible. What form of Government is to replace the present regime is for India to decide; but our desire is to help her to set up forthwith the machinery for making that decision. . . . . ."

* * *

"I hope that India and her people may elect to remain within the British Commonwealth. I am certain that they will find great advantages in doing so. . . . ."

* * *

"But if she does so elect, it must be by her own free will. The British Commonwealth and Empire is not bound together by chains of external compulsion. It is a free association of free peoples. If, on the other hand, she elects for independence, in our view she has a right to do so. It will be for us to help to make the transition as smooth and easy as possible."

2. Charged in these historic words, we—the Cabinet Ministers and the Viceroy—have done our utmost to assist the two main political parties to reach agreement upon the fundamental issue of the unity or division of India. After prolonged discussions in New Delhi we succeeded in bringing the Congress and the Muslim League together in Conference at Simla. There was a full exchange of views and both parties were prepared to make considerable concessions in order to try to reach a settlement, but it ultimately proved impossible to close the remainder of the gap between the parties and so no agreement could be concluded. Since no agreement has been reached, we feel that it is our duty to put forward what we consider are the best arrangements possible to ensure a speedy setting up of the new constitution. This statement is made with the full approval of His Majesty's Government in the United Kingdom.

3. We have accordingly decided that immediate arrangements should be made whereby Indians may decide the future constitution of India, and an interim Government may be set up at once to carry on the administration of British India until such time as a new constitution can be brought into being. We have endeavoured to be just to the smaller as well as to the larger sections of the people; and to recommend a solution which will lead to a practicable way of governing the India of the future, and will give a sound basis for defence and a good opportunity for progress in the social, political and economic field.

4. It is not intended in this statement to review the voluminous evidence that has been submitted to the Mission; but it is right that we should state that it has shown an almost universal desire, outside the supporters of the Muslim League, for the unity of India[1].

[1] 'In a memorandum submitted to the Cabinet Mission the Communist party suggested that India should be divided into 'linguistically and culturally homogeneous National Units', each of which should have 'the right to decide freely whether they join the Union

5. This consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India; since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu-majority rule. This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion, and economic or other interests.

6. We therefore examined in the first instance the question of a separate and fully independent sovereign State of Pakistan as claimed by the Muslim League. Such a Pakistan would comprise two areas; one in the north-west consisting of the Provinces of the Punjab, Sind, North-West Frontier, and British Baluchistan; the other in the north-east consisting of the Provinces of Bengal and Assam. The League were prepared to consider adjustment of boundaries at a later stage, but insisted that the principle of Pakistan should first be acknowledged The argument for a separate State of Pakistan was based, first, upon the right of the Muslim majority to decide their method of government according to their wishes, and secondly, upon the necessity to include substantial areas in which Muslims are in a minority, in order to make Pakistan administratively and economically workable.

The size of the non-Muslim minorities in a Pakistan com-

(of India)' or form a separate sovereign state or another Indian Union', and added. "The Communist Party stands for a free voluntary democratic Indian Union of sovereign Units. It is firmly convinced that the best interests of the Indian masses will be served by their remaining together in one common Union " In a memorandum submitted to the Cabinet Mission the Hindu Mahasabha declared that the 'integrity and indivisibility' of India 'must be maintained' and added, "No community in India can rightfully claim to constitute a nation, much less a sovereign nation, with a separate homeland of its own". In a memorandum submitted to the Cabinet Mission the Akali party 'made it plain that the Sikhs were opposed to any possible partition of India'.

prising the whole of the six Provinces enumerated above would be very considerable as the following figures* show —

North Western Area—

	Muslim	Non Muslim
Punjab	16 217 242	12 201 577
North West Frontier Province	2 788 797	249 270
Sind	3 208 325	1 326 683
British Baluchistan	438 930	62 701
	22,653,294	13,840,231
	62.07%	37.93%

North-Eastern Area—

Bengal	33,005,434	27,301,091
Assam . . .	3,442,479	6,762,254
	36,447,913	34,063,345
	51.69%	48.31%

The Muslim minorities in the remainder of British India number some 20 million dispersed amongst a total population of 188 million.

These figures show that the setting up of a separate sovereign State of Pakistan on the lines claimed by the Muslim League would not solve the communal minority problem; nor can we see any justification for including within a sovereign Pakistan those districts of the Punjab and of Bengal and Assam in which the population is predominantly non-Muslim. Every argument that can be used in favour of Pakistan can equally, in our view, be used in favour of the exclusion of the non-Muslim areas from Pakistan. This point would particularly affect the position of the Sikhs.

7. We therefore considered whether a smaller sovereign

* All population figures in this statement are from the most recent census taken in 1941

Pakistan confined to the Muslim majority areas alone might be a possible basis of compromise. Such a Pakistan is regarded by the Muslim League as quite impracticable because it would entail the exclusion from Pakistan of (*a*) the whole of the Ambala and Jullundur Divisions in the Punjab; (*b*) the whole of Assam except the district of Sylhet; and (*c*) a large part of Western Bengal, including Calcutta, in which city the percentage of the Muslim population is 23·6%. We ourselves are also convinced that any solution which involves a radical partition of the Punjab and Bengal, as this would do, would be contrary to the wishes and interests of a very large proportion of the inhabitants of these Provinces. Bengal and the Punjab each has its own common language and a long history and tradition. Moreover, any division of the Punjab would of necessity divide the Sikhs, leaving substantial bodies of Sikhs on both sides of the boundary. We have therefore been forced to the conclusion that neither a larger nor a smaller sovereign State of Pakistan would provide an acceptable solution for the communal problem.

8. Apart from the great force of the foregoing arguments there are weighty administrative, economic and military considerations The whole of the transportation and postal and telegraph systems of India have been established on the basis of a united India. To disintegrate them would gravely injure both parts of India. The case for a united defence is even stronger. The Indian armed forces have been built up as a whole for the defence of India as a whole, and to break them in two would inflict a deadly blow on the long traditions and high degree of efficiency of the Indian Army and would entail the gravest dangers. The Indian Navy and Indian Air Force would become much less effective. The two sections of the suggested Pakistan contain the two most vulnerable frontiers in India and for a successful defence in depth the area of Pakistan would be insufficient.

9. A further consideration of importance is the greater difficulty which the Indian States would find in associating themselves with a divided British India.

10. Finally, there is the geographical fact that the two halves of the proposed Pakistan State are separated by some seven hundred miles and the communications between them both in war and peace would be dependent on the goodwill of Hindustan.

11. We are therefore unable to advise the British Government that the power which at present resides in British hands should be handed over to two entirely separate sovereign States.

12. This decision does not however blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be a dominating element. To meet this the Congress have put forward a scheme under which Provinces would have full autonomy subject only to a minimum of Central subjects, such as Foreign Affairs, Defence and Communications.

Under this scheme Provinces, if they wished to take part in economic and administrative planning on a large scale, could cede to the Centre optional subjects in addition to the compulsory ones mentioned above.

13. Such a scheme would, in our view, present considerable constitutional disadvantages and anomalies. It would be very difficult to work a Central Executive and Legislature in which some Ministers, who dealt with Compulsory subjects, were responsible to the whole of India while other Ministers, who dealt with Optional subjects, would be responsible only to those Provinces which had elected to act together in respect of such subjects. This difficulty would be accentuated in the Central Legislature, where it would be necessary to exclude certain members from speaking and voting when subjects with which their Provinces were not concerned were under discussion. Apart from the difficulty of working such a scheme, we do not consider that it would be fair to deny to other Provinces, which did not desire to take the Optional subjects at the Centre, the right

to form themselves into a Group for a similar purpose. This would indeed be no more than the exercise of their autonomous powers in a particular way.

14. Before putting forward our recommendations we turn to deal with the relationship of the Indian States to British India. It is quite clear that with the attainment of independence by British India, whether inside or outside the British Commonwealth, the relationship which has hitherto existed between the Rulers of the States and the British Crown will no longer be possible. Paramountcy can neither be retained by the British Crown nor transferred to the new Government. This fact has been fully recognised by those whom we interviewed from the States. They have at the same time assured us that the States are ready and willing to co-operate in the new development of India. The precise form which their co-operation will take must be a matter for negotiation during the building up of the new constitutional structure, and it by no means follows that it will be identical for all the States. We have not therefore dealt with the States in the same detail as the Provinces of British India in the paragraphs which follow.

15. We now indicate the nature of a solution which in our view would be just to the essential claims of all parties, and would at the same time be most likely to bring about a stable and practicable form of constitution for All-India.

We recommend that the constitution should take the following basic form :—

(1) There should be a Union of India, embracing both British India and the States, which should deal with the following subjects: Foreign affairs, Defence, and Communications; and should have the powers necessary to raise the finances required for the above subjects.

(2) The Union should have an Executive and a Legislature constituted from British Indian and States representatives. Any question raising a

major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.

(3) All subjects other than the Union subjects and all residuary powers should vest in the Provinces.

(4) The States will retain all subjects and powers other than those ceded to the Union.

(5) Provinces should be free to form Groups with executives and legislatures, and each Group could determine the Provincial subjects to be taken in common.

(6) The constitutions of the Union and of the Groups should contain a provision whereby any Province could, by a majority vote of its Legislative Assembly, call for a reconsideration of the terms of the constitution after an initial period of 10 years and at 10 yearly intervals thereafter

16. It is not our object to lay out the details of a constitution on the above lines, but to set in motion the machinery, whereby a constitution can be settled by Indians for Indians.

It has been necessary however for us to make this recommendation as to the broad basis of the future constitution because it became clear to us in the course of our negotiations that not until that had been done was there any hope of getting the two major communities to join in the setting up of the constitution-making machinery.

17. We now indicate the constitution-making machinery which we propose should be brought into being forthwith in order to enable a new constitution to be worked out.

18. In forming any assembly to decide a new constitutional structure the first problem is to obtain as broad-based and accurate a representation of the whole population as is possible. The most satisfactory method obviously would be by election based on adult franchise, but any attempt to

introduce such a step now would lead to a wholly unacceptable delay in the formulation of the new constitution. The only practicable alternative is to utilise the recently elected Provincial Legislative Assemblies as electing bodies. There are, however, two factors in their composition which make this difficult. First, the numerical strengths of the Provincial Legislative Assemblies do not bear the same proportion to the total population in each Province. Thus, Assam with a population of 10 millions has a Legislative Assembly of 108 members, while Bengal, with a population six times as large, has an Assembly of only 250. Secondly, owing to the weightage given to minorities by the Communal Award, the strengths of the several communities in each Provincial Legislative Assembly are not in proportion to their numbers in the Province Thus the number of seats reserved for Muslims in the Bengal Legislative Assembly is only 48% of the total, although they form 55% of the provincial population. After a most careful consideration of the various methods by which these points might be corrected, we have come to the conclusion that the fairest and most practicable plan would be:—

(*a*) to allot to each Province a total number of seats proportional to its population, roughly in the ratio of one to a million, as the nearest substitute for representation by adult suffrage;

(*b*) to divide this provincial allocation of seats between the main communities in each Province in proportion to their population;

(*c*) to provide that the representatives allotted to each community in a Province shall be elected by the members of that community in its Legislative Assembly.

We think that for these purposes it is sufficient to recognise only three main communities in India: General, Muslim, and Sikh, the "General" community including all persons who are not Muslims or Sikhs. As the smaller minorities would, upon the population basis, have little or no represent-

ation since they would lose the weightage which assures them seats in the Provincial Legislatures we have made the arrangements set out in paragraph 20 below to give them a full representation upon all matters of special interest to minorities

19 (i) We therefore propose that there shall be elected by each Provincial Legislative Assembly the following numbers of representatives each part of the Legislative Assembly (General Muslim or Sikh) electing its own representatives by the method of proportional representation with single transferable vote —

Table of Representation

SECTION A

Province	General	Muslim	Total
Madras	45	4	49
Bombay	19	2	21
United Provinces	47	8	55
Bihar	31	5	36
Central Provinces	16	1	17
Orissa	9	0	9
Total	167	20	187

SECTION B

Province	General	Muslim	Sikh	Total
Punjab	8	16	4	28
N W Frontier Province	0	3	0	3
Sind	1	3	0	4
Total	9	22	4	35

SECTION C

Province	General	Muslim	Total
Bengal	27	33	60
Assam	7	3	10
Total	34	36	70

Total for British India	...	292
Maximum for Indian States	...	93
Total	...	385

Note.—In order to represent the Chief Commissioners' Provinces there will be added to Section A the Member representing Delhi in the Central Legislative Assembly, the Member representing Ajmer-Merwara in the Central Legislative Assembly, and a representative to be elected by the Coorg Legislative Council.

To Section B will be added a representative of British Baluchistan.

(*ii*) It is the intention that the States would be given in the final Constituent Assembly appropriate representation which would not, on the basis of the calculation of population adopted for British India, exceed 93; but the method of selection will have to be determined by consultation. The States would in the preliminary stage be represented by a Negotiating Committee.

(*iii*) Representatives thus chosen shall meet at New Delhi as soon as possible.

(*iv*) A preliminary meeting will be held at which the general order of business will be decided, a Chairman and other officers elected, and an Advisory Committee (see paragraph 20 below) on the rights of citizens, minorities, and tribal and excluded areas set up. Thereafter the provincial representatives will divide up into the three Sections shown under A, B, and C, in the Table of Representation in sub-paragraph (*i*) of this paragraph.

(*v*) These Sections shall proceed to settle the Provincial Constitutions for the Provinces included in each Section, and shall also decide whether any Group Constitution shall be set up for those Provinces and, if so, with what provincial subjects the Group should deal. Provinces shall have the power

to opt out of the Groups in accordance with the provisions of sub-clause (*viii*) below

(*vi*) The representatives of the Sections and the Indian States shall reassemble for the purpose of settling the Union Constitution.

(*vii*) In the Union Constituent Assembly resolutions varying the provisions of paragraph 15 above or raising any major communal issue shall require a majority of the representatives present and voting of each of the two major communities. The Chairman of the Assembly shall decide which, if any, resolutions raise major communal issues and shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision.

(*viii*) As soon as the new constitutional arrangements have come into operation, it shall be open to any Province to elect to come out of any Group in which it has been placed. Such a decision shall be taken by the new legislature of the Province after the first general election under the new constitution.

20. The Advisory Committee on the rights of citizens, minorities, and tribal and excluded areas should contain due representation of the interests affected, and their function will be to report to the Union Constituent Assembly upon the list of Fundamental Rights, clauses for protecting minorities, and a scheme for the administration of the tribal and excluded areas, and to advise whether these rights should be incorporated in the Provincial, Group, or Union constitutions.

21. His Excellency the Viceroy will forthwith request the Provincial Legislatures to proceed with the election of their representatives and the States to set up a Negotiating Committee.

It is hoped that the process of constitution-making can proceed as rapidly as the complexities of the task permit so that the interim period may be as short as possible.

22. It will be necessary to negotiate a treaty between

the Union Constituent Assembly and the United Kingdom to provide for certain matters arising out of the transfer of power.

23. While the constitution-making proceeds, the administration of India has to be carried on. We attach the greatest importance therefore to the setting up at once of an interim Government having the support of the major political parties. It is essential during the interim period that there should be the maximum of co-operation in carrying through the difficult tasks that face the Government of India. Besides the heavy task of day-to-day administration, there is the grave danger of famine to be countered, there are decisions to be taken in matters of post-war development which will have a far-reaching effect on India's future and there are important international conferences in which India has to be represented. For all these purposes a Government having popular support is necessary. The Viceroy has already started discussions to this end, and hopes soon to form an interim Government in which all the portfolios, including that of War Member, will be held by Indian leaders having the full confidence of the people. The British Government, recognising the significance of the changes, will give the fullest measure of co-operation to the Government so formed in the accomplishment of its tasks of administration and in bringing about as rapid and smooth a transition as possible.

24. To the leaders and people of India who now have the opportunity of complete independence we would finally say this. We and our Government and countrymen hoped that it would be possible for the Indian people themselves to agree upon the method of framing the new constitution under which they will live. Despite the labours which we have shared with the Indian parties, and the exercise of much patience and goodwill by all, this has not been possible. We therefore now lay before you proposals which, after listening to all sides and after much earnest thought we trust, will enable you to attain your independence in the

shortest time and with the least danger of internal disturbance and conflict. These proposals may not, of course, completely satisfy all parties, but you will recognise with us that at this supreme moment in Indian history statesmanship demands mutual accommodation and we ask you to consider the alternative to the acceptance of these proposals. After all the efforts which we and the Indian parties have made together for agreement, we must state that in our view there is small hope of peaceful settlement by agreement of the Indian parties alone The alternative would therefore be a grave danger of violence, chaos, and even civil war. The result and duration of such a disturbance cannot be foreseen; but it is certain that it would be a terrible disaster for many millions of men, women and children. This is a possibility which must be regarded with equal abhorrence by the Indian people, our own countrymen, and the world as a whole. We therefore lay these proposals before you in the profound hope that they will be accepted and operated by you in the spirit of accommodation and goodwill in which they are offered. We appeal to all who have the future good of India at heart to extend their vision beyond their own community or interest to the interests of the whole four hundred millions of the Indian people.

We hope that the new independent India may choose to be a member of the British Commonwealth. We hope in any event that you will remain in close and friendly association with our people. But these are matters for your own free choice. Whatever that choice may be we look forward with you to your ever-increasing prosperity among the great nations of the world and to a future even more glorious than your past.

17. MEMORANDUM ON STATES' TREATIES AND PARAMOUNTCY, MAY 12, 1946.

[This Memorandum was presented by the Cabinet Delegation to His Highness the Chancellor of the Chamber of Princes.

"The Cabinet Delegation desire to make it clear that the document issued today entitled *Memorandum on States' Treaties and*

Paramountcy presented by the Cabinet Delegation to His Highness the Chancellor of the Chamber of Princes was drawn up before the Mission began its discussions with party leaders and represented the substance of what they communicated to the representatives of the States at their first interviews with the Mission. This is the explanation of the use of the words 'succession Government or Governments of British India,' an expression which would not of course have been used after the issue of the Delegation's recent statement This Memorandum was published on May 22, 1946.]

Prior to the recent statement of the British Prime Minister in the House of Commons an assurance was given to the Princes that there was no intention on the part of the Crown to initiate any change in their relationship with the Crown or the rights guaranteed by their treaties and engagements without their consent. It was at the same time stated that the Princes' consent to any changes which might emerge as a result of negotiations would not unreasonably be withheld.

The Chamber of Princes has since confirmed that the Indian States fully share the general desire in the country for the immediate attainment by India of her full stature.

His Majesty's Government have now declared that if the Succession Gevernment or Governments in British India desire independence, no obstacle would be placed in their way. The effect of these announcements is that all those concerned with the future of India wish her to attain a position of independence within or without the British Commonwealth. The Delegation have come here to assist in resolving the difficulties which stand in the way of India fulfilling this wish.

During the interim period, which must elapse before the coming into operation of a new constitutional structure under which British India will be independent or fully self-governing, paramountcy will remain in operation. But the British Government could not and will not in any circumstances transfer paramountcy to an Indian Government.

In the meanwhile, the Indian States are in a position to play an important part in the formulation of the new constitutional structure for India, and H. M. G. have been informed by the Indian States that they desire in their own

interests and in the interests of India as a whole, both to make their contribution to the framing of the structure, and to take their due place in it when it is completed. In order to facilitate this they will doubtless strengthen their position by doing everything possible to ensure that their administrations conform to the highest standard. Where adequate standards cannot be achieved within the existing resources of the State they will no doubt arrange in suitable cases to form or join administrative units large enough to enable them to be fitted into the constitutional structure.

It will also strengthen the position of States during this formulative period if the various Governments which have not already done so take active steps to place themselves in close and constant touch with public opinion in their States by means of representative institutions.

During the interim period it will be necessary for the States to conduct negotiations with British India in regard to the future regulation of matters of common concern, especially in the economic and financial field. Such negotiations, which will be necessary whether the States desire to participate in the new Indian constitutional structure or not, will occupy a considerable period of time, and since some of these negotiations may well be incomplete when the new structure comes into being, it will, in order to avoid administrative difficulties, be necessary to arrive at an understanding between the States and those likely to control the succession Government or Governments that for a period of time the then existing arrangements as to these matters of common concern should continue until the new agreements are completed. In this matter, the British Government and the Crown Representative will lend such assistance as they can, should it be so desired

When a new fully self-governing or independent Government or Governments come into being in British India, H.M.G.'s influence with these Governments will not be such as to enable them to carry out the obligations of paramountcy.

Moreover, they cannot contemplate that British troops

would be retained in India for this purpose. Thus, as a logical sequence and in view of the desires expressed to them on behalf of the Indian States, His Majesty's Government will cease to exercise the powers of paramountcy. This means that the rights of the States which flow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the paramount power will return to the States. Political arrangements between the States on the one side and the British Crown and British India on the other will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the succession Government or Governments in British India, or failing this, entering into particular political arrangements with it or them.

18. MR. JINNAH'S STATEMENT, MAY 22, 1946.

I have now before me the statement of the British Cabinet Delegation and His Excellency the Viceroy dated 16th of May issued at Delhi. Before I deal with it I should like to give a background of the discussions that took place at Simla from the 5th of May onwards till the Conference was declared concluded and its breakdown announced in the official communique dated May 12.

We met in the Conference on May 5 to consider the formula embodied in the letter of the Secretary of State for India dated April 27 inviting the League representatives.

The formula was as follows:—

"A Union Government dealing with the following subjects: Foreign Affairs, Defence and Communications. There will be two Groups of provinces, the one of the predominantly Hindu provinces and the other of the predominantly Muslim provinces, dealing with all other subjects which the provinces in the respective Groups desire to be dealt with in common. The Provincial Governments will deal with all other subjects and will have all the residuary sovereign rights."

The Muslim League position was that, firstly, the zones

comprising Bengal and Assam in the North-East and the Punjab, North-West Frontier Province, Sind and Baluchistan in the North-West of India constituted Pakistan zones and should be constituted as a sovereign independent State and that an unequivocal undertaking be given to implement the establishment of Pakistan without delay: secondly, that separate constitution-making bodies be set up by the peoples of Pakistan and Hindustan for the purpose of framing their respective constitutions: thirdly, that minorities in Pakistan and Hindustan be provided with safeguards on the lines of the Lahore resolution, fourthly, that the acceptance of the League demand and its implementation without delay were a *sine qua non* for the League co-operation and participation in the formation of an interim Government at the Centre; fifthly, it gave a warning to the British Government against any attempt to impose a Federal constitution on a United India basis or forcing any interim arrangement at the Centre contrary to the League demand and that Muslim India would resist if any attempt to impose it were made. Besides, such an attempt would be the grossest breach of the faith, of the declaration[1] of His Majesty's Government made in August, 1940, with the approval of the British Parliament and subsequent announcements by the Secretary of State for India and other responsible British statesmen from time to time, reaffirming the August declaration.

We accepted the invitation to attend the Conference without prejudice and without any commitment and without accepting the fundamental principles underlying this short formula of the Mission on the assurance given by the Secretary of State for India in his letter dated April 29 wherein he said: "We have never contemplated that acceptance by the Muslim League and the Congress of our invitation would imply as a preliminary condition full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement and what we have asked

[1] See pp. 25-26.

the Muslim League Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Congress in order to discuss it."

The Congress position in reply to the invitation was stated in their letter of April 28, that a strong Federal Government at the Centre with present provinces as federating units be established and they laid down that Foreign Affairs, Defence, Communications, Currency, Customs, Tariffs "and such other subjects, as may be found on closer scrutiny to be intimately allied to them," should vest in the Central Federal Government. They negatived the idea of Grouping of provinces. However, they also agreed to participate in the Conference to discuss the formula of the Cabinet Delegation.

After days of discussion no appreciable progress was made and finally I was asked to give our minimum terms in writing. Consequently we embodied certain fundamental principles of our terms in writing as an offer to the Congress in the earnest desire for a peaceful and amicable settlement and for the speedy attainment of freedom and independence of the peoples of India. It was communicated to the Congress on the 12th of May and a copy of it was sent to the Cabinet Delegation at the same time.

The following were the terms of the offer made by the Muslim League Delegation.

(1) The six Muslim Provinces (Punjab, N.-W. F. P., Baluchistan, Sind, Bengal and Assam) shall be grouped together as one Group and will deal with all other subjects and matters except Foreign Affairs, Defence and Communications necessary for Defence which may be dealt with by the constitution-making bodies of the two Groups of provinces, Muslim provinces (hereinafter named Pakistan Group) and Hindu provinces, sitting together.

(2) There shall be a separate constitution-making body for the six Muslim provinces named above which will frame constitutions for the Group and the Provinces in the Group and will determine the list of subjects that shall be Provin-

cial and Central (of the Pakistan Federation) with residuary sovereign powers vesting in the provinces.

(3) The method of election of the representatives to the constitution-making body will be such as would secure proper representation to the various communities in proportion to their population in each province of the Pakistan Group.

(4) After the constitutions of the Pakistan Federal Government and the provinces are finally framed by the constitution-making body, it will be open to any province of the Group to decide to opt out of its Group provided the wishes of the people of that province are ascertained by a referendum to opt out or not.

(5) It must be open to discussion in the joint constitution-making body as to whether the Union will have a Legislature or not. The method of providing the Union with finance should also be left for decision of the joint meeting of the two constitution-making bodies but in no event shall it be by means of taxation.

(6) There should be parity of representation between the two Groups of provinces in the Union Executive and the Legislature, if any.

(7) No major point in the Union constitution which affects the communal issue shall be deemed to be passed in the joint constitution-making body unless the majority of the members of the constitution-making body of the Hindu provinces and the majority of the members of the constitution-making body of the Pakistan Group present and voting are separately in its favour.

(8) No decision, legislative, executive or administrative, shall be taken by the Union in regard to any matter of controversial nature except by a majority of three-fourths.

(9) In Group and provincial constitutions fundamental rights and safeguards concerning religion, culture and other matters affecting the different communities will be provided for.

(10) The constitution of the Union shall contain a provision whereby any province can, by a majority vote of its

legislative assembly, call for reconsideration of the terms of the constitution and will have the liberty to secede from the Union at any time after an initial period of ten years.

The crux of our offer, as it will appear from its text, was *inter alia* that the six Muslim provinces should be grouped together as Pakistan Group and the remaining as Hindustan Group and on the basis of two Federations we were willing to consider the Union or Confederation strictly confined to three subjects only, *i.e.*, Foreign Affairs, Defence and Communications necessary for Defence, which the two sovereign Federations would voluntarily delegate to the Confederation. All the remaining subjects and the residue were to remain vested in the two Federations and the provinces respectively. This was intended to provide for a transitional period as after an initial period of ten years we were free to secede from the Union.

But unfortunately this most conciliatory and reasonable offer was in all its fundamentals not accepted by the Congress as will appear from their reply to our offer. On the contrary their final suggestions were the same as regards the subjects to be vested with the Centre as they had been before the Congress entered the Conference and they made one more drastic suggestion for our acceptance, that the Centre must also have power to take remedial action in cases of break down of the constitution and in grave public emergencies. This was stated in their reply dated May 12 which was communicated to us.

At this stage the Conference broke down and we were informed that the British Cabinet Delegation would issue their statement which is now before the public.

To begin with, the statement is cryptic with several lacunas and the operative part of it is comprised of a few short paragraphs to which I shall refer later.

I regret that the Mission should have negatived the Muslim demand for the establishment of a complete sovereign State of Pakistan which we still hold is the only solution of the constitutional problem of India and which alone can se-

cure stable government and lead to the happiness and welfare not only of the two major communities but of all the peoples of this sub-continent. It is all the more regrettable that the Mission should have thought fit to advance common-place and exploded arguments against Pakistan and resorted to special pleadings couched in a deplorable language which is calculated to hurt the feelings of Muslim India. It seems that this was done by the Mission simply to appease and placate the Congress because when they come to face the realities, they themselves have made the following pronouncement embodied in Paragraph 5 of the statement which says :

"This consideration did not however deter us from examining closely and impartially the possibility of a partition of India since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu majority rule.

This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India, it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion and economic or other interests."

And again in Paragraph 12—"This decision does not however blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India in which the Hindus with their greatly superior numbers must be a dominating element."

And now what recommendations have they made to effectively secure the object in view and in the light of the very clear and emphatic conclusion they arrived at in Paragraph 12 of the statement?

I shall now deal with some of the important points in the operative part of the statement:

(1) They have divided Pakistan into two: what they call Section B (for the North-Western Zone) and Section C (for the North-Eastern Zone).

(2) Instead of two constitution-making bodies only one constitution-making body is devised with three Sections A, B and C.

(3) They lay down that "there should be a Union of India embracing both British India and the States which should deal with the following subjects: Foreign Affairs, Defence and Communications and should have the powers necessary to raise the finances required for the above subjects."

There is no indication at all that the Communications would be restricted to what is necessary for Defence nor is there any indication as to how this Union will be empowered to raise finances required for these three subjects, while our view was that finances should be raised only by contribution and not by taxation.

(4) It is laid down that "the Union should have an Executive and a Legislature constituted from British Indian and States representatives.

Any question raising a major communal issue in the legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting."

While our view was—

(A) That there should be no legislature for the Union but the question should be left to the Constituent Assembly to decide.

(B) That there should be parity of representation between Pakistan Group and the Hindustan Group in the Union Executive and Legislature, if any, and

(C) That no decision, legislative, executive or administrative, should be taken by the Union in regard to any matter of a controversial nature except by a majority of three-fourths. All these three terms of our offer have been omitted from the statement.

No doubt there is one safeguard for the conduct of

business in the Union Legislature, that "any question raising a major communal issue in the legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting."

Even this is vague and ineffective. To begin with, who will decide and how as to what is a major communal issue and what is a minor communal issue and what is a purely non-communal issue?

(5) Our proposal that the Pakistan Group should have a right to secede from the Union after an initial period of ten years, although the Congress had no serious objection to it, has been omitted and now we are only limited to a reconsideration of terms of the Union constitution after an initial period of ten years.

(6) Coming to the constitution-making machinery, here again a representative of British Baluchistan is included in Section B but how he will be elected is not indicated.

(7) With regard to the constitution-making body for the purpose of framing the proposed Union constitution, it will have an overwhelming Hindu majority as in a House of 292 for British India the Muslim strength will be 79 and if the number alloted to Indian States (93) is taken into account, it is quite obvious that the Muslim proportion will be further reduced as the bulk of the State representatives would be Hindus. This Assembly so constituted will elect the Chairman and other officers and it seems also the members of the Advisory Committee referred to in paragraph 20 of the statement by a majority and the same rule will apply to other normal business. But I note that there is only one saving clause which runs as follows:—

"In the Union Constituent Assembly resolutions varying the provisions of paragraph 15 above or raising any major communal issue shall require a majority of representatives present and voting of each of the two major communities. The Chairman of the Assembly shall decide which (if any) of the resolutions raise major communal issues and

shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision."

It follows, therefore, that it will be the Chairman alone who will decide. He will not be bound by the opinion of the Federal Court nor need anybody know what that opinion was as the Chairman is merely directed to consult the Federal Court.

(8) With regard to the provinces opting out of their Group it is left to the new Legislature of the province after the first general election under the new constitution to decide instead of a referendum of the people as was suggested by us.

(9) As for paragraph 20 which runs as follows: "The Advisory Committee on the rights of citizens, minorities and tribal and excluded areas should contain full representation of the interests affected and their function will be to report to the Union Constituent Assembly upon the list of fundamental rights, the clauses for the protection of minorities and a scheme for the administration of the tribal and excluded areas and to advise whether these rights should be incorporated in the provincial, Group or Union constitution."

This raises a very serious question indeed for if it is left to the Union Constituent Assembly to decide these matters by a majority vote whether any of the recommendations of the Advisory Committee should be incorporated in the Union constitution then it will open a door to more subjects being vested in the Union Government. This will destroy the very basic principle that the Union is to be strictly confined to three subjects.

These are some of the main points which I have tried to put before the public after studying this important document. I do not wish to anticipate the decision of the Working Committee and the Council of the All-India Muslim League which are going to meet shortly at Delhi. They will finally take such decisions as they may think proper after a careful consideration of the 'pros and cons' and a

thorough and dispassionate examination of the statement of the British Cabinet Delegation and His Excellency the Viceroy.

19. MAULANA AZAD'S CORRESPONDENCE WITH LORD PETHICK-LAWRENCE, MAY 20-22, 1946.

1. From Maulana Azad to Lord Pethick-Lawrence, May 20, 1946.

My Committee have carefully considered the statement issued by the Cabinet Delegation on May 16 and they have seen Gandhiji after the interviews he has had with you and Sir Stafford Cripps. There are certain matters about which I have been asked to write to you.

As we understand the statement, it contains certain recommendations and procedure for the election and functioning of the Constituent Assembly. The Assembly itself, when formed, will, in my Committee's opinion, be a sovereign body for the purpose of drafting the constitution unhindered by any external authority, as well for entering into a treaty. Further that it will be open to the Assembly to vary in any way it likes the recommendations and the procedure suggested by the Cabinet Delegation. The Constituent Assembly being a sovereign body for the purposes of the constitution, its final decisions will automatically take effect.

As you are aware some recommendations have been made in your statement which are contrary to the Congress stand as it was taken at the Simla Conference and elsewhere Naturally we shall try to get the Assembly to remove what we consider defects in the recommendations. For this purpose we shall endeavour to educate the country and the Constituent Assembly.

There is one matter in which my Committee were pleased to hear Gandhiji say that you were trying to see that the European members in the various Provincial Assemblies, particularly Bengal and Assam, would neither offer themselves as candidates nor vote for the election of delegates to the Constituent Assembly.

No provision has been made for the election of a representative from British Baluchistan So far as we know there is no elected Assembly or any other kind of chamber which might select such a representative One individual may not make much of a difference in the Constituent Assembly, but it would make a difference if such an individual speaks for a whole province which he really does not represent in any way It is far better not to have representation at all than to have this kind of representation which will mislead and which may decide the fate of Baluchistan contrary to the wishes of its inhabitants If any kind of popular representation can be arranged, we would welcome it My Committee were pleased, therefore, to hear Gandhiji say that you are likely to include Baluchistan within the scope of the Advisory Committee's work

In your recommendations for the basic form of the constitution[1] you state that provinces should be free to form Groups with executives and legislatures and each Group could determine the provincial subjects to be taken in common Just previous to this you state that all subjects other than the Union subjects and all residuary powers should vest in the provinces Later on in the statement, however, you state that the provincial representatives to the Constituent Assembly will divide up into three Sections and "These Sections shall proceed to settle the provincial constitutions for the provinces in each Section and shall also decide whether any Group constitution shall be set up for these provinces" There appears to us to be a marked discrepancy in these two separate provisions The basic provision gives full autonomy to a province to do what it likes and subsequently there appears to be certain compulsion in the matter which clearly infringes that autonomy It is true that at a later stage the provinces can opt out of any Group In any event it is not clear how a province or its representatives can be compelled to do something which they do not want to do A Provincial Assembly may give a

[1] This refers to para 15 of the Statement of the Cabinet Mission of May 16

mandate to its representatives not to enter any Group or a particular Group or Section. As Sections B and C have been formed it is obvious that one province will play a dominating role in the Section, the Punjab in Section B and Bengal in Section C. It is conceivable that this dominating province may frame a provincial constitution entirely against the wishes of Sind or the N.-W. Frontier Province or Assam. It may even conceivably lay down rules for elections and otherwise, thereby nullifying the provision for a province to opt out of a Group. Such could never be the intentions and it would be repugnant to the basic principles and policy of the scheme itself.

The question of the Indian States has been left vague and, therefore, I need not say much about it at this stage. But it is clear that State representatives who come into the Constituent Assembly must do so more or less in the same way as the representatives of the provinces. The Constituent Assembly cannot be formed of entirely disparate elements.

I have dealt above with some points arising out of your statement. Possibly some of them can be cleared up by you and the defects removed. The principal point, however, is, as stated above, that we look upon this Constituent Assembly as a sovereign body which can decide as it chooses in regard to any matter before it and can give effect to its decision. The only limitation we recognise is that in regard to certain major communal issues the decision should be by a majority of each of the two major communities. We shall try to approach the public and the members of the Constituent Assembly with our own proposals for removing any defects in the recommendations made by you.

Gandhiji has informed my Committee that you contemplate that British troops will remain in India till after the establishment of the Government in accordance with the instrument produced by the Constituent Assembly. My Committee feel that the presence of foreign troops in India will be a negation of India's independence.

India should be considered to be independent in fact

from the moment that the National Provisional Government is established.

I shall be grateful to have an early reply so that my Committee may come to a decision in regard to your statement.

2. From Lord Pethick-Lawrence to Maulana Azad, May 22, 1946.

The Delegation have considered your letter of May 20 and feel that the best way to answer it is that they should make their general position quite clear to you. Since the Indian leaders after prolonged discussion failed to arrive at an agreement, the Delegation have put forward their recommendations as the nearest approach to reconciling the views of the two main parties. The scheme, therefore, stands as a whole and can only succeed if it is accepted and worked in a spirit of compromise and co-operation.

You are aware of the reasons for the Grouping of the provinces, and this is an essential feature of the scheme which can only be modified by agreement between the two parties.

There are two further points which we think we should mention. First, in your letter you describe the Constituent Assembly as a sovereign body, the final decisions of which will automatically take effect. We think the authority and the functions of the Constituent Assembly and the procedure which it is intended to follow are clear from the statement. Once the Constituent Assembly is formed and working on this basis, there is naturally no intention to interfere with its discretion or to question its decisions. When the Constituent Assembly has completed its labours, His Majesty's Government will recommend to Parliament such action as may be necessary for the cession of sovereignty to the Indian people, subject only to two provisos which are mentioned in the statement and which are not, we believe, controversial, namely, adequate provision for the protection of minorities and willingness to conclude a treaty to cover matters arising out of the transfer of power.

Secondly, while His Majesty's Government are most anxious to secure that the interim period should be as short as possible you will, we are sure, appreciate that, for reasons stated above, independence cannot precede the bringing into operation of a new constitution.

20. RESOLUTION OF THE CONGRESS WORKING COMMITTEE, MAY 24, 1946.

The Working Committee has given careful consideration to the statement dated May 16, 1946, issued by the Delegation of the British Cabinet and the Viceroy on behalf of the British Government as well as the correspondence relating to it that has passed between the Congress President and the members of the Delegation. They have examined it with every desire to find a way for a peaceful and co-operative transfer of power and the establishment of a free and independent India Such an India must necessarily have a strong central authority capable of representing the nation with power and dignity in the counsels of the world.

In considering the statement, the Working Committee have kept in view the picture of the future in so far as this was available to them from the proposals made for the formation of a provisional Government and the clarification given by the members of the Delegation. This picture is still incomplete and vague. It is only on the basis of the full picture that they can judge and come to a decision as to how far this is in conformity with the objectives they aim at. These objectives are: Independence for India; a strong, though limited, central authority; full autonomy for the provinces; the establishment of a democratic structure in the Centre and in the Units; the guarantee of the fundamental rights of each individual so that he may have full and equal opportunities of growth, and further that each community should have opportunity to live the life of its choice within the larger framework.

The Committee regret to find a divergence between these objectives and the various proposals that have been

made on behalf of the British Government, and, in particular, there is no vital change envisaged during the interim period when the provisional Government will function, in spite of the assurance given in paragraph 23 of the statement. If the independence of India is aimed at, then the functioning of the provisional Government must approximate closely in fact, even though not in law, to that independence, and all obstructions and hindrances to it should be removed. The continued presence of a foreign army of occupation is a negation of independence.

The statement issued by the Cabinet Delegation and the Viceroy contains certain recommendations and suggests a procedure for the building up of a Constituent Assembly, which is sovereign in so far as the framing of the constitution is concerned. The Committee do not agree with some of these recommendations. In their view it will be open to the Constituent Assembly itself at any stage to make changes and variations, with the proviso that in regard to certain major communal matters a majority decision of both the major communities will be necessary.

The procedure for the election of the Constituent Assembly is based on representation in the ratio of one to a million. But the application of this principle appears to have been overlooked in the case of European members of Assemblies, particularly in Assam and Bengal. Therefore, the Committee expect that this oversight will be corrected.

The Constituent Assembly is meant to be a fully elected body, chosen by the elected members of the provincial legislatures. In Baluchistan, there is no elected assembly or any other kind of chamber which might elect a representative for the Constituent Assembly. It would be improper for any kind of nominated individual to speak for the whole province of Baluchistan, which he really does not represent in any way.

In Coorg, the Legislative Council contains some nominated members as well as Europeans elected from a special constituency of less than a hundred electors. Only

the elected members from the general constituencies should participate in the election.

The statement of the Cabinet Delegation affirms the basic principle of provincial autonomy and residuary powers vesting in the provinces. It is further said that provinces should be free to form Groups. Subsequently, however, it is recommended that provincial representatives will divide up into Sections which 'shall proceed to settle the provincial constitutions for the provinces in each Section and shall also decide whether any Group constitution shall be set up for those provinces.' There is a marked discrepancy in these two separate provisions, and it would appear that a measure of compulsion is introduced which clearly infringes the basic principle of provincial autonomy. In order to retain the recommendatory character of the statement, and in order to make the clauses consistent with each other, the Committee read paragraph 15 to mean that, in the first instance, the respective provinces will make their choice whether or not to belong to the Section in which they are placed Thus the Constituent Assembly must be considered as a sovereign body with final authority for the purpose of drawing up a constitution and giving effect to it.

The provisions in the statement in regard to the Indian States are vague and much has been left for future decision The Working Committee would, however, like to make it clear that the Constituent Assembly cannot be formed of entirely disparate elements and the manner of appointing State representatives for the Constituent Assembly must approximate, in so far as it is possible, to the method adopted in the provinces. The Committee are gravely concerned to learn that even at this present moment some State Governments are attempting to crush the spirit of their people with the help of the armed forces. These recent developments in the States are of great significance in the present and for the future of India, as they indicate that there is no real change of policy on the part of some of the State Governments and of those who exercise paramountcy.

A provisional National Government must have a new

basis and must be a precursor of the full independence that will emerge from the Constituent Assembly. It must function in recognition of that fact, though changes in law need not be made at this stage.

The Governor-General may continue as the head of that Government during the interim period, but the Government should function as a Cabinet responsible to the Central Legislature. The status, powers and composition of the provisional Government should be fully defined in order to enable the Committee to come to a decision. Major communal issues shall be decided in the manner referred to above in order to remove any possible fear or suspicion from the minds of a minority.

The Working Committee consider that the connected problems involved in the establishment of a provisional Government and a Constituent Assembly should be viewed together so that they may appear as parts of the same picture and there may be co-ordination between the two, as well as an acceptance of the independence that is now recognised as India's right and due. It is only with the conviction that they are engaged in building up a free, great and independent India, that the Working Committee can approach this task and invite the co-operation of all the people of India. In the absence of a full picture, the Committee are unable to give a final opinion at this stage.

21. STATEMENT OF THE CABINET DELEGATION MAY 25, 1946.

The Delegation have considered the statement of the President of the Muslim League dated May 22 and the resolution dated May 24 of the Working Committee of the Congress.

(1) The position is that since the Indian leaders, after prolonged discussion, failed to arrive at an agreement, the Delegation put forward their recommendations as the nearest approach to reconciling the views of the two main parties.

The scheme stands as a whole and can only succeed if it is accepted and worked in a spirit of co-operation.

(2) The Delegation wish also to refer briefly to a few points that have been raised in the statement and resolution.

(3) The authority and the functions of the Constituent Assembly, and the procedure which it is intended to follow are clear from the Cabinet Delegation's statement.

(4) Once the Constituent Assembly is formed and working on this basis, there is no intention of interfering with its discretion or questioning its decisions When the constituent Assembly has completed its labours, His Majesty's Government will recommend to Parliament such action as may be necessary for the cession of sovereignty to the Indian people, subject only to two matters which are mentioned in the statement and which we believe are not controversial, namely, adequate provision for the protection of the minorities (Paragraph 20 of the statement) and willingness to conclude a treaty with His Majesty s Government to cover matters arising out of the transfer of power (paragraph 22 of the statement).

(5) It is a consequence of the system of election that a few Europeans can be elected to the Constituent Assembly. Whether the right so given will be exercised is a matter for them to decide.

(6) The representative of Baluchistan will be elected in a joint meeting of the Shahi Jirga and the non-official members of the Quetta Municipality.

(7) In Coorg the whole Legislative Council will have the right to vote, but the official members will receive instructions not to take part in the election.

(8) The interpretation put by the Congress resolution on Paragraph 15 of the statement to the effect that the provinces can in the first instance make the choice whether or not to belong to the Section in which they are placed, does not accord with the Delegation's intentions. The reasons for the Grouping of the provinces are well known and this is an essential feature of the scheme and can only be modified by agreement between the parties. The right to opt out of

the Groups after the constitution-making has been completed will be exercised by the people themselves, since at the first election under the new provincial constitution this question of opting out will obviously be a major issue and all those entitled to vote under the new franchise will be able to take their share in a truly democratic decision.

(9) The question of how the State representatives should be appointed to the Constituent Assembly is clearly one which must be discussed with the States. It is not a matter for decision by the Delegation.

(10) It is agreed that the Interim Government will have a new basis. That basis is that all portfolios including that of the War Member will be held by Indians and that the members will be selected in consultation with the Indian political parties. These are very significant changes in the Government of India, and a long step towards independence. His Majesty's Government will recognise the effect of these changes, will attach the fullest weight to them, and will give to the Indian Government the greatest possible freedom in the exercise of the day-to-day administration of India.

(11) As the Congress statement recognises, the present constitution must continue during the interim period; and the Interim Government cannot therefore be made legally responsible to the Central Legislature. There is, however, nothing to prevent the members of the Government, individually or by common consent, from resigning, if they fail to pass an important measure through the Legislature, or if a vote of non-confidence is passed against them.

(12) There is of course no intention of retaining British troops in India against the wish of an independent India under the new constitution; but during the interim period, which it is hoped will be short, the British Parliament has, under the present constitution, the ultimate responsibility for the security of India and it is necessary therefore that British troops should remain.

22. AZAD-WAVELL CORRESPONDENCE, MAY 25—30, 1946.

1. From Maulana Azad to Lord Wavell, May 25, 1946.

Your Excellency will remember that the demand of the Congress from the very beginning of the present discussions regarding the Interim Government has been that there must be a legal and constitutional change in order to give it the status of a truly National Government. The Working Committee have felt that this is necessary in the interest of a peaceful settlement of the Indian problem. Without such status, the Interim Government would not be in a position to infuse in the Indian people a consciousness of freedom which is to-day essential. Both Lord Pethick-Lawrence and you have, however, pointed out the difficulties in the way of offering such constitutional change, while at the same time assuring us that the Interim Government would have, in fact, if not in law, the status of a truly National Government. The Working Committee feel that after the British Government's declaration that the Constituent Assembly will be the final authority for framing the constitution and any constitution framed by it will be binding, the recognition of Indian independence is imminent. It is inevitable that the Interim Government which is to function during the period of the Constituent Assembly must reflect this recognition. In my last conversation with you, you stated that it was your intention to function as a constitutional head of the Government and that in practice the Interim Government would have the same powers as that of a Cabinet in the Dominions.

This however is a matter which is so important that it would not be fair either to you or to the Congress Working Committee to let it rest upon what transpired in informal conversations. Even without any change in the law there could be some formal understanding by which the Congress Working Committee may be assured that the Interim Government would in practice function like a Dominion Cabinet.

2. From Lord Wavell to Maulana Azad, May 30, 1946.

I have received your letter of 25th May on the Interim Government. We have discussed this matter on several occasions and I recognise the importance that you and your party attach to a satisfactory definition of the powers of the Interim Government and appreciate your reasons for asking for such a definition. My difficulty is that the most liberal intentions may be almost unrecognisable when they have to be expressed in a formal document.

I am quite clear that I did not state to you that the Interim Government would have the same powers as a Dominion Cabinet. The whole constitutional position is entirely different . I said that I was sure that His Majesty's Government would treat the new Interim Government with the same close consultation and consideration as a Dominion Government.

His Majesty's Government have already said that they will give to the Interim Government the greatest possible freedom in the exercise of the day-to-day administration of the country; and I need hardly assure you that it is my intention faithfully to carry out this undertaking.

I am quite clear that the spirit in which the Government is worked will be of much greater importance than any formal document and guarantee. I have no doubt that if you are prepared to trust me, we shall be able to co-operate in a manner which will give India a sense of freedom from external control and will prepare for complete freedom as soon as the new constitution is made.

I sincerely hope that the Congress will accept these assurances and will have no further hesitation in joining to co-operate in the immense problems which confront us.

In the matter of time table you will be aware that the All-India Muslim League Council is meeting on June 5 at which, we understand, decisive conclusions are to be reached. I suggest, therefore, that if you summon your Working Committee to re-assemble in Delhi on Friday the seventh, it

may be possible for final decisions to be made by all parties on all outstanding questions early in the following week.

23. LORD WAVELL'S LETTER TO MR. JINNAH, JUNE 4, 1946.

You asked me yesterday to give you an assurance about the action that would be taken if one party accepted the scheme in the Cabinet Delegation's statement of May 16 and the other refused.

I can give you on behalf of the Cabinet Delegation my personal assurance that we do not propose to make any discrimination in the treatment of either party; and that we shall go ahead with the plan laid down in the statement so far as circumstances permit if either party accepts; but we hope that both will accept.

I should be grateful if you would see that the existence of this assurance does not become public. If it is necessary for you to tell your Working Committee that you have an assurance I should be grateful if you would explain to them this condition.

24. RESOLUTION OF THE MUSLIM LEAGUE COUNCIL, JUNE 6, 1946.

(1) This meeting of the Council of the All-India Muslim League, after having carefully considered the statement issued by the Cabinet Mission and H. E. the Viceroy on May 16 and other relevant statements and documents officially issued in connection therewith, and after having examined the proposals set forth in the said statement in all their bearings and implications, places on record the following views for the guidance of the nation and direction to the Working Committee:

(2) That the references made and the conclusions recorded in paragraphs 6, 7, 8, 9, 10 and 11 of the statement concerning Muslim demand for the establishment of a full sovereign Pakistan as the only solution of the Indian constitutional problem are unwarranted, unjustified and uncon-

vincing and should not, therefore, have found place in a State document issued on behalf and with the authority of the British Government.

These paragraphs are couched in such language and contain such mutilations of established facts that the Cabinet Mission have clearly been prompted to include them in their statement solely with the object of appeasing the Hindus in utter disregard of Muslim sentiments. Furthermore, the contents of the aforesaid paragaphs are in confiict and inconsistent with the admissions made by the Mission themselves in paragraphs 5 and 12 of their statement which are to the following effect:—

First, the Mission 'were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subject to a perpetual Hindu majority rule.'

Second, 'this feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards.'

Third, 'if there is to be internal peace in India, it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion, economic or other interests.'

Fourth, 'very real Muslim apprehensions exist that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be the dominating element.'

In order that there may be no manner of doubt in any quarter, the Council of the All India Muslim League reiterates that the attainment of the goal of a complete sovereign Pakistan still remains the unalterable objective of the Muslims in India for the achievement of which they will, if necessary, employ every means in their power and consider no sacrifice or suffering too great.

(3) That notwithstanding the affront offered to Muslim sentiments by a choice of injudicious words in the preamble to the statement of the Cabinet Mission, the Muslim League, having regard to the grave issues involved, and prompted by its earnest desire for a peaceful solution, if possible, of

the Indian constitutional problem, and inasmuch as the basis and the foundation of Pakistan are inherent in the Mission's plan by virtue of the compulsory Grouping of the six Muslim provinces in Sections B and C, is willing to co-operate with the constitution-making machinery proposed in the scheme outlined by the Mission, in the hope that it would ultimately result in the establishment of complete sovereign Pakistan and in the consummation of the goal of independence for the major nations, Muslims and Hindus, and all the other people inhabiting the vast sub-continent.

It is for these reasons that the Muslim League is accepting the scheme and will join the constitution-making body and will keep in view the opportunity and the right of secession of provinces or Groups from the Union which have been provided in the Mission's plan by implication.

The ultimate attitude of the Muslim League will depend on the final outcome of the labours of the constitution-making body and on the final shape of the constitutions which may emerge from the deliberations of that body jointly and separately in its three Sections.

The Muslim League also reserves the right to modify and revise the policy and attitude set forth in this resolution at any time during the progress of deliberations of the constitution-making body or the Constituent Assembly or thereafter if the course of events so require, bearing in mind the fundamental principles and ideals hereinbefore adumbrated, to which the Muslim League is irrevocably committed.

(4) That with regard to the arrangements for the proposed Interim Government at the Centre, this Council authorises its President to negotiate with H.E. the Viceroy and to take such decisions and actions as he deems fit and proper.

25. STATEMENT OF THE NAWAB OF BHOPAL, JUNE 10, 1946.

[The following statement was issued by the Nawab of Bhopal, Chancellor of the Chamber of Princes, on behalf of the Standing Committee of the Chamber:]

The Standing Committee of the Chamber of Princes have in consultation with the Committee of Ministers and the Constitutional Advisory Committee given careful consideration to the statement issued by the Cabinet Delegation and His Excellency the Viceroy on May 16, 1946. They have also examined the Delegation's Memorandum on States' treaties and paramountcy, and the further statement of May 26. They are of the view that the plan provides the necessary machinery for the attainment by India of independence as well as a fair basis for further negotiations. They welcome the declaration of the Cabinet Mission in regard to paramountcy, but certain adjustments for the interim period will be necessary.

There are however a few points in the plan which still require elucidation. There are also several matters of fundamental importance which are left over for negotiation and settlement. The Standing Committee have therefore accepted the invitation of His Excellency the Viceroy to set up a Negotiating Committee and have authorised the Chancellor to arrange discussions as contemplated in the plan. It is proposed to place the results of these negotiations before a general conference of rulers and representatives of States.

As regards the arrangements for the interim period, the Standing Committee confirm the following proposals made by the Chancellor:—

(*a*) That a special committee may be set up consisting of representatives of the States and of the Central Government to discuss and reach agreement on matters of common concern during the interim period;

(*b*) That disputes on justiciable issues and on fiscal, economic, or financial matters should be referable to courts of arbitration as a matter of right;

(*c*) That in personal and dynastic matters the agreed procedure should be implemented in letter and spirit, and the Crown Representative should ordinarily consult the Chancellor and a few

other Princes if not objected to by the States concerned;

(*d*) That in agreement with the States, machinery may be provided for the early settlement of the pending cases and for the revision, at the instance of the States concerned, of the existing arrangements in regard to such subjects as railways, ports and customs.

The Committee have therefore authorised the Chancellor to conduct further negotiations with a view to reaching early decisions.

The Standing Committee endorse the suggestion made by the Cabinet Delegation that the States will doubtlessly strengthen their position by doing everything possible to ensure that their administrations conform to the highest standard. Where adequate standards cannot be achieved within the existing resources of the State they will no doubt arrange in suitable cases to form or join administrative units large enough to enable them to be fitted into the constitutional structure. It will also strengthen the position of the States during this formulative period if the various Governments which have not already done so take active steps to place themselves in close and constant touch with public opinion in their States by means of representative institutions.

The Standing Committee wish to emphasise the necessity for the States, which have not done so, to declare immediately their decision to follow the lines of internal reforms laid down in the declaration made by the Chancellor at the last session of the Chamber of Princes and to take necessary steps to implement that decision within 12 months.

26. RESOLUTION OF THE ALL-INDIA STATES PEOPLES CONFERENCE, JUNE 10, 1946.

The General Council of the All-India States Peoples Conference have considered the various statements made by the British Cabinet Delegation and the Viceroy in regard to the drawing up of the constitution for India. The Council

have noted with surprise and regret that the representatives of the States people have been completely ignored by the Cabinet Delegation in their talks and consultations. No constitution for India can have any validity or effectivensss unless it applies to the 93 million people of the Indian States and no such constitution can be satisfactorily made without reference to the representatives of the people. The General Council, therefore, record their feeling of resentment at the way the people of the States have been ignored and bypassed at this critical juncture of India's history.

In the statement issued by the Cabinet Delegation and the Viceroy on May 16 references to the States are brief and vague and no clear picture emerges as to how they will function in regard to the constitution-making processes. No reference has been made to the internal structure of the States. It is not possible to conceive of a combination of the existing internal structure, which is autocratic and feudal, with a democratic Constituent Assembly or a Federal Union.

The Council welcome, however, the statement that paramountcy will end when the new All-India constitution comes into effect. The end of paramountcy necessarily means the end of the treaties existing between the rulers of the States and the British Paramount Power. Even during the interim period the functioning of paramountcy should undergo a fundamental change so as to prepare for its total termination.

27. LORD WAVELL'S CORRESPONDENCE WITH CONGRESS AND LEAGUE, JUNE 12-15, 1946.

1. From Lord Wavell to Pandit Jawaharlal Nehru, June 12, 1946.

I am anxious to have an opportunity of consulting you together with Mr. Jinnah as to how best I can fill the various posts in the Interim Government. Could you come to see me for this purpose at 5 P.M. to-day?

It is not my intention to discuss any question of principle such as "parity" or otherwise, but to concentrate upon what I know to be our common objective, that is, to get the

best possible Interim Government drawn from the two major parties and some of the minorities and to approach this decision by a consideration of what the portfolios should be and how each one can best be filled.

I am sending a similar letter to Mr. Jinnah.

2. From Pandit Jawaharlal Nehru to Lord Wavell, June 12, 1946.

I am sorry for the slight delay in answering your letter of to-day's date. Your invitation to me to see you to-day at 5 P.M. in order to confer with you and Mr. Jinnah about the Interim Government placed me in a somewhat difficult position. I would gladly meet you at any time, but our official spokesman in regard to such matters is naturally our President, Maulana Azad. He can speak and confer authoritatively, which I cannot do. It is, therefore, proper that he should be in charge on behalf of the Congress in authoritative coversation that might take place. But since you have asked me to come I shall do so. I hope, however, that you will appreciate my position and that I can only talk without authority, which vests in our President and the Working Committee.

3. From Mr. Jinnah to Lord Wavell, June 12, 1946.

I am in receipt of your letter of June 12.

I have already informed you by my letter dated June 8 that our decision in accepting the scheme embodied in the statement of the Cabinet Delegation was based on your formula of parity, as one of the most important considerations which weighed with the Working Committee and the Council of the Muslim League in finally arriving at their decision.

I understand that the Congress have not given their decision, and it seems to me that until they decide it is not advisable to discuss how best either the personnel or the portfolios should be adjusted. I agree with you that the important portfolios should be equally distributed between the two major parties and we should get the best possible

men suited for these portfolios. But I am of the opinion that no use or purpose would be served until the Congress have given their decision with regard to the scheme embodied in the statement of the Mission of May 16.

If you wish to discuss anything further I shall be glad to see you alone.

4. From Maulana Azad to Lord Wavell, June 13, 1946.

Thank you for your letter of the 12th June, which I have just received, inquiring after my health. I have now more or less recovered.

Pandit Jawaharlal Nehru has reported to my Committee and me the gist of the conversations between Your Excellency and him. My Committee regret that they are unable to accept your suggestions for the formation of the Provisional National Government. These tentative suggestions emphasise the principle of "Parity" to which we have been and are entirely opposed. In the composition of the Cabinet suggested by you, there is "Parity" between the Hindus including the Scheduled Castes and the Muslim League, that is the number of Caste Hindus is actually less than the nominees of the Muslim League. The position thus is worse than it was in June 1945 at Simla where, according to your declaration then, there was to be "Parity" between the Caste Hindus and Muslims, leaving additional seats for the Scheduled Caste Hindus. The Muslim seats then were not reserved for the Muslim League only but could include non-League Muslims. The present proposal thus puts the Hindus in a very unfair position and at the same time eliminates the non-League Muslims. My Committee are not prepared to accept any such proposal.

Indeed as we have stated repeatedly we are opposed to "Parity" in any shape or form.

In addition to this "Parity" we are told that there should be a convention requiring that major communal issues should be decided by separate group voting. While we have accepted this principle for long term arrangements we did

so as an effective substitute for other safeguards. In your present proposals, however, both "Parity" and this convention are suggested. This would make the working of the Provisional Government almost impossible and deadlock a certainty.

As I have often pointed out to you we are strongly of opinion that the Provisional Government should consist of fifteen members. This is necessary to carry out the administration of the country efficiently, as well as to give adequate representation to the smaller minorities. We are anxious that the various minorities should have scope in such a Government. The work before the Provisional Government is likely to be much heavier and more exacting In your proposals Communications include Railways, Transport, Posts (Post and Telegraphs) and Air. It is difficult for us to conceive how all these can be joined together in one portfolio. This would be highly undesirable at any time. Owing to industrial troubles and in the possibility of railway strikes this arrangement would be wholly wrong. We think also that planning is an essential department for the Centre. We think, therefore, that the Provisional Government must consist of fifteen members.

The suggested division of portfolios appears to us to be undesirable and unfair.

My Committee should also like to point out that a Coalition Government in order to be successful must have some common outlook and programme for the time being. The manner of approach in forming such a Government has been such as to leave this out of consideration and my Committee do not feel any confidence that such a Coalition can function successfully.

It was our intention to write to you about certain other matters also, but for reasons known to you our letter has been delayed. I shall write to you about these and other matters later. My purpose in writing to you now is to convey to you without any delay our reactions on the tentative proposals that you put forward to-day.

5. From Maulana Azad to Lord Wavell, June 14, 1946.

In my letter to you sent yesterday I promised to send you another letter. I am now doing so.

On May 24th the Congress Working Committee passed a resolution which I conveyed to you. In this resolution we gave our reactions to the statement dated May 16, 1946, which the British Cabinet Delegation and you issued on behalf of the British Government. We pointed out what were in our opinion some of the omissions and defects in that statement and we also gave our interpretation of some of its provisions. In a subsequent statement issued by you and the Cabinet Delegation our viewpoint was not accepted.

You know, and we have repeatedly emphasised this, that our immediate objective has been and is the independence of India. We have to judge everything by this standard. We suggested that even though no legal change might be made at this stage, independence in practice might be recognised. This has not been agreed to.

In your letter dated May 30, 1946, addressed to me, you explained what in your view the status and powers of the Interim Government would be. This too falls short of what we aim at. Yet the friendly tone of your letter and our desire to find some way out led us to accept your assurance in these matters. We came to the conclusion also that, unsatisfactory as were many of the provisions of your statement of May 16th, we would try to work them according to our own interpretation and with a view to achieve our objective.

You are no doubt aware of the strong feeling of resentment which exists among large sections of the people against some of the proposals in the statement, notably the idea of Grouping. The Frontier Province and Assam have expressed themselves with considerable force against any compulsory Grouping. The Sikhs have felt hurt and isolated by these proposals and are considerably agitated. Being a minority in the Punjab, they become still more helpless, as far as numbers go, in Section "B". We appreciated all these objections especially as we ourselves shared them. Neverthe-

less we hoped that according to our interpretation of the clauses relating to Grouping, which we still hold is correct interpretation, for any other interpretation would endanger the basic principle of provincial autonomy, we might be able to get over some of the obvious difficulties.

But two insuperable obstacles remained and we had hoped that you would be able to remove them. One of these related to the part that European members of the Provincial Assemblies might play in the election to the Constituent Assembly. We have no objection to Englishmen or Europeans as such, but we do have a strong objection to persons, who are foreigners and non-nationals and who claim to belong to the ruling race, participating in, and influencing the elections to, the Constituent Assembly The Cabinet Delegation's statement lays down clearly that the future constitution of India has to be decided by Indians. The basic principle of the statement of May 16th was the election of a member of the Constituent Assembly to represent one million inhabitants On this basis, the representatives of 146,000 Muslims in Orissa and 180,000 Hindus and 58,000 Sikhs in the North-West Frontier Province have not been given the right to elect any member to the Constituent Assembly. The European population of Bengal and Assam numbers only 21,000 but their representatives can return to the Constituent Assembly by their own vote 7 out of 34 members, thus appropriating to themselves the right to represent seven millions. They are returned to the Provincial Assemblies by a separate electorate of their own and have been given fantastic weightage. This representation of Europeans in the Constituent Assembly will be at the cost of non-Muslims, that is mainly Hindus who are already in a minority in Bengal. To make a minority suffer in this way is utterly wrong. Apart from the question of principle, it is a matter of the utmost importance in practice and may well affect the future both of Bengal and Assam. The Congress Working Committee attach the greatest importance to this. We would like to add that even if the Europeans themselves do not stand for election, but merely vote,

the results will be equally bad. The Cabinet Delegation have informed us that beyond promising to use their persuasive powers they could not hold out any assurance to us that these European members would not exercise the right which, we are advised, they do not possess under the statement of May 16th. But if the Delegation hold otherwise, as evidently they do, we cannot contemplate a legal fight for their exclusion at the threshold of the Constituent Assembly.

Therefore, a clear announcement is necessary that they will not take part as voters or candidates in the election to the Constituent Assembly. We cannot depend on grace or goodwill where rights are concerned.

Equally important, in our view, is the question of "parity" in the proposed Provisional National Government. I have already written to you on this subject. This "parity", or by whatever other name it may be called, has been opposed by us throughout and we consider it a dangerous innovation which, instead of working for harmony, will be a source of continuous conflict and trouble. It may well poison our future as other separatist steps in the past have poisoned our public life. We are told that this is a temporary provision and need not be treated as a precedent, but no such assurance can prevent an evil step from having evil consequences. We are convinced that even the immediate results of any such provision will be harmful.

If the position about the European vote and "parity" remains, my Committee are reluctantly compelled to inform you that they will not be able to assist you in the difficult task ahead.

The talk we had with you to-day has not made any substantial difference to the fundamental position. We have noted that, according to your new suggestions, the proposed woman member might be replaced by a Hindu, thus increasing the Hindu members including Scheduled Caste representatives to six. We would be sorry not to have a woman member, but apart from this, the new proposal maintains the old Simla (1945) formula of parity between Caste Hindus and Muslims, with this important qualification that now

Muslims are supposed to mean members of Muslim League. We are unable to agree to this proposal and we are still convinced that the Provisional Government must consist of fifteen members and that there should be no kind of parity in the selections.

6. From Lord Wavell to Maulana Azad, June 15, 1946.

I have received your letter of June 14. I will reply to it in detail in the course of to-day. Meanwhile I must assume from the last paragraph of your letter that my attempt to negotiate an agreement between the two major parties on the composition of the Interim Government has failed.

The Cabinet Delegation and I have, therefore, decided to issue to-morrow a statement on the action we propose to take, and we will let you have a copy of this before publication.

7. From Lord Wavell to Maulana Azad, June 15, 1946.

I have received your letter of 14th June. You deal with matters on which we have already had much discussion.

We are doing everything possible to further the independence of India. As we have already pointed out, however, there must first be a new constitution drawn up by the people of India.

The Delegation and I are aware of your objections to the principle of Grouping. I would, however, point out that the statement of 16th May does not make Grouping compulsory. It leaves the decision to the elected representatives of the provinces concerned sitting together in Sections.

The only provision which is made is that the representatives of certain provinces should meet in Sections so that they can decide whether or not they wish to form Groups. Even when this has been done the individual provinces are still to have the liberty to opt out of the Group if they so decide.

I recognise the difficulty about the Europeans who through no fault of their own find themselves in a difficult

position. I still hope that a satisfactory solution of the problem will be found.

Our discussions in regard to the Interim Government have been on the basis of political parties and not communities. I understand that this is regarded as preferable now As it was at the first Simla Conference, in the proposed Interim Government of myself and thirteen others, there will be six Congressmen and five Muslim Leaguers. I do not see how this can be called parity. Nor is there parity between Hindus and Muslims, there being six Hindus to five Muslims.

Even at this last moment, I still hope that the Congress will now accept the statement and consent to join the Interim Government.

8. From Maulana Azad to Lord Wavell, June 14, 1946.

In the course of our talk to-day you mentioned that among the Muslim League nominees suggested for the Provisional Government was one from the North-West Frontier Province who had recently been defeated at the Provincial elections.[1] This was said by you confidentially and we shall, of course, treat it as such. But I feel I must inform you, to avoid any possibility of misunderstanding, that any such name will be considered objectionable by us This objection is not personal, but we feel that the name is suggested for entirely political reasons and we cannot agree to any such course.

9. From Lord Wavell to Maulana Azad, June 15, 1946.

This is in answer to your confidential letter of June 14 about one of the Muslim League nominees.

I am afraid that I cannot accept the right of the Congress to object to names put forward by the Muslim League, any more than I would accept similar objections from the other side. The test must be that of ability.

[1] Sardar Abdur Rab Nishtar.

10. From Maulana Azad to Lord Wavell. June 16, 1946.

I have received your two letters of June 15th. I note what you say about Grouping. We abide by our interpretation of it.

As regards Europeans we are clear that even on a legal interpretation of the statement of May 16th, apart from other considerations, they have not the right to participate in the elections to the Constituent Assembly. I am glad you expect a satisfactory solution of this problem.

We have endeavoured in our letter and in the course of our talks to state clearly what our position is in regard to any kind of parity. You will remember that parity was mentioned and considered at the first Simla Conference That parity was exactly same as is now suggested by you, that is, parity between Caste Hindus and Muslims.

Owing to the stress of war and other conditions then existing, we were prepared to accept this only for that occasion. It was not to be used as a precedent. Moreover, this was subject to the inclusion of at least one Nationalist Muslim. Now conditions have entirely changed and we have to consider the question in another context That is approaching independence and Constituent Assembly. As we have written to you, in this context and in present circumstances we consider this kind of parity unfair and likely to lead to difficulties. The whole scheme proposed by you in the statement of May 16 is based on absence of weightage and yet in the proposed Provisional Government there is this weightage, in addition to other far-reaching communal safeguards.

We have tried our utmost to arrive at a satisfactory settlement and shall not despair of it. But such a settlement, in order to be enduring, must be based on strong foundations. So far as the statement of May 16th is concerned our main difficulty, as we wrote to you, was the European vote. . . . .

The second and remaining difficulty relates to the proposals for the Provisional Government which have to be considered together with the statement. The two cannot be

separated. These proposals have thus far been unacceptable to us, but if a satisfactory settlement in regard to them is arrived at, we would be in a position to shoulder the burden.

11. From Lord Wavell to Maulana Azad and Mr. Jinnah, June 16, 1946.

I send herewith a copy of the statement which, as indicated in the letter I sent you yesterday, will be released at 4 P.M. this evening.

As the statement shows, the Cabinet Ministers and I are fully aware of the difficulties that have prevented an agreement on the composition of the Interim Government. We are unwilling to abandon our hope of a working partnership between the two major parties and representatives of the minorities.

We have therefore done our best to arrive at a practicable arrangement taking into consideration the various conflicting claims and the need for obtaining a Government of capable and representative administrators. We hope that the parties will now take their share in the administration of the country on the basis set out in our new statement. We are sure we can rely on you and your Working Committees to look to the wider issues and to the urgent needs of the country as a whole, and to consider this proposal in a spirit of accommodation.

(Enclosed:—Statement by the Cabinet Delegation and the Viceroy, dated 16th June).

28. LORD WAVELL'S ANNOUNCEMENT, JUNE 16, 1946.

His Excellency the Viceroy, in consultation with the members of the Cabinet Mission, has for some time been exploring the possibilities of forming a Coalition Government drawn from the two major parties and certain of the minorities. The discussions have revealed the difficulties which exist for the two major parties in arriving at any agreed basis for the formation of such a Government.

The Viceroy and the Cabinet Mission appreciate these

difficulties and the efforts which the two parties have made to meet them. They consider, however, that no useful purpose can be served by further prolonging these discussions. It is indeed urgently necessary that a strong and representative Interim Government should be set up to conduct the very heavy and important business that has to be carried through.

The Viceroy is, therefore, issuing invitations to the following to serve as members of the Interim Government on the basis that the constitution-making will proceed in accordance with the statement of May 16:—

Sardar Baldev Singh,[1] *Sir N. P. Engineer*,[2] Mr. Jagjivan Ram,[3] Pandit Jawaharlal Nehru,[4] Mr. M. A. Jinnah,[5] Nawabzada Liaquat Ali Khan,[6] Mr H K. Mahtab,[7] Dr. John Matthai,[8] Nawab Mohammad Ismail Khan,[9] Khwaja Sir Nazimuddin,[10] Sardar Abdur Rab Nishtar,[11] Mr. C. Rajagopalachari,[12] Dr. Rajendra Prasad,[13] Sardar Vallabhbhai Patel.[14]

If any of those invited is unable for personal reasons to accept, the Viceroy will, after consultation, invite some other person in his place.

The Viceroy will arrange the distribution of portfolios in consultation with the leaders of the two major parties.

The above composition of the Interim Government is in no way to be taken as a precedent for the solution of any other communal question. It is an expedient put forward to solve the present difficulty only, and to obtain the best available Coalition Government.

The Viceroy and the Cabinet Mission believe that Indians of all communities desire to arrive at a speedy settlement of this matter so that the process of constitution-making can go forward and that the government of India may be carried on as efficiently as possible in the mean time.

They, therefore, hope that all parties, especially the two major parties, will accept this proposal so as to overcome

(1) Akali Party (Sikh). (2) Parsi, not connected with any party. (3, 4, 7, 12, 13, 14) Congress. (5, 6, 9, 10, 11) Muslim League. (8) Indian Christian, not connected with any party.

the present obstacles, and will co-operate for the succe- ful carrying on of the Interim Government. Should this proposal be accepted the Viceroy will aim at inaugurating the new Government about the 26th June.

In the event of the two major parties or either of them proving unwilling to join in the setting up of a Coalition Government on the above lines, it is the intention of the Viceroy to proceed with the formation of an Interim Government which will be as representative as possible of those willing to accept the statement of May 16.

The Viceroy is also directing the Governors of the Provinces to summon the Provincial Legislative Assemblies forthwith to proceed with the elections necessary for the setting up of the constitution-making machinery as put forward in the statement of May 16

29. CONGRESS-VICEROY CORRESPONDENCE, JUNE 18-25, 1946.

1. From Maulana Azad to Lord Wavell, June 18, 1946.

I promised to write to you this evening in case my Committee had come to any decisions. The Committee met this afternoon and sat for many hours. In the absence of our colleague, Khan Abdul Ghaffar Khan, who is due to arrive to-morrow morning, we decided to adjourn till to-morrow. I am therefore not in a position this evening to convey to you any decision. I shall communicate with you as soon as my Committee arrive at any conclusion.

2. From Lord Wavell to Maulana Azad, June 20, 1946.

You will, I am sure, appreciate that the members of the Cabinet Mission have a great deal of urgent work awaiting them in England and are not in a position to prolong their stay in this country indefinitely. I would therefore ask your Working Committee to let us have a final answer as soon as possible to the proposals made in our statement of June 16.

I understand that you have summoned back the members of the Committee who had left Delhi and in these circumstances we would ask you to let us have your answer not later than Sunday, June 23.

3. From Maulana Azad to Lord Wavell, June 21, 1946.

I have Your Excellency's letter of 20th June, 1946.

I appreciate your anxiety to come to an early decision regarding the formation of an Interim Government and I can assure you that my Working Committee fully share your anxiety. A new difficulty, in addition to the old ones, has however been created by the publication in the press of the alleged contents of Mr. Jinnah's letter to you in which he raises objection to the Congress nominations in the Interim Cabinet It will be great assistance to the Working Committee in coming to a decision if they could have copies of these alleged letters and your reply as they deal with vital matters which we have to consider.

4. From Lord Wavell to Maulana Azad, June 21, 1946.

I thank you for your letter of to-day. Mr. Jinnah in his letter to me of 19th June put to me the following questions:

1. Whether the proposals contained in the statement for setting up of an Interim Government are now final or whether they are still open to any further change or modification at the instance of any of the parties or persons concerned:

2. Whether the total number of fourteen members of the Government as proposed in the statement would remain unchanged during the interim period:

3. If any person or persons invited as representatives of the four minorities, viz., the Scheduled Castes, the Sikhs, the Indian Christians and the Parsis, is, or are unable to accept the invitation to join the Interim Government for personal or other reasons how will the vacancy or vacancies thus created be filled by the Viceroy; and whether in filling

up the vacancy or vacancies the leader of the Muslim League will be consulted and his consent obtained;

4. (*a*) Whether during the Interim period for which the Coalition Government is being set up, the proportion of members of the Government community-wise, as provided in the proposals, will be maintained,

(*b*) Whether the present representation given to four minorities, viz., the Scheduled Castes, the Sikhs, the Indian Christians and the Parsis will be adhered to without any change or modification, and

5. In view of the substitution of 14 now proposed for the original 12 and the change made in the original formula, whether there will be a provision, in order to safeguard Muslim interests, that the Executive Council shall not take any decision on any major communal issue if the majority of the Muslim members are opposed to it".

The operative part of my reply dated the 20th June was as follows:

"The intention in the statement of June 16 was that the discussion of portfolios with leaders of the two main parties should follow the acceptance by both parties of the scheme. This intention still holds since until the names are known it is difficult to decide on the distribution of portfolios.

On the points which you desire to be made clear in connection with the Government to be formed under our statement of June 16, I give you the following reply after consultation with the Delegation.

1. Until I have received acceptances from those invited to take office in the Interim Government the names in the statement cannot be regarded as final. But no change in the principle will be made in the statement without the consent of the two major parties.

2. No change in the number of 14 members of the Interim Government will be made without the agreement of the two major parties.

3. If any vacancy occurs among the seats at present

allotted to representatives of minorities I shall naturally consult both the main parties before filling it.

4. (*a*) and (*b*) The proportion of members by communities will not be changed without the agreement of the two major parties.

5. No decision on a major communal issue could be taken by the Interim Government if the majority of either of the main parties were opposed to it. I pointed this out to the Congress President and he agreed that the Congress appreciated this point."

5. From Lord Wavell to Maulana Azad, June 22, 1946.

I understand from press reports that there is a strong feeling in Congress circles that the party should insist on their right to include a Muslim of their own choice among the representatives of the Congress in the Interim Government.

For reasons of which you are already aware it is not possible for the Cabinet Mission or myself to accept this request, but I would draw your attention to paragraph 5 of the statement of the 16th June, which reads as follows:

"The above composition of the Interim Government is in no way to be taken as a precedent for the solution of any other communal question. It is an expedient put forward to solve the present difficulty only, and to obtain the best available Coalition Government."

In the light of this assurance that no precedent is established we appeal to the Congress not to press their demand, but to take part in the strong Interim Government which the country so urgently needs.

6. From Maulana Azad to Lord Wavell, June 25, 1946.

Ever since the receipt of your statement of June 16th, my Committee have been considering it from day to day and have given long and anxious thought to your proposals and to the invitations you have issued to individuals to form the Provisional National Government. Because of our desire

to find some way out of the present most unsatisfactory situation, we have tried our utmost to appreciate your approach and viewpoint. In the course of our conversations we have already pointed out to you our difficulties. Unfortunately these difficulties have been increased by the recent correspondence.

The Congress, as you are aware, is a national organisation including in its fold the members of all religions and communities in India. For more than half a century it has laboured for the freedom of India and for equal rights for all Indians. The link that has brought all these various groups and communities together within the fold of the Congress is the passionate desire for national independence, economic advance and social equality. It is from this point of view that we have to judge every proposal. We hoped that a Provisional National Government would be formed which would give effect in practice to this independence.

Appreciating some of your difficulties, we did not press for any statutory change introducing independence immediately, but we did expect a *de facto* change in the character of the Government making for independence in action. The status and powers of the Provisional Government were thus important.

In our view this was going to be something entirely different from the Viceroy's Executive Council. It was to represent a new outlook, new methods of work and a new psychological approach by India to both domestic and external problems. Your letter dated 30th May, 1946, gave us certain assurances about the status and powers of the Provisional Government. These did not go far enough, according to our thinking, but we appreciated the friendly tone of that letter and decided to accept the assurances and not to press this particular matter any further.

The important question of the composition of the Provisional Government remained. In this connection we emphasised that we could not accept anything in the nature of "parity" even as a temporary expedient and pointed out that the Provisional Government should consist of 15 mem-

bers to enable the administration of the country to be carried on efficiently and the smaller minorities to be represented in it.

Some mention of names was made and on our part suggestions were put before you informally, including the name of a non-League Muslim.

In your statement of June 16th some of the names were made from the provisional list prepared by the Congress. The manner of preparing your list and presenting it as an accomplished fact seemed to us to indicate a wrong approach to the problem. One of the names[1] included had not been previously mentioned at all and was that of a person holding an official position and not known to be associated with any public activity. We have no personal objection to him, but we think that the inclusion of such a name, particularly without any previous reference or consultation, was undesirable and indicated a wrong approach to the problem.

Then again a name[2] from our list was excluded and in his place another[3] of our colleagues was put in, but as you have said that this can be rectified, I need not say more about it.

One outstanding feature of this list was the non-inclusion of any Nationalist Muslim We felt that this was a grave omission. We wanted to suggest the name of a Muslim to take the place of one of the Congress names on the list. We felt that no one could possibly object to our changing the name of one of our own men. Indeed when I had drawn your attention to the fact that among the Muslim League nominees was included the name of a person[4], who had actually lost in the recent elections in the Frontier Province and whose name we felt had been placed there for political reasons, you wrote to me as follows: "I am afraid that I cannot accept the right of the Congress to object to names put forward by the Muslim League any more than I

[1]Sir N P. Engineer, Advocate-General of India
[2]Mr Sarat Chandra Bose.
[3]Mr Harekrishna Mahtab
[4]Sardar Abdur Rab Nishtar.

would accept similar objections from the other side. The test must be that of ability." But before we could make our suggestion I received your letter of the 22nd June which surprised us greatly. You had written this letter on the basis of some Press reports. You told us that the Cabinet Mission and you were not prepared to accept a request for the inclusion of a Muslim chosen by the Congress among the representatives of the Congress in the Interim Government.

This seemed to us an extraordinary decision. It was in direct opposition to your own statement quoted above. It meant that the Congress could not freely choose even its own nominees.

The fact that this was not to be taken as a precedent made hardly any difference. Even a temporary departure from such a vital principle could not be accepted by us at any time or place and in any circumstances.

In your letter of the 21st June you gave certain questions framed by Mr. Jinnah in his letter dated 19th June and your replies to them. We have not seen Mr. Jinnah's letter. In Question 3 reference is made to "representation of the four minorities, *viz.*, the Scheduled Castes, the Sikhs, the Indian Christians and the Parsees," and it is asked as to "who will fill in vacancies caused in these groups, and whether in filling up the vacancies the leader of the Muslim League will be consulted and his consent obtained."

In your answer you say, "If any vacancy occurs among the seats at present allotted to representatives of the minorities, I shall naturally consult both the main parties before filling it." Mr. Jinnah has thus included the Scheduled Castes among the minorities and presumably you have agreed with this view. So far as we are concerned we repudiate this view and consider the Scheduled Castes as integral parts of Hindu society. You also, in your letter of June 15th, treated the Scheduled Castes as Hindus.

You pointed out that in your proposal there was no "parity" either between Hindus and Muslims or between the Congress and the Muslim League in as much as there were to be 6 Hindus belonging to the Congress, as against 5

Muslims belonging to the League One of the 6 Hindus belonged to the Scheduled Castes.

We are in any case not agreeable to the leader of a party, which claims to represent a community which is a minority, interfering with the selection of names either of the Scheduled Castes, whose representation you counted as falling within the Congress quota, or with the selection of representatives of the minorities mentioned.

In Question 4 the Scheduled Castes are again referred to as a minority and it is asked whether the proportion of members of the Government community-wise as provided in the proposals will be maintained. Your answer is that the proportion will not be changed without agreement of the two major parties. Here again one communal group functioning admittedly as such is given a power to veto changes in other groups with which it has no concern.

We may desire, if opportunity offers itself, to increase the representation, when it is possible, to include another minority, for example Anglo-Indians. All this would depend on the consent of the Muslim League. We cannot agree to this.

We may add that your answers restrict the Congress representation to Caste Hindus and make it equal to that of the League.

Finally you state in answer to Question 5 that "no decision on a major communal issue could be taken by the Interim Government if the majority of either of the main parties were opposed to it." You further say that you had pointed this out to the Congress President and he had agreed that the Congress appreciated this point. In this connection I desire to point out that we had accepted this principle for the long-term arrangement in the Union Legislature and it could possibly be applied to the Provisional Government if it was responsible to the Legislature and was composed of representatives on the population basis of major communities. It could not be applied to the Provisional Government formed on a different basis altogether. It was pointed out by us in my letter of the 13th June, 1946, that it would make

administration impossible and deadlocks a certainty. Even in the question as framed by Mr. Jinnah it is stated that "in view of the substitution of 14 now proposed for the original 12" no major communal issues should be decided if the majority of the Muslim members are opposed to it. Thus this question arose after the substitution of 14 for 12, *i.e.*, after your statement of June 16th.

In this statement no mention was made of this rule.

This very important change has been introduced, almost casually and certainly without our consent. This again gives the power of veto or obstruction to the Muslim League in the Provisional Government.

We have stated above our objections to your proposals of June 16th as well as to your answers to the questions framed by Mr. Jinnah. These defects are grave and would render the working of the Provisional Government difficult and deadlocks a certainty. In the circumstances your proposals cannot fulfil the immediate requirements of the situation or further the cause we hold dear.

My Committee have, therefore, reluctantly come to the conclusion that they are unable to assist you in forming a Provisional Government as proposed in your statement of June 16th, 1946.

With regard to the proposals made in the statement of May 16th, 1946, relating to the formation and functioning of the constitution-making body, the Working Committee of the Congress passed a resolution on the 24th May, 1946, and conversations and correspondence have taken place between Your Excellency and the Cabinet Mission on the one side and myself and some of my colleagues on the other. In these we have pointed out what in our opinion were the defects in the proposals. We also gave our interpretation of some of the provisions of the statement. While adhering to our views we accept your proposals and are prepared to work them with a view to achieve our objective. We would add, however, that the successful working of the Constituent Assembly will largely depend on the formation of a satisfactory Provisional Government.

30. RESOLUTION OF THE CONGRESS WORKING COMMITTEE, JUNE 26, 1946.

On May 24 the Working Committee passed a resolution on the statement, dated May 16, issued by the British Cabinet Delegation and the Viceroy. In this resolution they pointed out some defects in the statement and gave their own interpretation of certain parts of it

Since then the Committee have been continuously engaged in giving earnest consideration to the proposals made on behalf of the British Government in the statements of May 16 and June 16 and have considered the correspondence in regard to them between the Congress President and the members of the Cabinet Delegation and the Viceroy.

The Committee have examined both these sets of proposals from the point of view of the Congress objective of immediate independence and the opening out of the avenues leading to the rapid advance of the masses, economically and socially, so that their material standards may be raised and poverty, malnutrition, famine and the lack of the necessaries of life may be ended, and all the people of the country may have the freedom and opportunity to grow and develop according to their genius. These proposals fall short of these objectives Yet the Committee considered them earnestly in all their aspects because of their desire to find some way for the peaceful setttlement of India's problem and the ending of the conflict between India and England

The kind of independence Congress has aimed at is the establishment of a united, democratic Indian federation, with a Central authority, which would command respect from the nations of the world, maximum provincial autonomy and equal rights for all men and women in the country The limitation of the Central authority as contained in the proposals, as well as the system of Grouping of provinces, weakened the whole structure and was unfair to some provinces such as the N. W F. Province and Assam, and to some of the minorities, notably the Sikhs. The Committee disapproved of this. They felt, however, that, taking the

proposals as a whole, there was sufficient scope for enlarging and strengthening the Central authority and for fully ensuring the right of a province to act according to its choice in regard to Grouping, and to give protection to such minorities as might otherwise be placed at a disadvantage. Certain other objections were also raised on their behalf, notably the possibility of non-nationals taking any part in the constitution-making. It is clear that it would be a breach of both the letter and spirit of the statement of May 16 if any non-Indian participated in the voting or stood for election to the Constituent Assembly.

In the proposals for an Interim Government contained in the statement of June 16 the defects related to matters of vital concern to the Congress. Some of these have been pointed out in the letter dated June 25 of the Congress President to the Viceroy. The Provisional Government must have power and authority and responsibility and should function in fact, if not in law, as a *de facto* independent Government leading to the full independence to come The members of such a Government can only hold themselves responsible to the people and not to any external authority. In the formation of a provisional or other Government Congressmen can never give up the national character of the Congress, or accept an artifical and unjust parity, or agree to the veto of a communal group. The Committee are unable to accept the proposals for the formation of an Interim Government as contained in the statement of June 16.

The Committee have, however, decided that the Congress would join the proposed Constituent Assembly, with a view to framing the constitution of a free, united and democratic India.

While the Committee have agreed to Congress participation in the Constituent Assembly, it is in their opinion essential that a representative and responsible provisional National Government be formed at the earliest possible date. A continuation of authoritarian and unrepresentative Government can only add to the suffering of famishing masses and increased discontent. It will also put in jeopardy the work

of the Constituent Assembly, which can only function in a free environment.

The Working Committee recommend accordingly to the All-India Congress Committee, and for the purpose of considering and ratifying this recommendation they convene an emergent meeting of the A.-I.C C. in Bombay on July 6 and 7.

31. STATEMENT OF THE CABINET MISSION AND THE VICEROY, JUNE 26, 1946.

The Cabinet Mission and the Viceroy are glad that constitution-making can now proceed with the consent of the two major parties and of the States. They welcome the statements made to them by the leaders of the Congress and the Muslim League that it is their intention to try and work in the Constituent Assembly so as to make it a speedy and effective means of devising the new constitutional arrangements under which India can achieve her independence. They are sure that the members of the Constituent Assembly, who are about to be elected, will work in this spirit.

The Cabinet Mission and the Viceroy regret that it has not so far proved possible to form an Interim Coalition Government, but they are determined that the effort should be renewed in accordance with the terms of parapraph eight of their statement of June 16.

Owing, however, to the very heavy burden which has been cast upon the Viceroy and the representatives of the parties during the last three months, it is proposed that the further negotiations should be adjourned for a short interval during the time while the elections for the Constituent Assembly will be taking place. It is hoped that when the discussions are resumed, the leaders of the two major parties, who have all expressed their agreement with the Viceroy and the Cabinet Mission on the need for the speedy formation of a representative Interim Government, will do their utmost to arrive at an accommodation upon the composition of that Government.

As the government of India must be carried on until a new Interim Government can be formed, it is the intention of the Viceroy to set up a temporary Care-taker Government of officials.

It is not possible for the Cabinet Mission to remain longer in India as they must return to report to the British Cabinet and Parliament and also to resume their work from which they have been absent for over three months. They, therefore, propose to leave India on Saturday next, June 29.

In leaving India the members of the Cabinet Mission express their cordial thanks for all the courtesy and consideration which they have received as guests in the country and they most sincerely trust that the steps which have been initiated will lead to a speedy realisation of the hopes and wishes of the Indian people.

32. MR. JINNAH'S CORRESPONDENCE WITH LORD WAVELL, JUNE 18—28, 1946[1].

1. From Mr. Jinnah to Lord Wavell, June 18, 1946.

In the course of my interview with you this evening you informed me that the Congress proposed to substitute Dr. Zakir Hussain for one of the Caste Hindus invited by you to join the Interim Government although you expressed the hope that they would not do so. I told you that the reaction of Muslim India would be deadly against such a substitution and the Muslim League would never accept the nomination of any Muslim by you other than Muslim Leaguer. I placed the matter before my Working Committee and it has unanimously endorsed this view and considers it vital and fundamental.

2. From Mr. Jinnah to Lord Wavell, June 19, 1946.

I am in receipt of your letter of the 16th June, 1946, together with an advance copy of the statement by the Cabinet Delegation and yourself of the same date.

In my interview with you at Simla prior to the announce-

[1] See also pp. 217—221.

ment of the Cabinet Delegation's proposals, you had informed me that you were going to form the Interim Government consisting of twelve members on the basis of five Muslim League, five Congress, one Sikh and one Indian Christian or Anglo-Indian As regards the portfolios, you had indicated that the important ones would be equally divided between the Muslim League and the Congress but details of actual allotment were to be left open for discussion. After the statement of the Cabinet Delegation and yourself, dated the 16th of May, 1946, you again on the 3rd of June at New Delhi gave me to understand that the formula for the formation of the Interim Government disclosed to me at Simla would be followed. On both the occasions I sought your permission to communicate this information to my Working Committee which you kindly gave. Accordingly, I gave a full account of the talks I had with you and the decision of the Working Committee in regard to the acceptance of the long-term proposals was largely influenced by the faith which they reposed in the scheme for the formation of the Interim Government disclosed by you to me on the two occasions. Further, as I have already pointed out in my letter to you of 8th June, 1946, I made the statement before the Council of the All-India Muslim League that that was the formula, which, I was assured by you, would be the basis on which you would proceed to form your Interim Government, and, therefore, this formed an integral part of the plan embodied in the statement of the Cabinet Delegation. This was one of the most important considerations which weighed with the Council of the All-India Muslim League also in arriving at their decision, although even then there was a section that was opposed to the plan being accepted.

When the Congress press started a sinister agitation against Congress-League parity, with a view to inform you of the Muslim League stand, I wrote to you on the 8th June that "any departure from this formula, directly or indirectly, will lead to serious consequences and will not secure the co-operation of the Muslim League".

Subsequently, in my interview with you on the 13th June

you informed me that you wanted to alter the basis and proceed on the formula of five Congress, five Muslim League, and three others, namely, one Sikh, one Scheduled Caste, and one Indian Christian. I told you then that if any change was proposed to be made I would have to place the matter before the Working Committee and may have to call another meeting of the Council of the All-India Muslim League. I also informed you that when the Congress finally agreed to your new formula I would then place it before my Working Committee for them to take such action as they deem necessary.

After discussion with the Congress representatives you wrote to me on the 15th June informing me that you had failed to negotiate an agreement on the composition of the Interim Government on the basis of 5: 5: 3 and that the Cabinet Delegation and yourself would issue a statement on the 16th of June on the action that you proposed to take and that you would let me have a copy of it before publication.

Accordingly you sent me a copy of the statement by the Cabinet Delegation and yourself issued on the 16th June, with a covering letter of the same date, which I placed before my Working Committee and who after careful consideration of the matter have authorised me to state as follows:

(A) That the Working Committee are surprised that invitations have been issued to 5 Muslim Leaguers to join the 'Interim' Government without calling for a list from the leader of the Muslim League.

(B) That your latest proposal on the basis of which you now desire to form your 'Interim' Government shows that you have abandoned parity between the Congress and the Muslim League, the two major parties, and have substituted parity between the Muslim League and Caste Hindus, and have added a fourth representative of the minorities, namely, a Parsi. One of the minority representatives nominated by you, *i.e.*, Mr. Jagjivan Ram, is a Congressman and has been selected, it appears, not to give real representation to the Scheduled Castes, but to give an additional seat to the Congress in the ' Interim ' Government.

(C) That the modifications which have been made in the original formula for the 'Interim' Government have adversely affected the proportion of the Muslims in the 'Interim' Government as a whole and as against the Congress as a single group.

(D) That in view of the serious changes which have, from time to time, been made to satisfy the Congress, it is not possible for the Working Committee to arrive at any decision in the matter of the formation of the 'Interim' Government so long as the Congress does not finally convey its decision on the proposals to you, and

(E) That the question of distribution of portfolios should also be finally decided so that there may be no further hitch created by the Congress in this regard and the Working Committee may have a complete picture before them when they meet to consider the proposals

Further, I shall be grateful if you will please make the following points clear with reference to your letter and statement of the 16th June:—

1. Whether the proposals contained in the statement for the setting up of an 'Interim' Government are now final or whether they are still open to any further change or modification at the instance of any of the parties or persons concerned;

2. Whether the total number of 14 members of the Government as proposed in the statement would remain unchanged during the interim period;

3. If any person or persons invited as representatives of the four minorities, *viz.*, the Scheduled Castes, the Sikhs, the Indian Christians and the Parsis, is, or are, unable to accept the invitation to join the 'Interim' Government for personal or other reasons, how will the vacancy or vacancies thus created, be filled by the Viceroy; and whether in filling up the vacancy or vacancies the leader of the Muslim League will be consulted and his consent obtained;

4. (*a*) Whether during the interim period for which the Coalition Government is being set up the proportion of members of the Government, community-

wise, as provided in the proposals, will be maintained;

(*b*) Whether the present representation given to four minorities, *viz* , the Scheduled Castes, the Sikhs, the Indian Christians and the Parsis will be adhered to without any change or modification; and

5. In view of the substitution of 14 now proposed for the original 12 and the change made in the original formula, whether there will be a provision, in order to safeguard Muslim interests, that the Executive Council shall not take any decision on any major communal issue if the majority of the Muslim members are opposed to it.

I trust that you will kindly favour me with your reply as early as possible.

3. From Lord Wavell to Mr. Jinnah, June 20, 1946.

I thank you for your letter of the 19th June which I have shown to the Cabinet Mission.

I do not think it is necessary for me to comment on the first part of your letter. I am sure you will appreciate that negotiations designed to secure acceptance by two parties with conflicting interests may not always end on the same basis as that on which they began; and, as you know, I never gave you any guarantee that they would necessarily be concluded on any particular basis.

I note the views of the Muslim League set out in paragraphs (A) to (E) of your letter.

The intention in the statement of June 16 was that the discussion of portfolios with leaders of the main parties should follow the acceptance by both parties of the scheme. This intention still holds, since until the names are known, it is difficult to decide on the distribution of portfolios.

On the points which you desire to be made clear in connection with the Government to be formed under our statement of June 16, I give you the following reply after consultation with the Delegation:—

(1) Until I have received acceptance from those invited to take office in the 'Interim' Government, the names in the statement cannot be regarded as final. But no change in principle will be made in the statement without the consent of the two major parties.

(2) No change in the number of 14 members of the 'Interim' Government will be made without the agreement of the two major parties.

(3) If any vacancy occurs among the seats at present allotted to representatives of minorities, I shall naturally consult both the main parties before filling it.

(4) (*a*) and (*b*). The proportion of members by communities will not be changed without the agreement of the two major parties.

(5) No decision on a major communal issue could be taken by the 'Interim' Government if the majority of either of the main parties were opposed to it I pointed this out to the Congress President and he agreed that the Congress appreciated this point

(6) If you agree, I will send copies of the questions in your letter and of paragraphs 4 and 5 of this letter to the President of the Congress.

4. From Lord Wavell to Mr. Jinnah, June 28, 1946.

The Cabinet Mission and I feel that there are certain points in your statement released yesterday[1] which it would be wrong to leave unanswered.

You will remember that at an interview which the Cabinet Mission and I had with you on the evening of the 25th June, before the meeting of your Working Committee at which you accepted the proposals in the statement of the 16th June, we explained to you that as Congress had accepted the statement of 16th May while refusing to take part in the 'Interim' Government proposed in the statement of 16th June, this had produced a situation in which paragraph 8 of

[1] See pages 210—212

the statement of the 16th June took effect. This paragraph stated that if either of the two major parties was unwilling to join in the setting up of a Coalition Government on the lines laid down in that statement, the Viceroy would proceed with the formation of 'Interim' Government which would be as representative as possible of those willing to accept the statement of the 16th May.

We said that since the Congress and the Muslim League had now both accepted the statement of 16th May, it was the intention to form a Coalition Government including both those parties as soon as possible. In view, however, of the long negotiations which had already taken place, and since we all had other work to do, we felt that it would be better to have a short interval before proceeding with further negotiations for the formation of an Interim Government. Thus whatever interpretation you may put on paragraph 8, your Working Committee can have been in no doubt as to the course we proposed to adopt.

I confirmed in writing the same evening what we had told you.

Secondly, the assurances which you quote in your statement related specifically to the particular 'Interim' Government that would have been set up if both major parties had accepted the statement of the 16th June.

To prevent misunderstanding I propose to publish this letter together with your letter of the 19th June the substance of which has already appeared in the Press and my reply of the 20th June.

5. From Lord Wavell to Mr. Jinnah, June 28, 1946.

I have received your letter of the 28th June[1] and have shown it to the Cabinet Ministers.

We are quite unable to accept your suggestion that we have gone back on our word. As I have said in a letter to you earlier to-day our course of action was determined by what had been laid down in paragraph 8 of the statement of

[1] See pp 219—220.

the 16th June; and we had made it plain to you before your Working Committee meeting on the 25th June, that we proposed to follow this course.

The arrangements for the elections to the Constituent Assembly have already been put into operation and we do not propose to postpone them.

As the substance of your letter was included in the All-India Radio news to-day I am publishing this reply.

33. MR. JINNAH'S STATEMENT, JUNE 27, 1946.

I have considered the letter of the Congress President addressed to Lord Wavell dated June 26, the resolution of the Working Committee of the Congress released to the press yesterday, and the statement of the Cabinet Delegation and the Viceroy issued in New Delhi on Wednesday, June 26, but a copy of which has not yet been furnished to me.

I think it is necessary for me to state shortly as to what occurred during the progress of the negotiations

Prior to the Cabinet Delegation's statement of May 16 and further statement of May 25, the Viceroy at Simla represented to me that he would proceed with the formation of an Interim Government on the basis of the formula, five, five, two, *i.e.*, five on behalf of the Muslim League, five on behalf of the Congress, one Sikh and one Indian Christian or Anglo-Indian and that, as regards the portfolios, the most important of them would be equally divided between the Congress and the Muslim League, further details being left open for discussion. With the permission of the Viceroy I was authorised to state this formula to the Working Committee at Simla, on the assumption that the long-term proposals would be such as would be acceptable to us. Thereafter again, on the eve of the meeting of the Working Committee of the Muslim League, in my interview on June 3 the Viceroy repeated the same formula and authorised me to communicate it to my Working Committee. This was one of the most important considerations which weighed with them together with the two statements of the Cabinet Dele-

gation dated May 16 and May 25. The long-term plan and the Interim Government formula together formed one whole and this formula regarding the Interim Government was an integral part of the whole scheme and as such the Council of the All-India Muslim League gave its final decision on that basis on June 6.

Thereafter, the Viceroy sent for me on June 13 and he suggested a formula of five, five, three. Owing to the agitation set on foot by the Congress press and the opposition of the Congress to the original formula, I had already given a warning to the Viceroy in a letter on June 8 that any departure from this formula, directly or indirectly, would lead to serious consequences and would not secure the co-operation of the Muslim League, and that I might have to call a meeting of the Council of the All-India Muslim League again. At my interview with the Viceroy on the 13th, I was told by him that he wanted to change the basis of the original formula and proceed on the basis of five Congress, five Muslim League and three others, *i.e.*, one Sikh, one Scheduled Caste and one Indian Christian or Anglo-Indian. In spite of the difficulties that I had pointed out would arise, I informed the Viceroy that if the Congress were finally to agree to this new formula I would place it before my Working Committee for their consideration. But even this second proposal of the Viceroy was turned down by the Congress and His Excellency the Viceroy informed me by his letter dated June 15 that he had failed to negotiate an agreement on the basis which he had suggested and that the Cabinet Delegation and he had decided to issue their statement on June 16 on the action they proposed to take. Accordingly, the statement of June 16 was issued to the Press and an advance copy was sent to me. These were, we were categorically informed, final and not open to any modification, except that the names in the statement could not be regarded as final, until the Viceroy had received acceptances from those invited to take office in the Interim Government.

On the 19th June I wrote to the Viceroy asking for certain clarifications regarding the statement of June 16 to

which a reply was received from him on the 20th of June after he had consulted the Cabinet Delegation. The following extracts are from that letter of the Viceroy in reply to questions put to him.

(1) "Until I have received the acceptance of those invited to take office in the Interim Government, the names in the statement cannot be regarded as final. No change is proposed to be made in the statement without the consent of the two major parties."

(2) "No change in the number of fourteen members of the Interim Government will be made without agreement of the two major parties."

(3) "If any vacancy occurs among the seats at present allotted to the representatives of the minorities, I shall naturally consult both the main parties before filling it."

(4) (*a* and *b*) "The proportion of the members by communities (word 'communities' underlined) will not be changed without agreement of the two major parties."

(5) "No decision on a major communal issue could be taken by the Interim Government if the majority of any of the main parties were opposed to it. I pointed this out to the Congress President and he agreed that the Congress appreciated this point."

I had by my letter of June 19 informed the Viceroy that in view of the serious changes which had from time to time been made to satisfy the Congress, it was not possible for the Working Committee to arrive at any decision in the matter of formation of the Interim Government, so long as the Congress did not convey their final decision on the proposals of June 16 to the Viceroy and until it was communicated to me.

34. Mr. JINNAH'S STATEMENT, JUNE 29, 1946.

The Cabinet Delegation and His Excellency the Viceroy have thought fit to release only a few letters torn from the rest of the correspondence that passed between me and the

Delegation and the Viceroy, which have a very important bearing on the present controversy.

The Viceroy did make a clear representation to me that he would proceed to form his Interim Government on the basis of the formula 5: 5: 2: *i.e.*, 5 representatives of the Muslim League, 5 of the Congress, 1 Sikh and 1 Indian Christian or Anglo-Indian, and that, as regards the portfolios, the most important portfolios will be equally divided between the League and the Congress in distribution thereof, further details being left open for discussion.

The Viceroy further authorised me to make that representation to my Working Committee and the Council of the All-India Muslim League, which I did, and it was on that basis that, both the Working Committee and the Council were induced to accept the long-term plan and the proposal for the Interim Government together as a whole.

This formula had a vital bearing and did greatly weigh with the Council of the All-India Muslim League in coming to their final decision, which was communicated to the Viceroy on the 7th June. Immediately thereafter a sinister agitation was set on foot by the Congress Press against this formula and I informed the Viceroy by my letter of 8th June, by way of caution, that there should be no departure from this formula. Below is the full text of this letter which speaks for itself.

(*Letter from Mr. Jinnah to Lord Wavell, June 8, 1946*):

Dear Lord Wavell,

During the course of our discussions regarding the Interim Government at Simla and thereafter at Delhi on the 3rd of June after my arrival and before the meeting of the Muslim League Working Committee took place, you were good enough to give me the assurance that there will be only 12 portfolios, 5 on behalf of the League, 5 Congress, 1 Sikh and 1 Christian or Anglo-Indian; and that, as regards the portfolios, the most important portfolios will be equally divided between the League and the Congress in the distri-

bution thereof, further details being left open for discussion.

With your previous permission I informed the Working Committee of this assurance and this was one of the most important considerations which weighed with them together with the statement of the Cabinet Mission. These two together formed one whole and, as such, the Council of the All-India Muslim League has given its final decision on the 6th of June. I may further inform you that similarly I had to repeat the assurance to the Council before they finally gave their approval. As you know, the meeting of the All-India Muslim League Council was held in camera and, there again, the House showed great opposition to the scheme in the beginning. During the course of discussions at a very early stage a large body of opposition was satisfied when I made the statement in answer to the very pressing question as to what our position will be with regard to the Interim Government.

But for this assurance we could not have got the approval of the Council to the scheme. As requested by you I took as much care as possible to see that it did not become public.

I am writing this letter to you as I find that a very sinister agitation has been set on foot by the Congress press against your formula stated above, which was the turning point in our having secured the decision of the Council.

Any departure from this formula, directly or indirectly, will lead to very serious consequences and will not secure the co-operation of the Muslim League

You know further that the Congress may adopt an offensive attitude by including a Muslim in their quota, which will be strongly resented by the Muslim League and which will be another very great hurdle before us.

Yours sincerely,

M. A. Jinnah.

The Viceroy replied by his letter of the 9th June and in this letter he did not take exception to the facts stated by me in my letter quoted above. Only, according to him "there was no assurance on this point." The following is the full text of the Viceroy's letter:

(*Letter from Lord Wavell to Mr. M. A. Jinnah, June 9, 1946*):

Dear Mr. Jinnah.

Thank you for your letter of yesterday. You speak of an assurance about the 5 : 5 : 2 ratio. There was no assurance on this point. But I told you, as I told the Congress, that this was what I had in mind. It would be wrong for me to leave you under the impression that there was any assurance, although I hope that we may reach agreement on that basis.

Yours sincerely,
Wavell.

The fact however remains that he did make this representation to me and authorised me to do likewise to the Working Committee and the Council of the All-India Muslim League, both of which were induced to come to their decisions upon the faith of this representation.

The next important date is the 13th of June, when I was called by the Viceroy, and suddenly he presented a new formula for the composition of the Interim Government, *i.e.*, 5 : 5 : 3. I have already explained as to what transpired between him and me with regard to this revised formula. But the Viceroy failed to negotiate an agreement with the Congress on this basis also and I was informed by his letter of the 15th June that the Cabinet Delegation and he would issue a statement on the 16th of June on the action they proposed to take. I reproduce below in full the Viceroy's letter of the 15th June:

(*Letter from Lord Wavell to Mr. Jinnah, June 15, 1946*):

Dear Mr. Jinnah,

I am writing to inform you that after discussions with the Congress representatives I have failed to negotiate an agreement on the composition of an Interim Government on the basis which I suggested to you. The Cabinet Delegation and myself have therefore decided to issue to-morrow a

statement on the action we propose to take; and we will let you have a copy of this before publication.

Yours sincerely,
Wavell.

Their final proposals were embodied in their statement of 16th June and now they have gone back on these proposals also by postponing the formation of the Interim Government indefinitely.

As regards my interview on the evening of the 25th of June at 5-30 p.m., when I was suddenly called by the Cabinet Delegation and the Viceroy, fantastic interpretations were suggested of the statement of the 16th June in the course of our talk and I was asked to give my opinion: and I emphatically differed from them. It was agreed that they would communicate in writing to me finally their views and the action they proposed to take. The Viceroy then sent me his letter dated the 25th of June, which reached me, as I have already stated, at mid-night after the resolution of the Working Committee was passed and released to the press If, as it is now sought to make out, that they had already come to their final decision as to the course they were going to adopt, why was that decision not communicated to me by the Viceroy earlier in the day as they had received the Congress reply before mid-day on the 25th of June instead of calling me for discussion as to the correct interpretation or true construction of paragraph 8 in the statement of June 16, and then informing me that the Cabinet Delegation and the Viceroy would communicate with me as to what they proposed to do?

I give below the full text of the Viceroy's letter of 25th June referred to above, my reply to this letter dated the 26th and the Viceroy's reply to it dated the 27th June conveying to me his intention to form a temporary Care-Taker Government till the reopening of negotiations after the elections to the Constituent Assembly have been completed.

(Letter from Lord Wavell to Mr. M. A. Jinnah, June 25, 1946):

Dear Mr. Jinnah,

You asked for a letter in confirmation of what the Delegation said to you this evening.

We informed you that the Congress had accepted the statement of May 16 while refusing to take part in the Interim Government proposed in the statement of June 16.

This has produced a situation in which Paragraph 8 of the statement of June 16 takes effect. This paragraph said that if either of the two major parties was unwilling to join in the setting up of a Coaliton Government on the lines laid down in the statement, the Viceroy would proceed with the formation of an Interim Government which will be as representative as possible of those willing to accept the statement of May 16.

Since the Congress and the Muslim League have now both accepted the statement of May 16, it is the intention to form a Coalition Government including both those parties as soon as possible. In view, however, of the long negotiations which have already taken place, and since we all have other work to do, we feel that it will be better to have a short interval before proceeding with further negotiations for the formation of an Interim Government.

This, therefore, is the course of action we propose to adopt, unless the two main parties can within the next few days agree upon a basis on which they can co-operate in a Coalition Government.

Meanwhile the election and summoning of a Constituent Assembly as laid down in the statement of May 16 are going forward.

Yours sincerely
Wavell.

(Letter from Mr. M. A. Jinnah to Lord Wavell, June 26, 1946):

Dear Lord Wavell,

I received your letter dated 25th June, 1946, at midnight last night after I had sent you the resolution of my Working Committee passed at its meeting yesterday with a covering letter of the same date, agreeing to join the Interim Government on the basis of the statement of the Cabinet Delegation and yourself dated 16th June and the clarifications and assurances given by you after consultation with the Cabinet Delegation in your letter dated the 20th of June addressed to me.

I regret that the Congress, while accepting the statement of the 16th of May, should have rejected the proposals regarding the setting up of the Interim Government on the basis of the statement of 16th June, which was the final decision of the Cabinet Delegation and yourself in this regard. May I draw your attention to Paragraph 8 of the statement of 16th June, which clearly lays down that the acceptance of the statement of 16th May, and rejection of the final proposals embodied in the statement of the 16th of June, cannot change the basis and principles laid down therein?

In Paragraph 3 of your letter, when you say that the Viceroy would proceed with the formation of an Interim Government which will be as representative as possible of those willing to accept the statement of May 16th, the quotation qualifies them to be included in the Interim Government, but only on the basis and the principles laid down in your proposals of the 16th of June. In these circumstances, as indicated in the statement of 16th June, Paragraph 7, that you aimed at inaugurating the Interim Government about the 26th of June, I hope you will not now delay the matter but go ahead with the formation of the Interim Government on the basis of your statement of 16th June, 1946.

Yours sincerely,
M. A. Jinnah.

(Letter from Lord Wavell to Mr. M. A. Jinnah, June 27, 1946):

Dear Mr. Jinnah,

Thank you for your letter of yesterday. I am sorry that my letter did not reach you till after the meeting of your Working Committee had ended.

As we explained to you during our interview on Tuesday, the Cabinet Mission and I consider that in the light of paragraph 8 of the statement of 16th June I am clearly bound to make an attempt to form a Government representative of both the major parties, since both have accepted the statement of 16th May.

I think you will agree that it is essential to have a short interval before resuming negotiations, and as we informed you, it is proposed to set up a temporary Care-Taker Government of officials. I intend reopening negotiations after the elections to the Constituent Assembly have been completed. Meanwhile, the Cabinet Mission will return home to report

Yours sincerely,
Wavell.

As regards my request for the postponement of the elections to the Constituent Assembly, my reply to the two letters of the Viceroy of the 28th June has not been included in the published letters. I, therefore, think that I must, in fairness, release my letter of the 28th of June in reply to the Viceroy's letter of the 27th June reproduced above, and also my reply dated 28th June to the two letters of the Viceroy of same date released to the Press yesterday. The following is the text of the two letters:

(Letter from Mr. M. A. Jinnah to Lord Wavell, June 28, 1946):

Dear Lord Wavell,

I am in receipt of your letter of June 27th, 1946.

I had already pointed out by my letter of the 26th of June in reply to yours of the 25th and also at the interview

on Tuesday, 25th June, with you and the Cabinet Delegation that you were in honour bound to proceed forthwith with the formation of your Interim Government in accordance with the statement of the 16th of June, which was final, and the assurance given to us.

The Cabinet Delegation and yourself issued an official statement late in the evening of 26th June, and as I have already pointed out in my statement issued to the press yesterday, by that pronouncement you have chosen to go back upon your pledged word by postponing the formation of the Interim Government.

Now I have received your letter of 27th June and hereby inform you that I cannot agree with you when you say in your letter that "it is essential to have a short interval before resuming negotiations". I repeat that you should have proceeded in terms of paragraph 8 of the statement of June 16th without delay. But since you have adopted this course of action in the official statement of the Cabinet Delegation and yourself, which is neither fair nor just, I strongly urge upon you without prejudice, that the elections to the Constituent Assembly should also be postponed as you know that according to all relevent documents and particularly the two statements of the Cabinet Delegation and yourself dated 16th and 25th of May, the long-term plan and the formation of the Interim Government formed one whole, each constituting an integral part of the whole scheme. It is, therefore, undesirable to proceed with one part, *i.e.*, elections to the Constituent Assembly and to postpone the other.

Yours sincerely,
M. A Jinnah

(*Letter from Mr. M. A. Jinnah to Lord Wavell in reply to his two letters of June 28, 1946*[1]):

Dear Lord Wavell,

I am in receipt of your letter of 28th June. The facts are correctly stated in my statement that was released to the press yesterday, the 27th of June.

[1] See pp 208—210.

The explanation that you now give in your letter under reply of what took place between me and the Cabinet Delegation and yourself, does not change in any way the position. The fact is that you did not communicate to me your views officially before the meeting of the Working Committee. I requested you to send your views officially to me and you did so by your letter of the 25th of June, which reached me at midnight after the Working Committee had passed their resolution which was released to the press according to the solemn agreement that we were to give our reply immediately after the decision of the Congress. If you wish to take the credit that some idea was given to me of the change on your part in the course of the interview, where we discussed so many things, you may do so.

As regards paragraph 2 of your letter I am surprised when you say that the assurances quoted by me from your letter in my statement were given "if both the major parties had accepted the statement of the 16th of June." No such indication of any condition is given in your letter of the 20th of June, which I understand from your Private Secretary has already been released to the press together with some other correspondence. May I request you to release this letter also?

I have received a second letter from you dated the 28th of June. May I also request you to publish the full text of my letter of the 28th of June asking you to postpone the Constituent Assembly elections and not only a substance of it which might have appeared in the All-India Radio broadcast—as you propose to release your reply to the Press?

Yours sincerely,
M. A. Jinnah.

I maintain that the Cabinet Delegation and the Viceroy have gone back on their word within ten days of the publication of their final proposals in not implementing the statement of the 16th June and I fully endorse what has been put so well—"Statesmen should not eat their words".

35. PROCEDURE OF ELECTION TO THE CONSTITUENT ASSEMBLY, 1946.

I. Press Note issued by the Government of Bengal, June 18, 1946.

In pursuance of the direction referred to in the last paragraph of His Excellency the Viceroy's statement of June 16, His Excellency the Governor of Bengal has summoned the Bengal Legislative Assembly to meet on July 10, 1946, to elect representatives from the Province for the Constituent Assembly. The instructions relating to the election, which are being sent to all members of the Bengal Legislative Assembly, are published for general information.

In view of the orders summoning a meeting of the Legislative Assembly for July 10 for this purpose, the previous order summoning the Assembly for July 24 for the Budget Session has been cancelled. It is, however, still the intention that the Assembly should meet for the Budget Session on July 24 and a summons for that date is expected to be issued after the short session called for July 10.

It is stated in sub-paragraph (*i*) of paragraph 19 of the Statement published by the Cabinet Delegation and His Excellency the Viceroy on May 16 that there shall be elected to the Union Constituent Assembly by each Provincial Legislative Assembly, certain representatives, each part of the Chamber (General and Muslim) electing its own representatives by the method of proportional representation with the single transferable vote. The number of representatives from Bengal is:—General 27 and Muslim 33: total 60. The following instructions explain the procedure which will be followed in holding the elections.

I. The Secretary of the Bengal Legislative Assembly shall be the Returning Officer.

II. Any person shall be eligible for election, provided,

(*a*) that he is duly nominated by one member of the Bengal Legislative Assembly and seconded by another member;

(*b*) that the nomination is accompanied by a declara-

tion by the candidate that he has not been proposed for candidature to represent any other province, and that he is willing to serve as a representative of the Province for the purpose of paragraph 19 of the above-mentioned Statement.

III. No person who is not a Muslim shall be eligible for election to fill a Muslim seat. No Muslim shall be eligible for election to fill a General seat.

IV. All nominations shall be submitted by the proposer, seconder, or candidate in person or by registered post so as to reach the Returning Officer before 11 A.M. on July 3, 1946, preferably in the form appended to these instructions. Nominations should in any case contain the particulars specified in that form and also the declaration set out therein.

V. The Returning Officer shall scrutinize the nominations on July 4, 1946, commencing at 11 A M , in the Legislative Chamber and shall reject all nominations that are not in accordance with articles II, III and IV of these instructions. Candidates may be present.

VI. It shall be open to any candidate to withdraw his candidature by intimation in writing to the Returning Officer on or before 11 A.M. on July 6, 1946.

VII. On July 10, 1946, when the Provincial Legislative Assembly meets, it will receive a message from His Excellency the Governor under Sub-Section (2) of Section 63 of the Government of India Act, 1935, communicating His Excellency the Viceroy's request under paragraph 21 of the above-mentioned Statement. Thereupon the Assembly shall proceed to elect its representatives by proportional representation with single transferable vote. [This system of election is described in Part VI of the Bengal Legislative Council Electoral (Conduct of Elections) Rules, 1936].

VIII. The Returning Officer shall report the result of the election to His Excellency the Governor, who shall cause the names of the candidates declared elected to be published in the Calcutta Gazette on July 15, 1946, or as soon as may be thereafter; and the persons whose names are so published shall be representatives of Bengal for the purposes of paragraph 19 of the above-mentioned Statement.

II. Elucidation.

With reference to the report that a directive has been issued by H. E. the Governor of Bengal that candidates to the Constituent Assembly should sign a declaration that they should bind themselves to work in accordance with clause 19 of the State Paper on the subject, enquiries at Government House, Calcutta, show that the following are the conditions of eligibility for election to the Assembly:

"Any person shall be eligible for election provided

(*a*) that he is duly nominated by one member of the Bengal Legislative Assembly and seconded by another member;

(*b*) that the nomination is accompanied by a declaration by the candidate that he has not been proposed for candidature to represent any other province, and that he is willing to serve as a representative of the province for the purpose of paragraph 19 of the above-mentioned statement

No person who is not a Muslim shall be eligible for election to fill a Muslim seat No Muslim shall be eligible for election to fill a General seat."

These instructions were published in the Calcutta Press on Tuesday, the 18th June. The Associated Press of India was definitely informed later that no other directive had been issued by the Governor of Bengal on the matter.

The text of the declaration to be signed by a candidate runs as follows:

"I hereby agree to this nomination and declare that I am willing to serve in the Constituent Assembly as a representative of the (Muslim-General) part of the Bengal Legislative Assembly for the purpose of framing a new constitution for India. I further declare that I have not been proposed as a representative of any part of the Legislative Assembly of any other province in India in the said Constituent Assembly."

The other reference to Paragraph 19 of the statement in the instructions issued by the Governor of Bengal is with

regard to reporting the result of the election. This reads as follows:

"The Returning Officer shall report the result of the election to His Excellency the Governor, who shall cause the names of the candidates declared elected, to be published in the Calcutta Gazette on 15th July, 1946, or as soon as may be thereafter; and the persons whose names are so published shall be representatives of Bengal for the purposes of Paragraph 19 of the above-mentioned statement".

36. EXTRACTS[1] FROM PROCEEDINGS OF ALL-INDIA CONGRESS COMMITTEE, BOMBAY, JULY 6-7, 1946.

The newly elected A. I. C. C. met at Bombay on July 6-7, 1946, and ratified the Delhi Resolution of the Working Committee, dated June 26, 1946. 204 members voted in favour of the Resolution, and 51 members voted against it.

I. Speech of Maulana Azad, July 6, 1946.

Commending the Resolution to the members of the A. I. C. C. Maulana Azad said:

"The way the discussion on the Working Committee's resolution has been going on in the country makes me feel that the people seem to have forgotten the question that the Working Committee was faced with. The Committee had either to accept or reject certain proposals placed before it. It had to be guided by what the Congress had been demanding all these years. The Congress had demanded that India must have the right to chalk out her own future and frame her own constitution. For many years the British Government were not prepared to accept this demand of the Congress to allow Indians to frame their own constitution. But circumstances had now forced the British Government to agree to India's fundamental demand of summoning a Constituent Assembly for the purpose of framing a constitution for a free and independent India.

[1] These extracts are taken from newspaper reports.

The Cabinet Mission's proposals contained in the State Paper issued on May 16 gave us this right to summon a Constituent Assembly to frame our own constitution. This is what we have been demanding all these years. What will be our position, if we refuse that offer?

If we refused the offer, then there would be no meaning to our demands. The things that we have been asking for years has been accepted and we have now to work our own way. Therefore, the Committee had no choice. It had to accept the offer so long as the Committee felt convinced that it would lead the country to the end the Congress had before it.

The Plan envisaged by the Cabinet Mission in their White Paper of May 16 consists of two aspects, political and communal. As far as the political implications of the proposals are concerned, the proposals make it clear that the Constituent Assembly will have the fullest right to frame a constitution for a free and independent India and such a constitution will be accepted by the British Government.

We have been given the freedom to decide whether we wish to remain within the British Empire or be completely independent. It is for us to decide this vital question and the British Government do not wish to dictate to us in this respect as they have hitherto been doing.

In my first interview with the Cabinet Mission, I made it absolutely clear to the Delegation that the Constituent Assembly we wished to summon should have unfettered freedom to frame a constitution for a free and independent India. The British Government has accepted this demand and has made it clear that the freedom of India is not under question and it has been granted without any question. Why then should we raise doubts in the face of such unequivocal declarations by the British Government?

The Cabinet Mission's proposals also have once and for all times cleared all doubts about the question of the division of India These proposals have made it clear beyond a shadow of doubt that India shall remain undivided, a single

unit with a strong Central Government composed of federating units.

Our main demands having thus been accepted by the Cabinet Delegation, you will agree the Working Committee had to aceept the proposals after pointing out the defects in them. This is what the Working Committee has done by its resolution of June 26. My answer to those critics who say that we should not have accepted this proposal is that if we reject this proposal now, it may not be possible at a later date in the future to secure a proposal acceptable to us.

For sometime now the Congress had been convinced that a completely unitary form of Central Government was unsuited for India as it is impracticable. The Congress had also felt convinced that a division of India as demanded by the Muslim League would prove disastrous to the country. The Congress had therefore decided to pursue a middle course. That is the reason why the Congress recommended a federal form of Centre with maximum autonomy to the federating units including residuary powers. This helps to keep India undivided, at the same time ensuring utmost autonomy to the units to develop themselves individually and freely to the maximum extent.

We placed this proposal before the Cabinet Mission which accepted this proposal in principle and produced a scheme with a united Centre with limited powers such as controlling Defence, Foreign Affairs and Communications and Finance to the extent needed to maintain the stability of the Union Centre.

The Constituent Assembly could now find ways and means of strengthening the Union Centre by conceding to the Centre sufficient powers to levy enough finances to support itself and maintain an efficient defence force to protect the country from external aggression and internal turmoil.

The only new feature of the Cabinet Mission's proposals to which the Congress had not agreed fully was the one relating to Grouping. The Working Committee has therefore made it clear that there should be no compulsion in the

matter of Grouping. The provinces should be free to decide whether they wish to join a particular Group or not. We are confident that the interpretation we have put on the Grouping clause is the correct interpretation.

The Congress Working Committee has made it clear that it cannot agree to the Europeans of Bengal and Assam participating in the framing of the constitution either by being members of the Constituent Assembly or participating in the elections to the Constituent Assembly by voting. If the Europeans eventually decide to exercise their so-called right of voting in elections to the Constituent Assembly, then the Congress will have to reconsider its decision."

Maulana Abul Kalam Azad in conclusion welcomed the decision of Bengal Europeans not to exercise their right to vote and hoped that Assam Europeans also would do likewise.

II. Speech of Sardar Vallabhbhai Patel, July 6, 1946.

Sardar Vallabhbhai Patel seconding the resolution said that the resolution covered the two statements by the Cabinet Mission and the Viceroy of May 16 and June 16. The Working Committee had accepted the Mission's proposals contained in their statement of May 16 but rejected the Provisional Government proposal contained in their statement of June 16

Making it clear that the resolution just moved by Maulana Abul Kalam Azad could not be amended in any manner Sardar Vallabhbhai Patel said, "We place this resolution before the House for ratification. Either you accept it or reject it in toto."

"Four parties, the Cabinet Mission, the Congress, the Muslim League and the Indian Princes, have accepted the constitutional plan envisaged in the State Paper issued by the Cabinet Mission on May 16. All vital details connected with the negotiations have been fully published. You are aware the Muslim League first accepted the May 16 statement of the Cabinet Mission. We deferred our decision until the full picture was available to us, namely, of the Constituent Assembly and the Interim Provisional Government The

Interim Government plan was published in the June 16 statement of the Cabinet Mission and the Viceroy. We decided to reject this proposal as it did not accord with our demands. We however decided to accept the Constituent Assembly scheme contained in the May 16 statement. We have made it clear to the Cabinet Mission that the proposed Constituent Assembly will not prove a success if a responsible, representative Provisional Government at the Centre is not established soon. They have made it clear that the Care-taker Government will be there only for a few days.

Consistent with the existing circumstances we have secured the widest franchise possible for the election to the Constituent Assembly. The most dangerous proposal in the Constituent Assembly scheme is the one relating to Grouping. Our interpretation of the relevant paragraph in the State Paper is that the provinces are free to decide at the initial stage whether they wish to join a particular Group in which they have been placed. No province can be compelled to join any Group against its own wishes.

The difficulty about Europeans participating in the voting to the Constituent Assembly election has been practically overcome. We have thus secured a Constituent Assembly almost on the lines we have demanded all these years. Furthermore, under the proposed scheme the transfer of power from British to Indian hands will be smooth and peaceful. It is, therefore, our conviction that we should take advantage of the scheme and not plunge the country in a struggle.

At the very commencement of our negotiations with the Cabinet Delegation we made it clear to them that we could talk to them only on the basis of a free and independent India. The British Cabinet Mission accepted this and made it clear that their acceptance of our demand was without any reservation. In the face of such assurance it is difficult for us not to believe them.

We have also made sure that there shall be one undivided India with one Central Government. What the shape of that Central Government will be, is a matter for the Constituent Assembly to decide. The Muslim League sees germs

of Pakistan in the scheme. We see a United India. It is for the Constituent Assembly to decide who is right".

Sardar Vallabhbhai Patel referred to the great injustice done to the great Sikh community in the Cabinet Mission's proposals and said that the Sikhs had not been consulted before they were thrown, bound hand and foot, into the 'B' Group. Their being put in 'B' Group without their consent naturally placed them at a disadvantageous position and therefore they were smarting under the sense of a grievance. Furthermore, the speaker could not see any reason why the Sikhs were not given the same safeguards and communal veto as had been given to the Muslims. He was opposed to all vetoes but once such a veto had been given to the Muslims he could not see the reason why it was refused in the case of the Sikhs. The Sikhs are a brave people and it is unwise to disregard their just demand.

Referring to the Indian States, Sardar Patel welcomed the Cabinet Mission's statement saying that once India was independent there would be no further paramountcy. The Cabinet Mission's statement had made it clear that in future the States rulers would have to look more and more to their own subjects rather than to the Paramount Power if they wanted progress. The question of representation in the Constituent Assembly of States people had not been decided, but he hoped that the Indian princes would provide adequate representation for their people in the Constituent Assembly.

Sardar Vallabhbhai Patel referred to numerous telegrams he was daily receiving seeking admission into the Constituent Assembly as delegates and said that this urge, coupled with the unanimous support the nationalist Press had given to the Congress in its decision to accept the proposal, clearly showed the verdict of the country in favour of the Congress Working Committee's decision.

III. Speech of Mr. Jaiprakash Narayan, July 6, 1946.

Mr. Jaiprakash Narayan, leader of the Congress Socialist party, led the Left Wing opposition to the Congress Working

Committee's decision. Opposing the resolution he said that the proposed Constituent Assembly which was being brought into existence by the British Power in India was not going to bring the Swaraj for the people of India for which the Congress had been fighting all these years.

The "Quit India" movement of 1942 had been launched to rid India of British imperial power, but that struggle did not achieve its end though it released new forces which have taken the country far towards its goal. The question today before the country was not whether to accept the so-called Constituent Assembly scheme sponsored by British imperialism but how to utilise the new forces to drive the British out of India.

The British Cabinet Mission had not come to deliver freedom to India but to play the mediator between the Congress and the Muslim League. The British had created the so-called differences and they were still trying to exploit them. The Muslim League may have a large following among Mussalmans of India today but the League was still the ally and friend of the British. The Cabinet Mission was asking the Congress to swallow its principles and compromise with the League whose leaders in 1942 unashamedly declared that the 'Quit India' movement was not against the British but against the Mussalmans to perpetuate Hindu domination. How could the Congress settle with such a leader? "I feel confident that the Congress can break the League's hold on the Mussalmans by its going direct to the Muslim masses. Instead of making this direct approach we are trying to negotiate with the leaders of the Muslim League whom we know to be the friends of our enemies. I am glad the Working Committee has turned down the proposal for the Interim Government.

I feel that the acceptance of the Constituent Assembly scheme also foreshadows danger. The Constituent Assembly proposed by the British is far from our original idea which was given to us by our Rashtrapati, Pandit Nehru. This Constituent Assembly is the creation of the British and it can never bring us the freedom that we have been fighting

for. The British Government may promise to accept the constitution drawn up by the Constituent Assembly but then the British Government themselves will pull the wires in such a manner as not to allow us to frame a constitution that we all desire for a free and independent India. Whenever a difference of opinion arises between the Congress and the League in the Constituent Assembly, and differences are bound to arise, then we have to go to the British Government for a solution. And do you think we can expect fairplay from the British in such a situation? If on the contrary the Constituent Assembly is the outcome of the strength of the people we can solve all our difficulties by an appeal to our people.

I am aware that all these and other defects must have been considered by the Working Committee before it came to the final decision But I see no reason why we should accept such a defective proposal, knowing the pitfalls in advance and also knowing our own real strength. Any Constituent Assembly can succeed only if it works in a free atmosphere and there can be no free atmosphere in India so long as British power remains and British troops continue to be stationed in India.

The only thing we can do is to tell the British Government that we do not want such a restricted and curbed Constituent Assembly. We shall weaken ourselves, if we accept the British Government's proposals. The acceptance of office in the provinces has weakened us considerably. If we accept these proposals we shall further weaken ourselves. The course of negotiations adopted by the Working Committee in my opinion has not led us to our goal. Why then should we not abandon such negotiations and prepare for another struggle? There is only one way open to us and that is to strengthen the Congress organisation and, when we are sure of our own inherent strength, start a fight with the British Government, compel them to quit India and make them understand that they have to transfer power and that can be done only by negotiating with the Congress.

I wish to make it clear that I am not opposing the

Working Committee's decision merely to discredit the Working Committee but I honestly feel that the decision of the Working Committee is wrong and therefore it should not be approved. The All-India Congress Committee has a chance of righting that mistake and that opportunity should not be missed".

IV. Speech of Mahatma Gandhi, July 7, 1946.

"I have read many things in the newspapers about the recent Delhi negotiations. My advice to you is not to take these reports as gospel truth. The newspaper reports have very often been highly coloured. I do not, therefore, think that you will lose much if you do not read these reports.

I said in one of my speeches at Delhi that I saw darkness all round me. I told the Working Committee that as I could not see light I could not advise them. At the same time I made it clear to the Working Committee that I was not prepared to advise them to throw out or reject the British Delegation's proposals for summoning a Constituent Assembly. I asked the Working Committee to use their judgment and come to their own conclusions. Though I could not see light, I in my own mind favoured acceptance of the proposals but advised the Working Committee to come to their own decision independently of what I felt or said.

My mind to-day is dark as it was in Delhi. Therefore I will give the same advice to Mr. Jaiprakash Narayan. I want you to accept or reject this resolution not because I ask you to accept it or Jaiprakash asks you to reject it or the Working Committee wants you to accept it but after giving full and careful thought to the proposition yourselves, I want you to exercise your own judgment and come to final decision of your own.

The proposed Constituent Assembly, I know, is not a free assembly. There are many defects in the scheme but since we have been fighting for the last so many years, why should we be afraid of the defects in the Constituent Assembly scheme? We can fight the Constituent Assembly

itself if we find the defects are unremediable. As true Satyagrahis and fighters, we have no right to be afraid of any hardships or difficulties in our way. I was therefore surprised when I heard Jaiprakash Narayan saying yesterday that it is dangerous and useless to go into the Constituent Assembly. Supposing we go into the Constituent Assembly and lose, why should we be afraid? A true Satyagrahi never thinks in terms of losing. No one can defeat him. He can never be deceived or cheated by anyone.

As Satyagrahis we have no right to say that the British are dishonest. How can we say that? There are good and bad people in all countries. We quarrelled among ourselves in the past and therefore the British who came as traders to this country established themselves as our rulers. We have been fighting them as our rulers, not because the British people are dishonest or bad, but because they have no right to rule over us. They have now told us that they are ready to quit. Our task now is to see how their quitting can be smooth and peaceful."

Mahatma Gandhi referred to the 1942 struggle and said that many things which did not form part of the Congress programme, such as underground activities, cutting of telegraph wires and removal of rails, happened. In doing these things the people showed great courage and bravery. But in his opinion this was a wrong way of showing bravery.

Mahatma Gandhi continued, "These things are not going to carry us any nearer our goal. If non-violence is abandoned, it will not take us any farther on our road to freedom We have had violent revolutionary activities in the past, but they have not carried us any farther on our road. True non-violence alone can take us to our goal.

I agree there has been great awakening in this country. But I am, as a true Satyagrahi, anxious to prevent such awakening resulting in derailment of trains and other forms of violence. I am anxious to utilise all the new awakening to speed our march to freedom. The time for rest and ease is not yet come. We have still to go through difficulties

and put up with discomforts. I am sure we are still capable of going through difficulties and therefore I do not see any reason why we should be afraid of going into the Constituent Assembly.

I know that there are many defects in the Constituent Assembly scheme but then it is in your power to improve it or to bury it. The Constituent Assembly scheme looks like iron ore. We can convert it into pure gold by our efforts. Whatever loopholes there are can be remedied. My advice to you is to accept the scheme even in spite of its defects. For as Satyagrahis we have no reason to be afraid of anything. I feel that the scheme is capable of improvement and therefore my urge is in favour of its acceptance.

We have asked the British to quit India. This does not mean that we wish to ill-treat them. We want the British to quit honourably and smoothly. The Constituent Assembly proposal is to enable us to make the British quit India. I therefore feel that we should accept the Constituent Assembly scheme in spite of its defects, as we are competent to remedy the defects. I know it is a British sponsored scheme, but have not the British openly stated that they have done this with an open mind and without any reservation to enable Indians to frame their own constitution for a free and independent India?"

V. Speech of Maulana Azad, July 7, 1946.

Maulana Abul Kalam Azad dealt with the various criticisms made against the resolution by those who opposed the resolution. He said many of the opposition speakers had stated that the British Government were responsible for sponsoring the Constituent Assembly. This was utterly wrong. "No one can say," declared the Maulana, "that the British Government sent the Cabinet Mission to India to offer us the Constituent Assembly as a free gift. We have secured the Constituent Assembly as a result of our struggle and sacrifices during the past fifty years. The final struggle that was launched by Mahatma Gandhi in 1942 did, of course, hasten the pace of our freedom movement".

"The British people and their Labour Government have realised that we the people of India are determined to have our freedom and nothing on earth can prevent us from achieving our goal. The British Government had, therefore, to make up their mind whether they should transfer power peacefully and quit or allow us to take it forcibly. They have chosen the wiser course.

I am unable to agree with those who say that by going into the Constituent Assembly we shall be weakening the Congress organisation. Why should anyone think that by going into the Constituent Assembly we shall weaken ourselves? Whatever difficulties may stand in our way we will overcome them as we are determined to reach our final goal.

We will not in any event sacrifice any of our fundamental principles. If unfortunately any insuperable difficulties crop up in direct conflict with our fundamental principles, we shall not hesitate to kill the Constituent Assembly.

Opposition speakers have exibited a fear complex vague fear of the unknown. I ask if there is any problem which has no difficulties inherent in it. It is no use approaching any problem with a fear complex. If we do this we shall not be able to achieve anything at all.

In the proposed Constituent Assembly the Congress will have a definite majority and in spite of this we have fears as to how we are going to settle the fate of the country. We have won our struggle for freedom through sheer sacrifices and suffering and I will ask you now not to falter and fritter away the fruits of victory by adopting a gloomy outlook and fear complex.

Statesmanship demands that we should be practical in our approach to problems. We must utilise opportunities as they present themselves to further our own ends. Sometimes circumstances may be such that we may have to decide on a struggle. At other times it may be that the door to our goal may be opened through negotiations and in such a situation it is our duty to enter into negotiations and enter through the doorway that is open.

The Congress has never departed from its fundamental principle of direct action. We have always sworn by it. We made it clear to the British Government even before the Cabinet Mission was sent to India that they should either give us our freedom or face a struggle. We were then told that we were indulging in threats. We made it clear that it was wrong of the British Government to regard it as mere threat. Against this background we started the Delhi negotiations.

It has been argued that the Central Government will not be a strong one unless it has within its fold economic relations and finance. These questions will be settled by the Constituent Assembly. I do agree that the Central Government can never be effective unless it has the means to support itself. The Congress will never tolerate a weak Centre.

I want to make it clear that those who say that the Constituent Assembly is a trap are making a great mistake There is no question of the Constituent Assembly being a trap. We asked for a Constituent Assembly to frame a constitution for a free and independent India and the Cabinet Mission agreed to our demand. How then can anyone call it a trap?

I want to emphasise that by accepting the Constituent Assembly proposal we shall lay at rest one of the longest standing communal problems. The Muslim League has been demanding all these years the division of India into Hindustan and Pakistan and two separate Constituent Assemblies to draw up separate constitutions. Both these things have been abandoned by the Muslim League by its acceptance of the Cabinet Mission's proposals of May 16. The result of this proposal is that there shall be one united India and one Constituent Assembly with one Central Government.

I ask if this is not a great achievement. If you reject the Constituent Assembly as the opposition wants you to do, I ask if we shall not be adding to our problems and quarrels. Victory has come into our hands and, please, do not turn it into a defeat (cheers.) The door to the Constituent Assembly is open to enable us to draw up our own constitution. Please

enter it and complete our task of framing our own constitution".

VI. Speech of Pandit Nehru, July 7, 1946.

Winding up the proceedings of the Committee Pandit Jawaharlal Nehru answered some of the criticisms of the opposition speakers.

He said: "We have been talking of independence for a long time. Different interpretations are given of what that independence means. The Viceroy and the Muslim League also speak of independence of India. But the Congress idea of independence is certainly different from that of what the Muslim League and the Viceroy think. Our idea of independence is that there must be absolutely no foreign domination in India and India may even break her connections with the British We want to establish a Republic of India.

Achyut Patwardhan expressed surprise how foreign affairs could be carried on without foreign trade. The surprise was perfectly legitimate. Why should foreign affairs be carried on without foreign trade surprises me. It is astonishing as Maulana stated how inferences are drawn and conclusions are built upon them."

'There is no doubt", continued Pandit Nehru, "that in so far as the resolution which we discussed yesterday and to-day is concerned, a great deal can be said in favour or against. A great deal can be said about the difficulties and complications in which we may get caught. The whole question is ultimately of balancing and coming to a conclusion without loss.

It is obvious so far as I am concerned that foreign affairs include foreign trade. It is quite absurd to talk of foreign affairs without foreign trade, foreign economic policy and exchange, etc.

As regards defence and communications, obviously they include all manner of things connected with defence,—defence must include a large number of industries. Apart

from foreign affairs, defence and communications, the Union Centre will have power to raise finance. This means the Union Centre will control certain revenue-producing subjects. I cannot say off-hand what these revenue-producing subjects will be. It is inevitable that a decision will have to be made as to what revenue-producing subjects will go to the Centre. Presumably, the obvious subjects are customs including tariffs and may be, income tax also.

Arguments have been advanced on the one side that this is a very satisfactory Constituent Assembly; something that we have been asking and we have got it. On the other hand, it has been stated that this Constituent Assembly is a futile thing imposed upon us to which we should not attach much importance. If I am asked to give my own point of view, I would say it is not obviously something which we have desired and worked for. There are many difficulties and snags and the scales are weighed against us. On the other hand, it is obvious also that it is not so bad. What will be the outcome of this Assembly? It may be that it does not function for long, it breaks up. It may be we may get something out of it and we go ahead; it solves some of our problems. And we produce some kind of constitution which is desirable and workable. All these things are possible. But it seems to me rather fantastic for the Cabinet Mission to tell us that after ten years we are going to do this or that. It is fantastic and I cannot imagine anybody laying down any rule for India ten years hence."

Pandit Nehru continued: " When India is free, India will do just what she likes. It is quite absurd and foolish to lay down now what she is going to do a few years hence.

I do think that some time or other in the future, we may have to summon our own proper revolutionary Constituent Assembly. That does not mean we should not take advantage of this and work it out for our own advantage. If we do not succeed in the Constituent Assembly we change our tactics to suit whatever form we want to.

There is a good deal of talk of Cabinet Mission's long-term plan and short-term plan. So far as I see, it is not

a question of our accepting any plan long or short. It is only a question of our agreeing to go into the Constituent Assembly. That is all and nothing more than that. We will remain in that Assembly so long as we think it is good to India and will come out when we think it is injuring our cause and then offer battle. We are not bound by a single thing except that we have decided for the moment to go to the Constituent Assembly, not certainly to deliver fine speeches but to build something to overcome some of our problems."

As the discussion in the House was about the proposed Constituent Assembly, Pandit Nehru went on to say, he was reminded of other Constituent Assemblies. Perhaps the comparison was not justified. 157 years ago a Constituent Assembly called the "States General" was called in France. It was convened by the King of France himself. He was an autocratic and foolish King and he soon got into trouble with that Assembly and ultimately within a few years the head of that King was cut off India, of course, would not cut off other people's head Again there was the case of the American colonies. "Do you remember", Pandit Nehru asked, "that even after the declaration of war against England there were colonies which continued to send humble petitions of loyalty to the English King? It is only after a hard war things changed. Now in regard to criticisms against the resolution it is strange that one should be afraid of a thing because, at the beginning, it is not exactly to one's liking. It seems to me that we have begun to attach far too much importance to gestures, words and slogans and generally to a certain heroic attitude. It is a dangerous thing. Remember, we are a great nation. We are no longer a tiny people begging for freedom at the hands of the British. We are on the verge of freedom."

Pandit Nehru said. "Of course we have to fight those who come in our way But we should not forget the fact that while we have to be revolutionary, we also have to think in terms of statesmanship--not in terms of careerists and merely shouting slogans and escaping responsibility,

but in terms of facing big problems. I beg of you to look upon all these problems in a spirit of revolutionary statesmanship and not in a spirit of submission to opportunism which is so rampant all over India to-day. There is always a tendency, if we enter these legislatures, for us to get entangled in minor problems and forget big things. Although there is that danger yet it is quite impossible after we have arrived at a certain stage to say that you cannot accept responsibility for solving your own problem. The world looks to you and to the Congress for great decisions and it is no use to sit cursing, fuming and fretting".

37. EXTRACTS[1] FROM PANDIT NEHRU'S STATEMENT AT PRESS CONFERENCE, BOMBAY, JULY 10, 1946.

Relating to the proposed Constituent Assembly Pandit Nehru said that Congress had made no commitment.

Asked to amplify his statement in the A.-I C.C. that the Congress had made no commitment in regard to either the long-term or the short-term plan except to go into the Constituent Assembly, Pandit Nehru said, " As a matter of fact, if you read the correspondence that has passed between the Congress President and the Cabinet Mission and the Viceroy, you will see in what conditions and circumstances we agreed to go into this Constituent Assembly. The first thing is that we have agreed to go into the Constituent Assembly and we have agreed to nothing else. It is true that in going to the Constituent Assembly, inevitably, we have agreed to a certain process of going into it, *i.e.*, election of the candidates to the Constituent Assembly. What we do there, we are entirely and absolutely free to determine. We have committed ourselves to no single matter to anybody. Naturally, even though one might not agree to commit himself, there is a certain compulsion of facts which makes one accept this thing or that thing. I do not know what that might be in a particular context. But the nature

[1] These extracts are taken from newspaper reports.

of compulsion of facts would be not of the British Government's desire or intents, but how to make the Assembly a success and how to avoid its breaking-up. That will be certainly a very important consideration. But the British Government does not appear there at all."

"When the Congress had stated that the Constituent Assembly was a sovereign body", Pandit Nehru said, "the Cabinet Mission's reply was more or less 'yes', subject to two considerations. Firstly, proper arrangement for minorities and other, a treaty between India and England. I wish the Cabinet Mission had stated both these matters are not controversial. It is obvious, the minorities question has to be settled satisfactorily. It is also obvious that if there is any kind of peaceful change-over in India, it is bound to result in some kind of treaty with Britain.

What exactly that treaty will be I cannot say. But if the British Government presumes to tell us that they are going to hold anything in India because they do not agree either in regard to minorities or in regard to treaty, we shall not accept that position. We shall have no treaty if they seek to impose anything upon us and we shall tear up any treaty they try to impose. If they treat us as equals and come to terms there will be a treaty But if there is the slightest attempt at imposition, we shall have no treaty.

In regard to minorities it is our problem and we shall no doubt succeed in solving it. We accept no outsider's interfenence in it, certainly not the British Government's interference in it and therefore these two limiting factors to the sovereignty of the Constituent Assembly are not accepted by us.

How to make the job in the Constituent Assembly a success or not is the only limiting factor. It does not make the slightest difference what the Cabinet Mission thinks or does in the matter".

Referring to Grouping, Pandit Nehru said, "The big probablity is that, from any approach to the question, there will be no Grouping. Obviously, Section A will decide against Grouping. Speaking in betting language, there

was 4 to 1 chance of the North-West Frontier Province deciding against Grouping. Then Group B collapses. It is highly likely that Assam will decide against Grouping with Bengal, although I would not like to say what the initial decision may be, since it is evenly balanced. But I can say with every assurance and conviction that there is going to be finally no Grouping there, because Assam will not tolerate it under any circumstances whatever. Thus you see this Grouping business approached from any point of view does not get on at all."

Pandit Nehru also explained how provincial jealousies would work against Grouping. Firstly, he pointed out, "everybody outside the Muslim League was entirely opposed to Grouping. In regard to this matter the Muslim League stands by itself isolated. Applying that principle you will find in the North-West zone there is a kind of balance of pro-Grouping and anti-Grouping.

Secondly, entirely for other reasons, non-political, non-Congress, non-League, there is a good deal of feeling against Grouping with the Punjab both in the North-West Frontier Province and Sind for economic and other reasons. That is to say, even a Muslim Leaguer in Sind dislikes the idea of Grouping with the Punjab, because he fears that the Punjab will dominate Sind, the Punjab being a dominant party in that Group and more aggressive and advanced in some ways. Apart from the imposed discipline from the Muslim League, both in the Frontier and in Sind, the people are unanimously against Grouping because both these provinces are afraid of being swamped by the Punjab."

Asked when the provisional National Government would be formed at the Centre, Pandit Nehru said: "I cannot just peep into the future and tell what is going to happen. For the moment we are somewhat engaged in the Constituent Assembly elections. But remember this, that the Constituent Assembly is not going to put easily for long with the kind of Care-taker Government that exists to-day. There is bound to be conflict between them. In fact, the Care-taker Government has no stability; nor is there any possibi-

lity of its long continuance. How and when and what share the new Government will take I cannot say; it will be just entering into phantasy."

When his attention was drawn to the forthcoming meeting of the All-India Muslim League Council at Bombay, Pandit Nehru said: "Whatever the Congress does is always intended to create new situations. We do not follow other people's situations. I am glad that the Muslim League has realised that we have created a new situation. We propose to creat many further new situations. What we shall do if the League decides to do this or that? We will see what the conditions then are and decide accordingly."

Dealing with the powers of the proposed Union Centre, Pandit Nehru said that according to the Cabinet Mission's proposals, there were three or four basic subjects in it—*i.e.*, Defence, Foreign Affairs, Communications and the power to raise finances for these. Obviously, Defence and Communications have a large number of industries behind them. So these industries inevitably come under the Union Government and they are likely to grow. Defence is such a wide subject that it tends to expand its scope and activities more and more. All that comes under the Union Government.

Similarly, External Affairs inevitably include Foreign Trade policy. "You cannot have Foreign Policy if you divorce Foreign Trade from it. They include all manner of things which are not put down there but which can be brought in."

Referring to the question of raising finances for the Union, Pandit Nehru said that it had to be done by taxation. "If any one suggests that some kind of contributions or doles are going to be given by the Provinces or States, it is bunkum. No Central Government carries on doles." He recalled how an attempt to carry on with contribution had ended in failure in the United States in the early days of the American Confederation. "Inevitably, therefore," he added, "any Central Government must raise its finances by taxation. I cannot make a list now but obviously Customs, including Tariff, is connected with Foreign Trade policy.

It may be, Income Tax will be another; I do not know what else."

Pandit Nehru pointed out that the Central Government must be responsible for foreign market, loans and such other subjects. It must also obviously control currency and credit. "Who is going to do it, if not the Centre? You cannot allow each unit or province to carry on a separate type of credit and Foreign Policy."

"Suppose there is trouble between the Provinces or States, or an economic breakdown due to famine conditions. The Centre comes in again inevitably. However limited the Centre might be, you cannot help the Centre having wide powers, because the past few years have shown that if there were no Central authority, the conditions would have been far worse in India. However, the fact that there has been a Central authority has not done much good to the country, because it has been incompetent. It is obvious that without the Central authority, you cannot deal with problems mentioned above. There must be some overall power to intervene in grave crisis, breakdown of the administration, or economic breakdown or famine. The scope of the Centre, even though limited, inevitably grows because it cannot exist otherwise. Though some people might oppose this broadening of the Centre, the Constituent Assembly will have to decide on the point."

Pandit Nehru reiterated the Congress stand in respect of States' participation in the Constituent Assembly and said, "Our position has been and is that elected representatives of the States' people must go there. The rulers say that they should nominate representatives. What their stand to-day is, I do not know. But, obviously, we cannot accept that position. The real difficulty is that apart from the rulers' position, the Governments in the Indian States are so unrepresentative that a proper procedure must be adopted to make them representative and representatives of such Governments should go to the Constituent Assembly."

The Congress President's attention was drawn to some of the bigger States like Hyderabad not demobilising their

war-time armies. Pandit Nehru said, "It is highly undesirable for all these small, separate armies to continue. They are bound not to continue under the Union Government of India. There will be only one Central Army. May be, during the intervening period of transition some of these may carry on." Pandit Nehru referred to Hyderabad State retaining its war-time army. "The history of Hyderabad's army or the military history of Hyderabad is not one to inspire any body." He said: "Even if I think ever in terms of conflict, the Hyderabad State forces will not cause me the least trouble or loss of sleep.

Fundamentally, the problem is that of British power supporting these States. Once that is removed, the picture changes completely. No local State army can carry on independently against the rest of India, because it is a physical impossibility."

38. MR. JINNAH'S STATEMENT[1], JULY 13, 1946.

"Pandit Nehru's interpretation of the Congress acceptance of the Cabinet Mission's proposal of May 16 is a complete repudiation of the basic form upon which the Long-term scheme rests and all its fundamentals and terms and obligations and rights of parties accepting the scheme," said Mr. M. A. Jinnah, President of the All-India Muslim League, in an interview (at Hyderabad, Deccan) to the Associated Press to-day, commenting on the statement made by Pandit Nehru at the recent Press Conference in Bombay.

"The Muslim League," Mr. Jinnah says, "shall have to consider the situation when the Working Committee and the Council of the All-India Muslim League meet on July 26, 27 and 28 and adopt such action as we may think proper in the circumstances that have arisen."

Mr. Jinnah says: "It has been clear from the outset to those who understand from the letter of the President of the Congress of June 25 addressed to the Viceroy and the resolution of the Congress Working Committee that followed it

[1] This statement is taken from newspaper reports.

next day rejecting the Interim Government proposals contained in the statement of the Cabinet Delegation and Viceroy dated June 16, that the so-called 'acceptance' by the Congress only of Long-term plan of May 16 was never intended to honour its terms and obligations with the desire to carry out the scheme in the spirit of constructive and friendly co-operation. It ended with covert threat that the successful working of the Constituent Assembly will depend upon the formation of a satisfactory provisional Interim Government. After that they themselves had wrecked the final proposals put forward by the Cabinet Delegation and the Viceroy in their statement of June 16.

In their resolution they make reservations and put fantastic interpretations upon the fundamentals of Long-term plan and finally they make it clear that they were only going to prevent other people, whom they consider undersirable, from getting into the Constituent Assembly and seek election to wreck the Long-term plan also. Their going into the Constituent Assembly is, as has now been seen, so frankly and clearly defined by Pandit Jawaharlal Nehru, on his assumption of office as the President of the Congress, 'to achieve their objective'. He has also made it quite clear that they are not going to honour any of the terms of the Long-term plan and that they are only entering, to put it shortly, to use it as platform for their propaganda in utter disregard of rights and obligations of those agreeing and who are in honour bound to fulfil or abide by it. This is simply because they have secured a brute majority of 292 against 79 Muslims in the Constituent Assembly.

What Pandit Nehru says while referring to the correspondence that passed between the Cabinet Mission and Viceroy and the Congress and of their final decision of June 25-26 is: 'You will see on what conditions and circumstances we agreed to go into Constituent Assembly. We have agreed to go into the Constituent Assembly and we have agreed to nothing else.'

This is complete repudiation of the basic form upon which the Long-term scheme rests and all its fundamentals

and terms and obligations and rights of parties accepting the scheme.

I understand that there is going to be a debate in the British Parliament very soon on the report of the Cabinet Delegation and it is for the British Parliament and His Majesty's Government to make it clear beyond doubt and remove the impression that the Congress has accepted the Long-term scheme which is sought to be conveyed abroad by the timid efforts of the Cabinet Delegation and the Viceroy, who throughout these negotiations suffered from a fear complex and constant threat of the Congress of resorting to civil disobedience, which is now repeated by Pandit Jawaharlal Nehru in his present statement to the Press Conference and further, in their undue anxiety to secure success of their Mission at any cost and the sacrifice of every body else. In spite of knowing full well the true situation and the intentions of the Congress, the Mission have tried to treat the decision of the Congress as acceptance of a party who did so with real spirit of constructive co-operation to honour their obligations as an honourable organisation, according to spirit and letter of the Long-term scheme "

39. EXTRACTS FROM STATEMENT OF SIR STAFFORD CRIPPS, HOUSE OF COMMONS, JULY 18, 1946.

Following is a summary[1] of Sir Stafford's statement:—

"The House must, I am sure, be fully conscious of the fact that the circumstances of the spring of 1946 were vastly different from those of 1942, or 1939.

India has shared to the full in the political awakening which is evident all over the world after the war and nowhere perhaps more than in the Far East.

Pressures which were sufficiently in evidence before the war and during the war have become greatly accentuated and there is no doubt whatever that since, at any rate, the early months of this year, no other approach would have had any chance of success at all.

[1] This summary is taken from newspaper reports.

When the Mission first arrived in New Delhi the atmosphere for agreement between the parties was not propitious.

Apart from the difficulty of arriving at a common view as to the form of the Constituent Assembly and the composition of the Interim Government there was in these initial stages a wide difference of approach on the part of the two parties.

The Congress held strongly that the question of the Interim Government should first be settled after which a settlement as to the Constituent Assembly should follow.

The Muslim League on the other hand were equally firm that they could not discuss the composition of the Interim Government until the long-term question associated with the setting up of the constitution-making machinery had been settled.

It was not practicable to obtain a settlement of both questions simultaneously and we came to the conclusion that the best chance of ultimate agreement upon the whole matter was to deal with the long-term question first and thereafter immediately to tackle the problem of the Interim Government. It was on that basis that we proceeded.

It therefore became necessary to work out with the leaders of all main parties some basis upon which these parties would be prepared to meet for discussion of the long-term problem.

Our difficulty here was that the Muslim League were committed up to the hilt to an independent, fully sovereign Pakistan as a separate entity, while the Congress equally were strongly pledged to a unitary India, though they had stated that they could not compel the people of any territorial unit to remain in an Indian Union against their declared will.

The second stage of our negotiations was, therefore, introduced by a very intense period of personal interviews and conversations during which a joint basis was worked out for discussion, and ultimately both parties, while making it clear that they were in no way bound, expressed their willingness to meet in Simla to discuss the matter."

Sir Stafford then quoted the basis of the future constitu-

tional structure of British India—a Union Government dealing with Foreign Affairs, Defence and Communications; three Groups of Provinces, one predominantly Hindu and the other two predominantly Muslim, dealing with all other subjects which the Provinces in the respective Groups desired to be dealt with in common; Provincial Governments to deal with all other subjects and have all residuary sovereign rights—and commented:

"It was upon this purposely vague formula, worked out in conjunction with the leaders of the two parties, that we were able to bring together, to confer with us in Simla, four representatives each from the Congress and the Muslim League."

Sir Stafford said that towards the end of the Simla talks, the two sides produced written statements of their rival demands which, he said, showed that both had moved very considerably from their initial standpoints.

Sir Stafford continued: "It was not possible to get the parties any closer to one another at Simla and so, with their consent, the meetings were terminated after lasting a fortnight and the Mission announced that it would return to New Delhi and put out a statement of its own views.

It is perhaps worth stating that—contrary to the allegations which were made in some quarters in India—we had not gone out to India with any cut-and-dried plan. We went out with open minds, since our object was not to impose a plan on India, but to help Indians to agree on a plan amongst themselves."

* * * *

Sir Stafford said that there were two main points which the Congress were stressing as to the statement of May 16.

"The first was as to whether provinces were compelled to come into Sections of the Constituent Assembly in the first instance, or whether they could stay out if they wished. We made it quite clear that it was an essential feature of the scheme that the provinces should go into the Sections, though, if Groups were subsequently formed, they could afterwards opt out of those Groups.

Fear was expressed that somehow or other the new provincial constitutions might be manœuvred as to make it impossible for a province afterwards to opt out. I do not myself see how such a thing would be possible but if anything of that kind were to be attempted it would be clear breach of the basic understanding of the scheme."

Sir Stafford said, the essence of the constitution-making scheme was that the provincial representatives should have the opportunity of meeting together and deliberating upon the desirability of forming a Group and upon the nature and extent of the subjects to be dealt with by the Group.

"If, when the pattern of a Group ultimately emerges, any province wishes to withdraw from the Group because it is not satisfied, then it is at liberty to do so after the first election under the new constitution when with, no doubt, a wider electorate than at present that matter can be made a straight election issue.

The second point which disturbed the Congress was as to the European vote. The Congress took the view that as we had laid down that the constitution was to be made by Indians for Indians, Europeans had no locus at all in the matter."

Sir Stafford Cripps continued: "Before I leave this matter of the Constituent Assembly I must mention some of the recent reports as to the alleged intentions of the parties in joining the Constituent Assembly.

We saw representatives of both the parties shortly before we left India and they stated to us quite categorically that it was their intention to go into the Assembly with the object of making it work.

They are, of course, at liberty to advance their views as to what should or should not be the basis of the future constitution—that is the purpose of the Constituent Assembly: to hammer out an agreement from diverse opinions and plans.

Likewise they can put forward their views as to how the Constituent Assembly should conduct their business, and having agreed to the statement of May 16, and the Constituent Assembly being elected in accordance with that statement

they cannot, of course, go outside the terms of what has been agreed to, as that would not be fair to the other parties who have come in.

It is on the basis of that agreed procedure that the British Government have said they will accept the decision of the Constituent Assembly.

As for the States, they need have no anxiety. It is for them to agree to come in or not as they choose. It is for that purpose they have set up a Negotiating Committee, and I am sure the Committee will have the wisdom to work out an acceptable basis of co-operation in the Constituent Assembly.

It is upon the free consent of many diverse elements of Indian people that the success of the new constitution will depend, and I am confident, from all that was said in India, that all parties appreciate that fundamental fact. A union cannot be forced. It must be by agreement, and it will be the task of the Constituent Assembly to attain that agreement which will be possible if majorities and minorities are tolerant and prepared to co-operate for the future of all India."

* * * *

"It was essential that there should be a pause after three and a half months of intense work, and this necessity was further emphasised by the fact that all members of the Congress Working Committee had to leave for the All-India Congress Committee meeting at Bombay on July 8 and that all parties wished to participate in the elections to the Constituent Assembly.

The House will be familiar with our relationship with Indian States, described by the word 'Paramountcy'.

We had a series of very interesting talks with the representatives of the Princes and some of the leading States Ministers as well as a good deal of correspondence, and we were most impressed by the co-operative attitude which they adopted throughout. The Chancellor of the Chamber of Princes, His Highness the Nawab of Bhopal, was very helpful and will, I am sure, contribute much to a solution of the problems of Indian States.

The States are willing and anxious to co-operate and to bring their own constitutions into such conformity with those of British India as to make it possible for them to enter the Federal Union.

There will, of course, have to be close negotiations between the Negotiating Committee which the States have set up and the major British Indian parties both as to the representation of the States in the Constituent Assembly and as to their ultimate position in the Union.

If the same reasonable temper continues to be shown about these matters, as was the case while we were in India, we may well hope that accommodation will be arrived at which will enable all India to come within the Union set up by the constitution-making machinery.

I now pass to the question of the Sikhs. It was a matter of great distress to us that the Sikhs should feel that they had not received the treatment which they deserved as an important section of the Indian people.

The difficulty arises not from any one's under-estimate of the importance of the Sikh Community but from the inescapable geographical facts of the situation.

What the Sikhs demand is some special treatment analogous to that given to the Muslims. The Sikhs, however, are a much smaller community, five and a half against ninety millions, and are not geographically situated so that any area as yet devised—I do not put it out of possibility that one may be devised—can be carved out in which they would find themselves in a majority.

It is, however, essential that fullest consideration should be given to their claims, for they are a distinct and important community, and this we have done. But on the population basis adopted, they would lose their weightage and consequently have only four out of a total of 28 seats in the Punjab or out of 35 in the North-Western Section.

This situation will to some extent, we hope, be remedied by their full representation in the Minorities Advisory Committee."

As regards the Scheduled Castes, Sir Stafford said that "as it was almost universally agreed that members of the Provincial Legislative Assemblies formed the only possible electorate for the Constituent Assembly, it was not possible, even had we decided to do so, to arrange for Dr. Ambedkar's organisation to have any special right of election to the Constituent Assembly. It had failed in the elections and we could not artificially restore its position. The Depressed Classes will, of course, have their full representation through the Congress-affiliated organisation. We interviewed leaders of that organisation and were convinced of their very genuine and strong desire to support the case of the Depressed Classes.

Here again, however, the Advisory Committee on minorities can provide an opportunity for reasonable representation of both organisations and we hope very much that the majority of the Constituent Assembly, in setting up that Advisory Committee, will be generous in their allocation of seats to all minorities, but particularly to minority organisations which, though they have a considerable following in the country, have little or no representation in the Constituent Assembly itself

Other minorities, though of course each important in their own field, do not, I think, raise any major questions with which I need here deal. They will all, we hope, be fully represented on the Advisory Committee.

I should perhaps draw the attention of the House to one other matter in this respect. Members will observe that in Paragraph 20 of the statement of May 16, we deal not only with the rights of citizens (fundamental rights) and the minorities, but also with tribal and excluded areas. Here again it was impossible to arrange for any worthwhile representation for these particular interests in the Constituent Assembly and in consequence we felt that having regard to the very special nature of the problems raised, it was far better for them to be dealt with by a more specialised body. We hope that the Advisory Committee will appoint small Committees of specialists to deal with these matters in various

areas so that the Constituent Assembly may have the best possible advice before it comes to any decision."

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40. EXTRACTS[1] FROM STATEMENT OF LORD PETHICK-LAWRENCE, HOUSE OF LORDS, JULY 18, 1946.

"The two great parties in British India, the Congress and the Muslim League who between them nearly swept the polls in the recent provincial elections, are acutely divided on this matter

While the Congress has always stood for one United India, the claim of the Muslim League has been for the division of India into Hindustan and Pakistan

Therefore, while the first task of the Mission was to convince Indians of the sincerity of the British people in offering them independence within or without the British Commonwealth according to their choice, their second task was to bridge the apparently unbridgeable gap between the rival views of the two great Indian parties

I think I can claim without fear of disagreement that, as for the first, we were entirely successful

All leaders of Indian opinion now realise that the British people mean what they say and will do their part to carry it into effect

As to the second, I believe the facts as disclosed in the voluminous Command Papers (White Papers), which I hope to make more clear, speak for themselves

We began by getting into direct personal contact orally and by correspondence with the most representative men and women in India, not only of the great Indian parties and from the States but also of other sections and minorities in British India

Their views profoundly influenced us in forming our opinion as to the best way to approach the problem

[1] These extracts are taken from newspaper reports

The main difficulty lay in the fact that not only were the major parties differing in their views of the future constitutional structure of India, but this divergence prevented them from agreeing on a Constitution-making machinery.

The Congress wanted a single Constitution-making body, while the Muslim League wanted two separate Constitution-making bodies—one for Hindustan and one for Pakistan.

After considerable discussion with them separately, we decided to invite them both to send four representatives each to meet us together at Simla and consider a proposal for forming a constitution on three-tier basis.

This they agreed to do, while reserving complete freedom of comment and action. The Simla talks were marked by the very welcome spirit of accommodation shown by both parties and although a final agreement was not reached, the talks ended amicably and sufficient progress had been made to justify us in putting out a statement on May 16 which we believed was sufficiently near to the views of both parties to be likely of acceptance.

That statement did not purport to lay down a constitution for India. This was a matter only for Indians. What we did was to put forward the three-tier suggestion and offer it for a basis for Constitution-making machinery.

The three-tier basis is nothing more than our recommendation to the Indian peoples but on the basis of these proposals we were asking the parties to join in the formation of a Constituent Assembly. But it was necessary to stipulate that the provisions should not be altered without a majority of the two major communities.

In Paragraph 18 we gave our reasons for taking a population basis for the allocation of seats on the Constituent Assembly and this method has met with general approval.

In Paragraph 14 we dealt with the question of the Indian States. We had discussions with the Chancellor of the Chamber of Princes, the Nawab of Bhopal, and were very impressed with the helpful and co-operative attitude he adopted throughout, and to that attitude can be attributed

much of the success of the solution of the problem of the Indian States.

Our attitude to the States is expressed in Paragraph 14 of the statement where we record the willingness of them to co-operate and also their helpful attitude as to the winding up of Parliament's paramountcy relationship.

This matter was further elaborated in the memorandum handed by us to the Chancellor.

The views of the States for whom the Chancellor is responsible are given in Command 6862, Document 4. It will be seen that a Negotiating Committee has been set up to arrange for the participation of the States in the Constitution-making body.

The May 16 Statement as a whole had an excellent reception, though there were points in it that were criticised on many sides. Neither of the major parties could achieve their whole objects, though it presented a practicable and flexible compromise and we hoped they might both accept it.

After issuing that statement there followed another period when all the parties in India were discussing among themselves our proposal and weighing up the pros and cons in minute detail as it affected their own principles and the principles of their particular sections.

There were also verbal exchanges between them and ourselves as to the Constituent Assembly as will be seen in some of their earlier letters published and from the statement issued by the Mission on May 25.

On June 6 the All-India Muslim League Council passed a resolution which, while critical of the contents of our statement of May 16, particularly on the issue of Pakistan, and while reserving opinion on those points, definitely accepted the scheme put forward by the Mission.

This was a great step forward and I pay tribute to the courage and statesmanship of Mr. Jinnah that, in advance of the Congress, he should have advocated in his Council and carried through that body acceptance of our proposals, which differed substantially from the views held until then and vigorously expressed by his followers.

The Congress did not at that time come to any final decision but, if I may anticipate events, they, too, on June 26, in a resolution and in a letter to the Viceroy, while expressing their views on interpretation, announced their acceptance of the proposals set out in our statement of May 16.

Thus we have secured in the end the acceptance of both the major parties in India to these proposals. Nominations and elections to the Constitution-making body have accordingly been proceeding in the present month and, from the news which reaches me, it would seem that some of the best human material in India are likely to be returned to take part in the deliberations.

If my expectations in this respect are fulfilled, a most valuable start has been made in the creation of a constitutional structure for the future of India.

Before leaving this I would like to say a few words about some recent reports from India as to the intentions of the parties in joining the Constituent Assembly.

We saw both parties shortly before we left and they stated to us quite categorically that it was their intention to go into the Assembly with the objective of making it work. They are, of course, at perfect liberty to advance their own views as to what should or should not be the basis of the future constitution.

That is the purpose of the Constituent Assembly—to hammer out agreement from diverse opinions and plans. Likewise they can put forward their views as to how the Assembly should conduct its business but, having regard to the statement of May 16 and the Constituent Assembly elected in accordance with it, they cannot, of course, go outside the terms of what has been agreed to. That would not be fair to the other parties who go in and it is on the basis of that agreed procedure that the British Government has said they will accept the provisions of the Constituent Assembly.

As to the States, they need have no anxiety since it is for them to decide freely to come in or not, as they choose. It is for that purpose that they have set up a Negotiating

Committee and I am sure that that Committee will have the wisdom to work out an acceptable basis for their co-operation in the Assembly.

It is on a free consensus of the many diverse elements of the Indian people that the success of the new constitution will depend.

I am confident from all that was said to me in India that all parties appreciate this fundamental fact. Union cannot be by force. It must be by agreement and it will be the task of the Assembly to obtain that agreement.

It will be possible for the majority and minorities alike to prepare to co-operate for the good of the future of all-India".

* * * *

"There was the question of the Sikhs. The difficulty arose from the inescapable facts of the geographical position of the Sikhs. Whereas the Sikhs numbered five million, the Muslims numbered ninety million and the Sikhs were not a geographical entity".

Full consideration, he said, should be given to their claim and full consideration had been given to it as a distinct community. The most the Mission could do was as outlined in the White Paper. On a population basis they had been given 4 out of 28 seats in the Punjab. The situation could be brought up and considered by the Advisory Committee on minorities. He appealed to the Sikhs to reconsider their attitude and their decision not to take part in the work that was now being done.

Lord Pethick-Lawrence referred to the Depressed Classes led by Dr. Ambedkar and said that they would have very full representation through the Congress-affiliated organisation. The Mission had interviewed the leaders of the Congress organisation and were convinced of their genuine desire to help the Depressed Classes. It was another matter on which the Advisory Committee on minorities might reach some solution and he hoped that the Committee would be generous in their allocation of seats to minorities.

41. PROCEEDINGS OF THE MUSLIM LEAGUE COUNCIL[1], JULY 29, 1946.

I. Resolution withdrawing acceptance of Cabinet Mission's Plan.

On June 6, 1946, the Council of the All-India Muslim League accepted the scheme embodied in the Statement of the Cabinet Delegation and the Viceroy dated May 16, 1946, and explained by them in their statement dated May 25, 1946. The scheme of the Cabinet Delegation fell far short of the demand of the Muslim nation for the immediate establishment of an independent and fully sovereign State of Pakistan comprising the six Muslim provinces, but the Council accepted a Union Centre for 10 years strictly confined to three subjects, *viz.*, defence, foreign affairs and communications, since the scheme laid down certain fundamentals and safeguards and provided for the Grouping separately of the six Muslim provinces in Sections B and C for the purpose of framing their provincial and Group constitutions unfettered by the Union in any way; and also with a view to ending the Hindu-Muslim deadlock peacefully and accelerating the attainment of the freedom of the peoples of India.

In arriving at this decision the Council was also greatly influenced by the statement of the President, which he made with the authority of the Viceroy, that the Interim Government, which was an integral part of the Mission's scheme, was going to be formed on the basis of the formula: five Muslim League, five Congress, one Sikh and one Indian Christian or Anglo-Indian, and the most important portfolios to be distributed equally between the two major parties, the Muslim League and the Congress. The Council authorized the President to take such decision and action with regard to further details of setting up the Interim Government as he deemed fit and proper. In that very resolution, the Council also reserved the right to modify and revise this policy, if the course of events so required.

[1] These proceedings of the Muslim League Council are taken from newspaper reports.

The British Government have committed a breach of faith with the Muslim League in that the Cabinet Delegation and the Viceroy went back on the original formula of 5 : 5 : 2 for the setting up of the Interim Government to placate the Congress.

The Viceroy, having gone back on the original formula upon the faith of which the Muslim League Council came to their decision of June 6, suggested a new basis of 5 : 5 : 3 and, after carrying on considerable negotiations with the Congress and having failed to get the Congress to agree, intimated to the parties on June 15 that he and the Cabinet Delegation would issue their final statement with regard to the setting up of the Interim Government.

Accordingly, on June 16, the President of the Muslim League received a statement embodying what was announced to be the final decision for setting up the Interim Government by the Viceroy, making it clear that, if either of the two major parties refused to accept the Statement of June 16, the Viceroy would proceed to form the Interim Government with the major party accepting it and such other representatives as were willing to join. This was explicitly laid down in Paragraph 8 of the Statement of June 16.

Even this final decision of the Cabinet Mission of June 16 with regard to the formation of the Interim Government was rejected by the Congress, whereas the Muslim League definitely accepted it—although it was different from the original formula, *i.e.*, 5 : 5 : 2—because the Viceroy provided safeguards and gave other assurances in his letter dated June 20, 1946.

The Viceroy, however, scrapped the proposal of June 16 and postponed the formation of the Interim Government on the plea concocted by the legalistic talents of the Cabinet Mission putting a most fantastic and dishonest construction upon Paragraph 8 of the Statement to the effect that, as both the major parties, *i.e.*, the Muslim League and the Congress, had accepted the Statement of May 16, the question of the Interim Government could only be taken up in consultation with the representatives of both the parties *de novo*.

Even assuming that this construction was tenable, for which there is no warrant, the Congress, by their conditional acceptance with reservations and interpretations of their own, as laid down in the letter of the President of the Congress dated June 25 and the resolution of the Working Committee of the Congress passed at Delhi on June 26, repudiating the very fundamentals of the scheme, had, in fact, rejected the Statement of May 16, and, therefore, in no event was there any justification, whatsoever, for abandoning the final proposals of June 16.

As regards the proposals embodied in the Statements of May 16 and 25 of the Cabinet Delegation and the Viceroy, the Muslim League alone of the two major parties had accepted it.

The Congress have not accepted it because their acceptance is conditional and subject to their own interpretation which is contrary to the authoritative statements of the Delegation and the Viceroy issued on May 16 and 25. The Congress have made it clear that they do not accept any of the terms or fundamentals of the scheme, but that they have agreed only to go into the Constituent Assembly and to do nothing else; and that the Constituent Assembly is a sovereign body and can take such decisions as it may think proper in total disregard of the terms and the basis on which it is to be set up. Subsequently they made this clear beyond doubt in the speeches that were made at the meeting of the A.I.C.C. in Bombay on July 6 by prominent members of the Congress and in the statement of Pandit Nehru, the President of the Congress, to a Press conference on July 10 in Bombay and then again, even after the debate in Parliament, at a public speech by him at Delhi on July 22.

The result is that, of the two major parties, the Muslim League alone has accepted the Statements of May 16 and 25 according to the spirit and letter of the proposals embodied therein. In spite of the attention of the Secretary of State for India having been drawn to this situation by the statement of the President of the Muslim League on July 13 from Hyderabad (Dn.), neither Sir Stafford Cripps in the House

of Commons nor Lord Pethick-Lawrence in the House of Lords, in the course of the recent debate, has provided or suggested any means or machinery to prevent the Constituent Assembly from taking decisions which would be *ultra vires* and not competent for the Assembly to do. The only reply to this matter that the Secretary of State gave was the mere expression of a pious hope when he said 'that would not be fair to the other parties who go in.'

Once the Constituent Assembly has been summoned and meets, there is no provision or power that could prevent any decision from being taken by the Congress with its overwhelming majority, which would not be competent for the Assembly to take, or which would be *ultra vires* of it, and, however repugnant it might be to the letter or spirit of the scheme, it would rest entirely with the majority to take such decisions as they may think proper or suit them; and the Congress had already secured by sheer number an overwhelming Caste Hindu majority, and they will be in a position to use the Assembly in a manner which they have already declared, *i.e.*, that they will wreck the basic form of the Grouping of provinces, and extend the scope, powers and subjects of the Union Centre which is confined strictly to three specific subjects as laid down in Paragraph 15 and provided for in Paragraph 19 of the Statement of May 16.

The Cabinet Delegation and the Viceroy collectively and individually have stated several times that the basic principles were laid down to enable the major parties to join the Constituent Assembly and that the scheme cannot succeed unless it is worked in a spirit of co-operation. The attitude of the Congress already shows that these conditions precedent for the successful working of constitution-making do not exist. This fact, taken together with the policy of the British Government of sacrificing the interests of the Muslim nation and some other weaker sections of the peoples of India, particularly the Scheduled Castes, to appease the Congress, and the way in which they have been going back on their oral and written solemn pledges and assurances given from time to time to the Muslims, leave no doubt that, in these

cirsumstances, participation by Muslims in the proposed constitution-making machinery is fraught with danger; and the Council, therefore, hereby withdraws its acceptance of the Cabinet Mission's proposals which was communicated to the Secretary of State for India by the President of the Muslim League on June 6, 1946.

II. Resolution on 'Direct Action'.

Whereas the League has to-day resolved to reject the proposals embodied in the Statement of the Cabinet Delegation and the Viceroy of May 16, 1946, due to the intransigence of the Congress on the one hand and the breach of faith with the Muslims by the British Government on the other; and whereas Muslim India has exhausted without success all efforts to find a peaceful solution of the Indian problem by compromise and constitutional means; whereas the Congress is bent upon setting up a Caste Hindu *Raj* in India with the connivance of the British; and whereas recent events have shown that power politics and not justice and fair play are the deciding factors in Indian affairs; whereas it has become abundantly clear that the Muslims of India would not rest content with anything less than the immediate establishment of an independent and fully sovereign State of Pakistan and would resist any attempt to impose any constitution, long-term or short-term, or setting up of any Interim Government at the Centre without the approval and consent of the Muslim League, the Council of the All-India Muslim League is convinced that the time has now come for the Muslim nation to resort to direct action to achieve Pakistan and assert their just rights and to vindicate their honour and to get rid of the present slavery under the British and contemplated future of Caste Hindu domination.

This Council calls upon the Muslim nation to stand to a man behind their sole representative organization, the All-India Muslim League, and be ready for every sacrifice.

This Council directs the Working Committee to prepare forthwith a programme of direct action to carry out the

policy initiated above and to organize the Muslims for the coming struggle to be launched as and when necessary.

As a protest against and in token of their deep resentment of the attitude of the British, this Council calls upon Muslims to renounce forthwith the titles conferred upon them by the alien Government.

III. Mr. Jinnah's Speech.

Mr. Jinnah, immediately after the two resolutions had been passed, declared amid cheers: "What we have done to-day is the most historic act in our history. Never have we in the whole history of the League done anything except by constitutional methods. But now we are forced into this position. To-day we bid good-bye to constitutional methods."

Mr. Jinnah recalled that throughout the fateful negotiations with the Cabinet Delegation and the Viceroy, the other two parties, the British and the Congress, held pistols in their hands—the former a pistol representing authority and arms and the latter a pistol representing mass struggle and non-co-operation.

"To-day," he said, "we have also forged a pistol and are in a position to use it."

Mr. Jinnah said that the decision to reject the Cabinet Mission's proposals and to launch direct action had not been taken in haste. It had been taken with a full sense of responsibility and all the deliberation humanly possible.

"We mean every word of it. We do not believe in equivocation," he declared.

Mr. Jinnah said that the Congress had accepted the Cabinet Mission's proposals conditionally, while the Cabinet Mission and the Viceroy had committed a flagrant breach of faith. Any honest or self-respecting man could see clearly that the only party which came out honourably from the negotiations was the Muslim League.

When the League accepted the proposals, the statement of May 16, the statement of May 25, and the original formula

for an Interim Government, it had done so deliberately and with full responsibility. "Any man who has any sense of fairness and justice will say that the Muslim League was moved by higher and greater considerations than any other party in India."

"The League", Mr. Jinnah said, "had sacrificed the full sovereignty of Pakistan at the altar of the Congress for securing independence for the whole of India. They had voluntarily delegated three subjects to the Union, and by doing so did not commit a mistake. The League had displayed the highest order of statesmanship in making these concessions, in its anxiety to come to a peaceful settlement with the Congress Party".

Mr. Jinnah added: "I do not think that any responsible man will disagree with me if I assert that we were moved by a desire not to allow the situation to develop into bloodshed and civil war. Such a situation should be avoided if possible. In our anxiety to try to come to a peaceful settlement with the other major party, we made this sacrifice of giving three subjects to the Centre and accepted a limited Pakistan. We offered this unequivocal sacrifice at the altar of the Congress

But this has been treated with defiance and contempt. Are we alone to be guided by reason, justice, honesty and fair play when, on the other hand, there are perfidious dealings by the Congress?

There has been no sign or the slightest gesture of compromise from them. But honour, honesty, statesmanship, justice and fair play always win in the long run, and I may say that to-day Muslim India is stirred as never before, and has never felt so bitterly as to-day because these two parties (the Congress and the British) showed lack of statesmanship

But now we realize that this has been the greatest blessing in disguise for Muslim India. We have learnt a bitter lesson—the bitterest I think so far. Now there is no room left for compromise. Let us march on."

Mr. Jinnah then referred to Lord Pethick-Lawrence's statement in the House of Lords that he could not agree to Mr. Jinnah having a monopoly over Muslim nominations, and

said: "What made the Secretary of State, in the responsible position that he holds, use such a stupid phrase? Has he got the monopoly for every Briton? On what authority does he speak on behalf of the British people, having only 60% of the people behind his Government? We cannot agree to a Quisling Muslim being nominated by the Congress to the Executive Council.

What did the British Government do with their own quislings like John Amery and Lord Haw-Haw? These men and many other Englishmen who betrayed their country and became traitors have been hanged for treason. It is impossible for me to agree to a Quisling being nominated".

Mr. Jinnah added that the Cabinet Mission had been "intellectually paralysed", and that their report to Parliament was not even "honest to themselves" and was devoid "not only of political ethics, but of every kind of principle and morality".

Raising his voice, Mr. Jinnah concluded his speech by quoting Firdousi, the Persian poet: "If you seek peace, we do not want war. But if you want war, we will accept it unhesitatingly".

42. THE CONGRESS WORKING COMMITTEE ON THE LEAGUE RESOLUTIONS, AUGUST 10, 1946.

The Working Committee regrets to note that the Council of the All-India Muslim League, reversing their previous decision, have decided not to participate in the Constituent Assembly. In this period of rapid transition from dependence on a foreign power to full independence, when vast and intricate political and economic problems have to be faced and solved, the largest measure of co-operation among the people of India and their representatives is called for, so that the change over would be smooth and to the advantage of all concerned.

The Committee realises that there are differences in the outlook and the objective of the Congress and the Muslim League. Nevertheless, in the larger interests of the country

as a whole and the freedom of the people of India, the Committee appeals for the co-operation of all those who seek freedom and the good of the country, in the hope that co-operation in the common tasks may lead to the solution of many of India's problems.

The Committee further notes that criticisms have been advanced on behalf of the Muslim League to the effect that the Congress acceptance of the proposals contained in the statement of May 16 was conditional. The Committee wish to make it clear that while they did not approve of all the proposals contained in this statement, they accepted the scheme in its entirety. They interpreted it so as to resolve the inconsistency contained in it and fill the omissions in accordance with the principles laid down in that statement. They hold that provincial autonomy is a basic provision and each province has the right to decide whether to form or join a Group or not. The question of interpretations will be decided by the procedure laid down in the statement itself and the Congress will advise its representatives in the Constituent Assembly to function accordingly.

The Committee has emphasised the sovereign character of the Constituent Assembly, that is, its right to function and draw up the constitution for India without interference of any external power or authority, but the Assembly will naturally function within the internal limitations which are inherent in its task and will further seek the largest measure of co-operation in drawing up the constitution of free India allowing the greatest measure of freedom and protection for all just claims and interests.

It was with this objective and with the desire to function in the Constituent Assembly and make it a success that the Working Committee passed the resolution of June 26, 1946, which was subsequently ratified by the A.-I. C. C. on July 7. By that decision of the All-India Congress Committee they must stand, and they propose to proceed accordingly with their work in the Constituent Assembly.

The Committee hopes that the Muslim League and all

others concerned in the wider interests of the nation as well as of their own will join in this great task.

43. MR. JINNAH'S STATEMENT ON THE CONGRESS RESOLUTION, BOMBAY, AUGUST 12, 1946.

The entire scheme of the British Cabinet Mission consisted of the Long-term plan statements of 16th May and 25th May and the Short-term proposal of setting up the Interim Government and these two formed integral parts of the whole scheme and were interdependent and indivisible. The Muslim League accepted both whereas the Congress rejected the Interim Government proposal of 16th June and accepted the statement of 16th May conditionally with reservations and their own interpretations.

The Cabinet Delegation and the Viceroy scrapped the Interim Government proposal of 16th June and treated the Congress decision communicated to them on the 25th and 26th of June wrongly as acceptance. The so-called acceptance was, in fact, a rejection.

After that the Viceroy declined to postpone the election of the Constituent Assembly on the plea that arrangements for it had gone far too ahead. Although the arrangements with regard to the Interim Government were complete and the resignations of his then members of the Executive Council were held by him, and according to the statement of the 16th of June the Interim Government was to be set up on or about the 26th of June, yet it was scrapped. After this the Muslim League was free to take such decision as they thought proper as the entire basis of the scheme had fallen through. It was only the Council of the All-India Muslim League that could finally have decided our attitude and in these circumstances we summoned the Council of the All-India Muslim League at Bombay on 27-29th July and they decided to withdraw our acceptance formally.

In the meantime we decided to contest the elections to the Constituent Assembly in order to prevent undesirable people getting in as Muslim representatives and we captured

95 per cent. Muslim seats. Meanwhile, before the Council of the League had met, Congress leaders including the President in their speeches at the All-India Congress Committee meeting on the 6th and 7th of July made their pronouncements which created grave apprehensions in the League circles, and these were expressed by Mr. Liaquat Ali Khan, Secretary of the All-India Muslim League, in his statement from Delhi and by me in my statement from Hyderabad on the 13th of July, notably with regard to the pronouncement of Pandit Jawaharlal Nehru on the 10th of July at a press conference which left no doubt as to the intentions of the Congress. Both these statements were broadcast in the press by news agencies.

The debate in the Parliament which took place on the 18th of July showed that the British Government approved of the scrapping of the Interim Government by the Cabinet Delegation and the Viceroy and paid no attention whatever to the new situation that had arisen, not only by pronouncements and clarifications and interpretations given by the Congress leaders which were published throughout the country, but also by the fact that the Assam Assembly, while electing the Assam representatives to the Constituent Assembly, had, under the instructions of the Congress High Command, passed a resolution giving a mandate not only to the Congress members but also to the representatives of the Mussalmans elected by a separate bloc of Muslim members, to have nothing to do with the C Group from the very start. This clearly repudiated one of the fundamental terms of the statement of 16th May and this is an instance of how the majority acted although it is highly doubtful whether the Assam Assembly was competent to give such a mandate to the representatives to the Constituent Assembly.

The latest resolution of the Congress Working Committee passed at Wardha on the 10th August does not carry us anywhere, because it is only a repetition of the Congress stand taken by them from the very beginning, only put in a different language and phraseology. This is what they say with regard to their decision on the Long-term plan:

"The Committee further notes that criticisms have been

advanced on behalf of the Muslim League to the effect that Congress acceptance of the proposals contained in the statement of May 16 was conditional. The Committee wish to make it clear that while they did not approve of all the proposals contained in this statement, they accepted the scheme in its entirety.'

The resolution further continues:—

'They interpreted it so as to resolve the inconsistency contained in it and fill the omissions in accordance with the principle laid down in that statement.'

Therefore, to start with, they are free to resolve the inconsistency and fill in the omissions. How can that be in accordance with the principle laid down in that statement? What is the inconsistency and what are the omissions?

The resolution proceeds further and says:

'They hold that provincial autonomy is a basic provision and each province has the right to decide whether to form or join a Group or not.'

Therefore they maintain that it is open to the Congress to decide whether any particular province could join the Group or not. But they go on to say:—

'The question of interpretation will be decided by the procedure laid down in the statement itself and the Congress will advise its representatives to the Constituent Assembly to function accordingly.'

Who will decide this question of interpretation and by what procedure and what is the procedure laid down in the statement for the purpose of interpreting the statement or any clause thereof except by the brute majority? The resolution then goes on further:—

'The Committee have emphasised the sovereign character of the Constituent Assembly, that is, the right to function and draw up the constitution for India without the interference of any external power or authority, but the Assembly will naturally function within the internal limitations which are inherent in its task and will further seek the largest measure of co-operation in drawing up the constitution of free India,

allowing the greatest measure of freedom and protection for all just claims and interests.'

Therefore it is obvious that they will hold that this constitution-making machinery is a sovereign Constituent Assembly but they resent any interference of any external power and authority. Whoever has suggested it and where has it been suggested? The question is how this Assembly will function and they make it clear that it will do so with internal limitations in the statement of May 16th which could not be overruled by a sovereign Constituent Assembly. If any decisions are taken by this Assembly which are repugnant, *ultra vires* or incompetent for the Assembly to adopt, what is the check provided for it either internally or externally except again the brute majority in the Assembly?

They conclude by saying that the resolution of the Working Committee passed on June 26 and confirmed by the A.-I. C. C. 'must stand and they propose to proceed accordingly with their work in the Constituent Assembly.' Therefore it is quite clear that there is no change on the part of the Congress except the startling expression that they had accepted the scheme in its entirety which is immediately contradicted by what follows in the resolution and they have reiterated their repudiation of the Grouping and emphasised once more the sovereign character of the Constituent Assembly, which can only mean that it will not be bound by anything laid down in the statement of 16th May and would be free to decide every question by majority.

I need not deal with the rest of the resolution which is nothing but verbiage and an appeal to the League to join the battle of India's independence. But there is no doubt left as to India's independence now because the statement of May 16th, at any rate, makes it clear on the part of the British and Mr. Patel, in his recent speech in Bombay, said there was no need any longer to fight the British and that the only revolution that was needed was internal revolution. With whom does the Congress ask us to join hands and for what purpose?

I am afraid the situation remains as it was and we are where we were.

44. PANDIT NEHRU ON THE CONSTITUENT ASSEMBLY, SEPTEMBER 7, 1946.

(*Extracts from first broadcast as Vice-President of the Interim Government*)

There has been much heated argument about Sections and Groupings in the Constituent Assembly. We are perfectly prepared to, and have accepted the position of sitting in Sections, which will consider the question of formation of Groups. I should like to make it clear on behalf of my colleagues and myself that we do not look upon the Constituent Assembly as an arena for conflict or for the forcible imposition of one view-point over another That would not be the way to build up a contented and united India. We seek agreed and integrated solutions with the largest measure of goodwill behind them.

We shall go to the Constituent Assembly with the fixed determination of finding a common basis for agreement on all controversial issues. And so, in spite of all that has happened and the hard words that have been said, we have kept the path of co-operation open, and we invite even those who differ from us to enter the Constituent Assembly as equals and partners with us with no binding commitments. It may well be that when we meet and face common tasks our present difficulties will fade away.

45. PAPERS ON THE FORMATION OF THE INTERIM GOVERNMENT, JULY 22-NOVEMBER 25, 1946.

1. Letter from Lord Wavell to Mr. Jinnah, July 22, 1946.[1]

I declare my intention of replacing the present Care-taker Government[2] of officials by an Interim Coalition

[1] A similar letter was sent to Pandit Nehru, President of the Congress.

[2] The Care-taker Government was composed of nine members, of whom seven (i e, all except the Governor-General and the

Government as soon as possible; and am now putting to you as President of the Muslim League and to the President of the Congress the proposals set out below.

I think you will probably agree with me that our negotiations both this summer and last year were hampered by the attendant publicity. I am, therefore, seeking your co-operation in conducting at any rate the preliminary stages of the negotiations on a strictly personal and secret basis between myself and the two Presidents. I very much hope that you will prevent this correspondence being known to or discussed in the press until we have seen whether we can find some basis of agreement. I realise, of course, that you will have at some stage to secure the approval of your Working Committee; but I believe it will be best to try and reach some basis of agreement between ourselves as a first step. I propose the following for your consideration:

(*a*) The Interim Government will consist of 14 members.

(*b*) Six members (to include one Scheduled Caste representative) will be nominated by the Congress: five members will be nominated by the Muslim League. Three representatives of minorities will be nominated by the Viceroy. One of these places will be kept for a Sikh. It will not be open to either Congress or the Muslim League to object to the names submitted by the other party, provided they are accepted by the Viceroy.

(*c*) Distribution of the portfolios will be decided after the parties have agreed to enter the Government and have submitted their names. The Congress and the Muslim League will each have an equitable share of the most important portfolios.

(*d*) The assurance about the status of the Interim

Commander-in-Chief) were members of the Indian Civil Service (1) Lord Wavell (Foreign and Political Department); (2) Sir Claud Auchinleck (War); (3) Sir A. Waugh (Home, Industries and Supplies) (4) Sir Gurunath Bewoor (Commerce and Commonwealth Relations) (5) Sir Eric Conran Smith (War Transport and Railways, Post, Air) (6) Sir Eric Coates (Finance); (7) Sir Robert Hutchings (Food, Agriculture); (8) Sir Akbar Hydari (Labour, Works, Mines and Power Information, Arts, Health); (9) Sir George Spence (Law, Education) Of these, only two were Indians.

Government which I gave in my letter dated 30th May to Maulana Azad will stand.

I would welcome a convention, if freely offered by the Congress, that major communal issues can only be decided by the assent of both the major parties. But I have never thought that it was essential to make this a formal condition since in fact a Coalition Government could work on no other basis.

I sincerely trust that your party will agree to co-operate in the administration of India on the above basis, while the work of constitution-making proceeds. I am confident that this will be of the greatest possible benefit to India. I suggest that we should not spend further time in negotiation, but should try at once a Government on the basis proposed above. If it does not work, and you find the conditions unsatisfactory, it will be open to you to withdraw, but I am confident that you will not.

Would you be good enough to let me know very soon whether the Muslim League will enter in the Interim Government on this basis? I have written in similar terms to Pandit Nehru and enclose a copy of my letter to him.

P.S.—I am seeing Pandit Nehru this afternoon on other matters and will hand him his letter then.

2. Letter from Mr. Jinnah to Lord Wavell, July 31, 1946.

I am in receipt of your letter of the 22nd July and I notice that this is the fourth basis that you are suggesting for the formation of your Interim Government. From 5:5:2 you came to 5:5:3 and then 5:5:4 as embodied in the statement of the Cabinet Delegation and yourself dated the 16th June, 1946, which was announced by you as final. Now you are making this fourth proposal, *i.e.*, 6:5:3.

Every time the Congress turned down the previous three proposals as you were unable to appease them or propitiate them; and every time the departure was prejudicial to the League and in favour of the Congress.

And now you have put your fourth proposal for my consideration.

It gives a go by to all the important terms which were in favour of the Muslim League; the Congress will have 6 members out of 14 as against 5 members of the Muslim League which breaks straightaway the principle of parity; and you are letting down the Scheduled Castes as one of them is proposed to be nominated by the Congress and not by the real spokesmen of the Scheduled Castes. I note that you say that 5 members will be nominated by the Muslim League. Next, 3 members of the minorities will be nominated by the Viceroy without reference to or consultation with the Muslim League. The only indication that you have given is that one of these places will be kept for a Sikh.

Then you proceed on to say that "it will not be open either to the Congress or the Muslim League to object to names submitted by the other party, provided thy are accepted by the Viceroy", and from this I gather that it will be open to the Congress to nominate a quisling Muslim.

As to the distribution of portfolios, I note you say that " the Congress and the Muslim League will have an equitable share of the most important portfolios", and not equal as it was originally proposed.

As to the assurance about safeguards, *i.e.*, that a major communal issue could only be decided by the consent of both the major parties, you say that it will be only considered " if freely offered by the Congress ", but you do not attach much importance to it and you conclude by saying that if the Interim Government does not work when formed on this basis and if we find conditions unsatisfactory, it will be open to us to withdraw. I believe in the principle " Prevention is better than cure".

This is a very clear and substantial departure, most detrimental to the Muslim League, and is obviously intended to appease the Congress and devised primarily to meet their wishes.

Taking the final proposal of June 16, 1946, in your letter dated the 20th of June you informed me that 14 members were invited by you on the basis of parity between Hindus and Muslims and community-wise and that it will not be changed

without the agreement of two major parties. Apart from the secret talks you had with the Congress you clearly conveyed to us that the invitees were asked to join specifically on the basis of 5 Hindus, 5 Muslims, one Sikh, one Scheduled Caste, one Christian and one Parsee. Your present proposal clearly destroys the principle of parity as well as representation according to communities and gives a clear majority to the Congress as against the Muslim League to start with.

As regards representatives of other minorities, they will be nominated by you without reference to or any consultation with the Muslim League. This again is a departure from what you stated in your letter of the 20th June, that "if any vacancy occurs among the seats at present allotted to the representatives of the minorities, I shall naturally consult both the major parties before filling it." I think you will appreciate that when you start with 6 Congress and 5 Muslim League with a Congress majority, the minority representatives will hold a very strong position as a balancing element, who would be nominated by you without having even consultation with the Muslim League and this is a serious departure from what we were assured of in your letter of the 20th of June.

You categorically state in your letter of 20th June, paragraph 5, that " no decision on a major communal issue would be taken by the Interim Government if a majority of the representatives of either of the two major parties were opposed to it", whereas now in the present proposals you inform me that you will welcome a convention if freely offered by the Congress.

As you have written this letter to me and is strictly personal and secret I can only say that in my opinion there is no chance of my Working Committee accepting this proposal.

3. Letter from Lord Wavell to Mr. Jinnah, August 8, 1946.

I have received your letter of the 31st July about my proposal for an Interim Government.

I am sorry that things have gone the way they have, but I do not think it would be profitable now to enter into a detailed discussion of the points you raise in your letter. I will only remind you that the basis of representation which I suggested in the letter to which you now reply is the same as the one the Muslim League Working Committee accepted at the end of June, namely, 6 : 5 : 3.

In view of the League resolutions of the 29th July, I have now decided to invite the Congress to make proposals for an Interim Government, and I am sure that if they make a reasonable offer to you of a coalition, I can rely on you for a ready response. I have told the President of the Congress that any Interim Government would be on the basis of the assurances given in my letter of the 30th May to Maulana Azad.

I hope we may have an opportunity of meeting soon.

4. Communique of the Government of India, August 12, 1946.

His Excellency the Viceroy, with the approval of His Majesty's Government, has invited the President of the Congress to make proposals for the immediate formation of an Interim Government, and the President of the Congress has accepted the invitation. Pandit Jawaharlal Nehru will shortly visit New Delhi to discuss his proposals with His Excellency the Viceroy.

5. Letter from Pandit Nehru to Mr. Jinnah, August 13, 1946.

As you know, the Viceroy has invited me, in my capacity as President of the Congress, to make proposals for the immediate formation of the Interim Government. I have accepted the invitation. I feel that my first step should be to approach you and seek your co-operation in the formation of a Coalition Provisional Government. It is naturally our desire to have as representative a Government as possible. Should you wish to discuss this matter further with me, before coming to a decision, I shall gladly see you in Bombay or wherever you may be. . . . . .

6. Letter from Mr. Jinnah to Pandit Nehru, August 15, 1946.

I received your letter, dated the 13th, yesterday, delivered to me by hand.

I know nothing as to what has transpired between the Viceroy and you; nor have I any idea of what agreement has been arrived at between you two, except what you say in your letter that the Viceroy has invited you, in your capacity as the President of the Congress, to make proposals for the immediate formation of the Interim Government and that you have accepted the invitation.

If this means that the Viceroy has commissioned you to form the Executive Council of the Governor-General and has already agreed to accept and act upon your advice and proceed to constitute his Executive accordingly, it is not possible for me to accept such a position on that basis.

However, if you care to meet me on behalf of the Congress to settle the Hindu-Muslim question and resolve the serious deadlock, I shall be glad to see you today at 6 p.m.

The substance of your letter, unfortunately, has already appeared in the press even before I received it. May I, therefore, request you to release this letter of mine also to the press?

7. Letter from Pandit Nehru to Mr. Jinnah, August 15, 1946.

Thank you for your letter of today's date which was delivered to me at about 1 p.m.

Nothing has transpired between me and the Viceroy except what has already been published. There is no arrangement other than what is contained in his brief offer and our acceptance. That offer, made by the Viceroy with the concurrence of the British Government, is for us to make proposals for the formation immediately of an Interim Government. The Executive Council of the Governor-General has not been mentioned as such. It is understood, as stated in the published correspondence between the Congress President and the Viceroy, that the Interim Government will have the greatest possible freedom in the exercise of the day-to-day administration of this country

Since this brief offer was made and we accepted it, I have had no opportunity to meet the Viceroy or discuss the matter with him more fully. I hope to do so within the next two or three days. It was our wish, however, that I might approach you first and invite your co-operation. We are naturally anxious to form a Government which will be as representative as possible in order to deal with the urgent problems facing this country.

In your letter you state that you are unable to accept the position as it appears to you. I regret this. Perhaps, on fuller consideration of the position you would be agreeable to reconsider your decision. If so, we would welcome it. For this purpose I shall gladly see you, if you so desire.

As regards the general Hindu-Muslim question, we are always prepared to discuss this and try to find a way out. Just at present we are immediately concerned with the formation of the Provisional Government and circumstances demand that early steps should be taken in regard to it. We hope that a Coalition Provisional Government will itself help in the reconsideration and solution of our problems. While I am willing to discuss the larger question with you, I have no new suggestions to make. Perhaps you may be able to suggest a new approach.

I am prepared to come to your place at 6 p.m. this evening, or if it is more convenient to you, some time tomorrow. . . . . .

My letter to you was not sent to the press. I made a brief statement to the press, however, in view of repeated questions put to me by newspapermen and in order to prevent misconceptions, if you so desire, you can release all this correspondence to the press.

8. Letter from Mr. Jinnah to Pandit Nehru, August 15, 1946.

I am in receipt of your letter of August 15 delivered to me at about 3-30 p.m. and I thank you for it.

I have already made my position clear in my letter dated the 15th of August sent to you this morning. But as you have given certain explanations, with some of which I must

not be taken to agree, and as you desire to meet, I shall be glad to see you today at 6 p.m.[1]

I agree with you that in order to prevent misconception in the mind of the public, our correspondence should be published and accordingly I am releasing it to the press.

9. *Extracts[2] from Pandit Nehru's statement at Press Conference, Bombay, August 16, 1946.*

Pandit Nehru said, "The present offer to the Congress to form the Interim Government does make a difference. The Viceroy has made a new kind of approach. There is a psychological difference. Unlike previous occasions, we are now asked to form the entire Government, no doubt with the co-operation of others, but taking the responsibility for it. Now it is not a question of individuals being picked and chosen by an external authority. May be all this ends in our being caught in a trap, may be that it leads us much further in the direction we want to go. We should eliminate all the obstructions in our way. But in any case we should be very wary".

Pandit Nehru made it clear in answer to a question that the Interim Government would not merely be the Executive Council, but a free Government. "Strictly legally speaking, there will be no change as regards the Viceroy's position but in practice, I trust, he will be a kind of constitutional head. If the Viceroy exercised his veto, it would lead to trouble."

Answering a question, Pandit Nehru said that the question of certification of any Bill by the Viceroy would not arise in as much as there cannot be a conflict between the Interim Government and the Central Legislative Assembly. "I cannot conceive of such a conflict", he said, "because any Provisional Government must carry the Assembly with it. If it does not, that Government must go".

About the Muslim League, Pandit Nehru said, "Co-operation in the formation of the Provisional Government is being offered to the Congress by all elements excepting the Muslim

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[1] Pandit Nehru met Mr Jinnah at Bombay on August 15, 1946.
[2] These extracts are taken from newspaper reports.

League for the moment. In the circumstances, however, it is obvious that we cannot stand still because of this unfortunate lack of co-operation from the Muslim League. So far as we are concerned, the door of co-operation will always be open and we shall, in whatever we do, be keeping in view this larger view point. We shall always look for the largest measure of co-operation".

Asked whether the Congress would put down the Muslim League if the Muslim League started "Direct Action" as a protest against the formation of the Interim Government by the Congress, Pandit Nehru said, "If the League starts some kind of 'Direct Action', obviously the Government will face that 'Direct Action'—either come to terms with it or oppose it as there is no other course. If the Government is strong, 'Direct Action' goes under, but if the Government is weak, the Government will go under."

10. Extracts from Mr. Jinnah's statement, August 18, 1946.

Pandit Jawaharlal Nehru would have been nearer the truth if, instead of saying that there was lack of co-operation from the Muslim League, he had said that the Muslim League was not prepared to surrender. . . . . .

* * * *

In the course of our interview on August 15 Pandit Nehru declined to discuss the long-term settlement He made it clear to me that they were invited by the Viceroy to make their proposals for the Interim Government and he thought that he would like to see me before the Congress submitted their proposals to the Viceroy

The proposals which he made were that the Congress would form the Cabinet and they were prepared to give 5 seats out of 14 to the Muslim League and the remaining 9 would be filled by the Congress nominees including one Muslim of their choice; that this Cabinet would be responsible only to the present Central Legislative Assembly where I may point out the Congress has got at least 3 votes as against one of the Muslim League; and that the Viceroy would be the constitutional Governor-General and must not

exercise his veto, nor should any other external authority interfere with this Cabinet.

It was not that he was forming the Executive Council of the Governor-General under the framework of the present constitution but the Government so formed would be a Provisional National Government.

This was the plan he disclosed to me and it was obvious that I could not possibly accept such a proposal because after that there would remain nothing to talk about the Muslim demand and our goal of Pakistan.

* * * *

When he says that the League will be crushed if we resort to Direct Action, he talks with confidence or he relies upon the shelter and support of the baton of Field-Marshal Wavell.

* * * *

Now the question is whether this majority is going to be installed in power on its own terms by the British Government to rule the Mussalmans and the minorities with the help of British blood and treasure.

11. Extracts from Pandit Nehru's statement.

. . . . . Mr. Jinnah says that I declined to discuss with him the long-term settlement. This has surprised me and I can only say that Mr. Jinnah's memory is at fault.

I could not and would not decline to discuss anything with him. As a matter of fact I remember to have discussed the long-term settlement and the Constituent Assembly with him during our talk. . . . . .

As for the Interim Government being responsible to the Central Legislative Assembly, I stated that in effect it could not go against the wishes of that Assembly. . . . . .

. . . . . .Our policy has not been and will not be to threaten or crush any one, but rather win him over if we can. I was asked what would happen if there was 'Direct Action' against the Government. I replied that whenever there is such ' Direct Action ' there can be only two results—either the success or partial success of that 'Action' which means

the Government being swept away, or coming to terms with it, or the 'Direct Action' fails.

Mr. Jinnah refers to the use of British bayonets. May I repeat again what we have said frequently, that we want the British armed forces to be removed from India as soon as possible. The sooner they go the happier we shall be, because we do not wish to think in terms of bayonets, and certainly not in terms of British bayonets. I am sure that when British armed might is removed from India, it will be easier for all of us to face the realities in India and arrive at mutually advantageous agreements . . . . . .

12. Viceroy's House Communique, August 24, 1946.

His Majesty the King has accepted the resignation of the present members of the Governor-General's Executive Council. His Majesty has been pleased to appoint the following:

Pandit Jawaharlal Nehru,[1] Sardar Vallabhbhai Patel,[2] Dr Rajendra Prasad[3], Mr. M. Asaf Ali[4], Mr. C. Rajagopalachari[5], Mr. Sarat Chandra Bose[6], Dr. John Mathai[7], Sardar Baldev Singh[8], Sir Shafaat Ahmad Khan[9], Mr. Jagjivan Ram[10], Syed Ali Zaheer[11] and Mr. Cooverji Hormusji Bhaba[12]

Two more Muslim members will be appointed later. The Interim Government will take office on September 2.

13. Extracts from Lord Wavell's Broadcast, August 24, 1946.

. . . . . you who are opposed to the formation of the new Government are not, I assume, opposed to the main policy

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[1] Congress, Caste Hindu—Vice-President and Member in charge of External Affairs and Commonwealth Relations Departments
[2] Congress, Caste Hindu—Home, Information and Broadcasting.
[3] Congress, Caste Hindu—Food and Agriculture
[4] Congress, Muslim—Railways; Communications (Post and Air).
[5] Congress, Caste Hindu—Industries and Supplies
[6] Congress, Caste Hindu—Works, Mines and Power
[7] Indian Christian, not associated with any party—Finance.
[8] Sikh, Akali Party—Defence
[9] Nationalist Muslim—Education and Arts, Health.
[10] Congress, Scheduled Caste—Labour
[11] Nationalist Muslim—Law.
[12] Parsi not associated with any party—Commerce.

of His Majesty's Government, namely, to fulfil their pledges by making India free to follow her own destiny. You will also, I think, all agree that we need at once a Government of Indians as representative as possible of political opinion in the country. This is what I set out to secure; but though 5 seats out of 14 were offered to the Muslim League, though assurances were given that the scheme of constitution-making would be worked in accordance with the procedure laid down, and though the new Interim Government is to operate under the existing constitution, it has not been possible at present to secure a coalition.

* * * *

Let me state clearly the offer which has been made and is still open to the Muslim League. They can propose to me five names for places in a Government of 14 of which 6 will be nominees of Congress and 3 will be representatives of the minorities. Provided these names are acceptable to me and approved by His Majesty, they will be included in the Government which will at once be re-formed. The Muslim League need have no fear of being outvoted on any essential issue; a Coalition Government can only exist and function on the condition that both main parties to it are satisfied. I will see that the most important portfolios are equitably shared. I sincerely trust that the League will reconsider their policy and decide to participate in the Government.

Meanwhile, however, the administration of India has to go on, and there are large issues which must be decided. I am glad that the representatives of a very large body of political opinion in the country will be my colleagues in carrying on the government. . . . . .

. . . . . I shall implement fully His Majesty's Government's policy of giving the new Government the maximum freedom in the day-to-day administration of the country. In the field of Provincial Autonomy, of course, the Provincial Governments have a very wide sphere of authority in which the Central Government cannot intervene. My new Government will not have any power or indeed any desire to trespass on the field of Provincial administration.

* * * *

The War Member in the new Government will be an Indian, and this is a change which both the Commander-in-Chief and I warmly welcome. But the constitutional position of the armed forces is in no way changed. They still owe allegiance, in accordance with their oath, to the King-Emperor, to whom and to Parliament I am still responsible.

* * * *

It is desirable also that the work of the Constituent Assembly should begin as early as possible.

I can assure the Muslim League that the procedure laid down in the statement of May 16 regarding the framing of Provincial and Group Constitutions will be faithfully adhered to; that there can be no question of any change in the fundamental principles proposed for the Constituent Assembly in paragraph 15 of the Cabinet Mission's statement of 16th May or of a decision on a main communal issue, without a majority of both major communities; and that the Congress are ready to agree that any dispute of interpretation may be referred to the Federal Court. I sincerely trust that the Muslim League will reconsider their decision not to take part in a plan which promises to give them so wide a field in which to protect the interests and to decide the future of the Muslims of India.

14. Extracts from Mr. Jinnah's statement, August 25, 1946.

It is to be regretted that the Viceroy, in his broadcast last night, should have made such a misleading statement and contrary to facts that, " though 5 seats out of 14 were offered to the Muslim League, though assurances were given that the scheme of constitution-making would be worked in accordance with the procedure laid down, and though the new Interim Government is to operate under the existing constitution, it has not been possible to secure a Coalition".

The truth is that the Viceroy wrote to me on July 22 making certain proposals which were vitally and substantially different from the Interim Government proposals embodied in the Statement of 16th June and the assurances

given to the Muslim League, enclosing a copy of a similar letter addressed by him to Pandit Jawaharlal Nehru. This was on the eve of the meeting of the Council of the All-India Muslim League and the Viceroy knew full well that a grave situation had been created and that there were serious apprehensions and misgivings about the policy of His Majesty's Government and his attitude in the matter

Nevertheless, there is not a single word in his letter of 22nd July with regard to our position *vis-a-vis* the Constituent Assembly in the light of the decision of the Congress, the pronouncements of the Congress leaders and the directive given by the Assam Assembly to Assam's representatives on the Constituent Assembly to have nothing to do with the C Group.

I replied to the Viceroy on the 31st of July, clearly stating our position with regard to his new move which was obviously intended to meet the Congress wishes, for else what justification was there for him to depart even from the final proposals embodied in the Statement of June 16? Will the Viceroy explain why should there be any departure from those proposals and the assurances that were given to us and for whose advantage is this new move being made by him?

I received a reply from him dated the 8th of August acknowledging my letter of 31st July; it is amazing that he should have stated therein that his suggestion in his letter of 22nd July was the "same as the one Muslim League Working Committee accepted at the end of June, namely, 6: 5." This is entirely incorrect as has been already pointed out by me in my letter of 31st July. He further says: "In view of the League resolution of the 29th July I have now decided to invite the Congress to make proposals for an Interim Government, and I am sure that if they make a reasonable offer to you of a coalition I can rely on you for a ready response".

I had, and have, no knowledge or information as to what actually transpired between the Congress and the Viceroy, but Pandit Jawaharlal Nehru, I suppose as

arranged, came to see me on the 15th of August. It was merely a formality and he made his offer: That the Congress were willing to give, out of 14, 5 seats to the Muslim League, and the remaining 9 were to be nominated by them, including 1 Muslim of their choice; that he was not forming the Executive Council under the present constitution but a 'Provisional National Government' responsible to the present Legislative Assembly; and he made it clear in his letter of 15th August in reply to mine of the same date that while he was willing to discuss the larger question with me, he had no new suggestion to make, and added, "perhaps you may be able to make a new approach", and when I did make a suggestion, he turned it down saying that the Congress stand was the same as laid down in their resolution of Delhi passed on June 26 and that the Wardha Resolution of August 10 had only re-affirmed that stand, and this was repeated by him at the press conference on 16th August before his departure for Delhi to meet the Viceroy.

I informed Pandit Nehru that in these circumstances there was no chance of the Working Committee or the Council of the All-India Muslim League accepting his proposals.

Thereafter the Viceroy, Pandit Nehru and the Congress leaders have now for nearly a week carried on their discussions and negotiations behind my back and without any knowledge or information being furnished to me, except the communique that was issued last night announcing the formation of the Interim Government and the Viceroy's broadcast.

15. Extracts from Mr. Jinnah's statement on the Viceroy's Broadcast.

My reaction to the Viceroy's broadcast is that he has struck a severe blow to the Muslim League and Muslim India . . . .

* * * *

. .I still maintain that the step he has taken is most unwise and unstatesmanlike and is fraught with dangerous

and serious consequences and he has only added insult to injury by nominating three Muslims who, he knows, do not command either respect or confidence of Muslim India and two more Muslim names still remain to be announced.

.....We have made it clear that the only solution of India's problem is a division of India into Pakistan and Hindustan which would mean real freedom for the two major nations and every possible safeguard for the minorities in the respective States.

* * * *

. how can we expect an agreement on the terms and fundamentals of the Statement of May 16 when one party puts one interpretation contrary to the authoritative Statement of the Mission dated May 25 and the other party puts a different interpretation which is more in accord with the Statement of May 25?

But he complacently goes on to say that any dispute on interpretation may be referred to the Federal Court. To begin with, there is no provision for such a dispute being referred to the Federal Court, and secondly, on the very threshold the parties fundamentally differ in their interpretations regarding the basic terms.

16. Extracts from Nehru-Jinnah correspondence, October 6-13, 1946.

(*i*) *From Pandit Nehru to Mr. Jinnah, October 6, 1946.*

The points put forward by you in our conversation[1] yesterday were:

(1) the formula suggested to you by Gandhiji ;

(2) the League not being responsible for the members at present representing the Scheduled Castes and the minorities;

(3) what should be done in case any vacancy should arise among the members representing the minorities other than the Scheduled Castes;

[1] Mr. Jinnah went to Delhi on September 15, 1946, at the invitation of the Viceroy.

(4) the procedure to be adopted over what may be called major communal issues; and
(5) alternating Vice-Presidentship.

Regarding No. 1, we feel that the formula is not happily worded. We do not question the purpose underlying it. We are willing, as a result of the elections, to accept the Muslim League as the authoritative representative organisation of an overwhelming majority of the Muslims of India and that as such and in accordance with democratic principles they have today the unquestionable right to represent the Muslims of India, provided that for identical reasons the League recognises the Congress as the authoritative organisation representing all non-Muslims and such Muslims as have thrown in their lot with the Congress. The Congress cannot agree to accept any restrictions or limitations to be put upon it in choosing such representatives as they think proper from amongst the members of the Congress. We would suggest, therefore, that no formula is necessary and each organisation may stand on its merits.

Regarding No. 2, I am to say that the question of the League being responsible does not arise and, as you do not raise any objections to the present constitution of the Government in this respect, there is no question to be solved.

Regarding No. 3, I am to say that if any such vacancy arises, the whole Cabinet will consider what should be done to replace the vacancy and advise the Viceroy accordingly. There can be no question of right in the matter of consultation with the League in regard to the representation of these minorities.

Regarding No. 4, your suggestion about the Federal Court is not feasible. Matters coming before the Cabinet cannot be made subject-matter of references to court. We should thrash out all such matters amongst ourselves and bring up agreed proposals before the Cabinet. In the event of failure to reach an agreed decision, we should seek the method of arbitration of our own choice. We hope, however, that we will act with such mutual trust, forbearance and

friendliness that there will be no occasion to go to such arbitration.

Regarding No. 5, it is out of the question to have any rotation in the Vice-Presidentship. We have no objection if you desire to have an additional Vice-Chairman for the Co-ordination Committee of the Cabinet, who can also preside at such Committee meetings from time to time.

I am hoping that if your Committee finally decide upon the League joining the National Cabinet, they will also decide simultaneously to join the Constituent Assembly or recommend to your Council to this effect.

I need hardly mention that when an agreement has been reached by us it can only be varied by mutual agreement and not otherwise.

(*ii*) *From Mr. Jinnah to Pandit Nehru, October 7, 1946.*

With regard to.... .point No. 1, the formula, it was accepted by Mr. Gandhi and me and the meeting between us was arranged on that basis in order to negotiate and settle a few other points remaining for the purpose of reconstituting the Interim Government. The formula runs as follows:

"The Congress does not challenge and accepts that the Muslim League now is the authoritative representative of an overwhelming majority of the Muslims of India. As such and in accordance with democratic principles, they alone have today an unquestionable right to represent the Muslims of India. But the Congress cannot agree that any restriction or limitation should be put upon the Congress to choose such representatives as they think proper from amongst the members of the Congress as their representatives."

And now, in your letter under reply, not only you have made changes in it but you consider no formula is necessary! I regret I cannot agree to any change in the language or otherwise, as it was the agreed basis of our discussion on other points; nor can I agree with you that no formula is necessary. It was signed by Mr. Gandhi and accepted by me.

As the whole basis of our talk on other matters was the formula agreed to by Mr. Gandhi, I don't think we can

make any further progress unless it is accepted by you as a basis upon which we can proceed to discuss other points we have already discussed orally in the course of our conversation and now I am enclosing herewith a copy of the various points put by me before you in writing.

Even the four points, excluding point No. 1 regarding the formula, which I have already dealt with above, you don't agree with any one of them. I am still willing, on the basis of the formula being accepted by you, to further discuss the various points with a view to settle them .

Enclosure (*9 points*).

1. The total number of members of the Executive Council to be 14

2. Six nominees of the Congress will include one Scheduled Castes' representative, but it must not be taken that the Muslim League has agreed to or approves of the selection of the Scheduled Castes' representative, the ultimate responsibility in that behalf being with the Governor-General and the Viceroy.

3. That the Congress should not include in the remaining five members of their quota a Muslim of their choice.

4. Safeguard—That there should be a convention that on major communal issues, if the majority of Hindu or Muslim members of the Executive Council are opposed, then no decision should be taken.

5. Alternative or rotational Vice-President should be appointed in fairness to both the major communities as it was adopted in the U. N. O. Conference.

6. The Muslim League was not consulted in the selection of the three minority representatives, *i.e.*, Sikh, Indian Christian and Parsi, and it should not be taken that the Muslim League approves of the selection that has been made. But in future, in the event of there being a vacancy owing to death, resignation or otherwise, representatives of these minorities should be chosen in consultation with the two major parties—the Muslim League and the Congress.

7. Portfolios—The most important portfolios should be

equally distributed between the two major parties—the Muslim League and the Congress

8. The above arrangement should not be changed or modified unless both the major parties—the Muslim League and the Congress—agree.

9. The question of the settlement of the long-term plan should stand over until a better and more conducive atmosphere is created and an agreement has been reached on the points stated above and after the Interim Government has been re-formed and finally set up.

(iii) From Pandit Nehru to Mr. Jinnah, October 8, 1946.

We have again given earnest consideration to the whole matter and we feel that we cannot state our position more clearly than I did in my letter to you of October 6, except for some variations which I shall indicate below. I shall, therefore, refer you to that letter of mine which represents our general and specific viewpoint.

As I have told you, my colleagues and I did not accept the formula agreed to by Gandhiji and you.

The meeting between you and me was not arranged, so far as I was aware, on the agreed basis of that formula. We knew of it and were prepared to agree to the substance of that formula as stated to you in my letter of October 6 That formula contained a further paragraph which you have not quoted in your letter:

"It is understood that all the Ministers of the Interim Government will work as a team for the good of the whole of India and will never invoke the intervention of the Governor-General in any case."

While we still think that the formula is not happily worded, we are prepared, for the sake of the settlement we so earnestly desire, to accept the whole of it, including the paragraph left out in your letter.

In that case you will agree, I hope, that we should make our further position quite clear. It is clearly understood, of course, that the Congress has the right to appoint a Muslim out of its quota. Further, as I have stated in my

previous letter, the Congress position in regard to the Nationalist Muslims and the smaller minorities should not be challenged by you.

In regard to points numbered 2, 3 and 4 in my letter of October 6, I have stated our position and have nothing further to add. We have gone as far as we could to meet you, and we are unable to go further. I trust that you will appreciate the position.

Regarding no. 5 (the question of Vice-President), you made a suggestion yesterday that the Vice-President and the Leader of the House (the Central Assembly) should not be the same person. In present circumstances this means that the Leader of the House should be a Muslim League member of the Cabinet. We shall agree to this.

(*iv*) *From Mr. Jinnah to Pandit Nehru, October 12, 1946.*

I regret that you and your colleagues do not accept the formula agreed to by Mr. Gandhi and me.

Mr. Gandhi and I had also agreed that on that basis you and I should meet to negotiate and settle a few other points that remained for the purpose of reconstituting the Interim Government. Accordingly arrangements were made for our meeting on the 5th of October.

I am surprised to gather from your letter, when you say that the meeting was not arranged, so far as you were aware, on the agreed basis of that formula. The only formula agreed upon between Mr. Gandhi and me was that which was mentioned in my letter of October 7, 1946. I had not mentioned in my letter what is referred to by you as paragraph 2, as that was one of the points among others to be further examined and discussed by you and me This arrangement was actually put on record.

* * * *

You state in your letter under reply that your position is the same with regard to the various matters that were discussed between us as is mentioned in your letter of the 6th of October except for some variations which you have indicated in your letter.

Following are the variations and my reaction to them:

(1) That you would accept the formula provided paragraph 2 is included in the formula and is made part of it.

This constitutes a fundamental departure from the original formula upon the basis of which I had agreed to have discussions with you. I cannot agree to this variation.

(2) Provided that the Muslim League does not challenge that the Congress represents the minorities and the Nationalist Muslims as indicated in terms of your previous letter of the 6th October and referred to in your letter under reply.

This, again, is a serious departure from the agreed formula. Besides, this is a matter for the minorities concerned.

I note what you say with regard to points 2, 3 and 4 of your letter of October 6... ..Even with regard to these points there is no agreement between us.

With regard to point No. 5 (Vice-Presidentship), I note what you say.

. ... I presume that.....this is your final stand. I deeply regret that we have failed to come to an honourable agreement of our own satisfactory to both the parties.

(*v*) *From Pandit Nehru to Mr. Jinnah, October 13, 1946.*

I thank you for your letter of the 12th October. In this letter there are a number of mis-statements. What you have said does not fit in with my recollection of our conversations or what has taken place during the past few days. I need not, however, go into this matter now as I have been informed by the Viceroy that the Muslim League have agreed to nominate five persons on their behalf as members of the Interim Government.

17. Extracts from Wavell-Jinnah Correspondence, October 3-13, 1946.

(*i*) *From Mr. Jinnah to Lord Wavell, October 3, 1946.*

* * * *

1. The total number of the members of the Executive Council to be 14.

2. Six nominees of the Congress will include one Scheduled Caste representative, but it must not be taken

that the Muslim League has agreed to or approves of the selection of the Scheduled Caste representative, the ultimate responsibility in that behalf being with the Governor-General and the Viceroy.

3. That the Congress should not include in the remaining five members of this quota a Muslim of their choice.

4. Safeguard—That there should be a convention that on major communal issues, if the majority of Hindu or Muslim members of the Executive Council are opposed, then no decision should be taken.

5. An alternative or rotational Vice-President should be appointed in fairness to both major communities, as was adopted in the U. N. O. Conference.

6. The Muslim League was not consulted in the selection of the three minority representatives, *i.e* , Sikh, Indian Christian and Parsi, and it should not be taken that the Muslim League approves of the selection that has been made. But in future, in the event of there being a vacancy owing to death, resignation, or otherwise, representatives of these minorities should be chosen in consultation with the two major parties—the Muslim League and the Congress.

7. Portfolios—The most important portfolios should be equally distributed between the two major parties—the Muslim League and the Congress.

8. That the above arrangement should not be changed or modified unless both the major parties—the Muslim League and the Congress—agree.

9. The question of the settlement of the long-term plan should stand over until a better and more conducive atmosphere is created and an agreement has been reached on the points stated above and after the Interim Government has been re-formed and finally set up.

(*ii*) *From Lord Wavell to Mr. Jinnah, October 4, 1946.*

....Replies to your nine points are as follows:

1. This is agreed.

2. I note what you say and accept that the responsibility is mine.

3. I am unable to agree to this. Each party must be equally free to nominate its own representatives.

4. In a Coalition Government it is impossible to decide major matters of policy when one of the main parties to the Coalition is strongly against a course of action proposed. My present colleagues and I are agreed that it would be fatal to allow major communal issues to be decided by vote in the Cabinet. The efficiency and prestige of the Interim Government will depend on ensuring that differences are resolved in advance of Cabinet meetings by friendly discussions. A Coalition Government either works by a process of mutual adjustments or does not work at all.

5. The arrangement of alternative or rotational Vice-Presidents would present practical difficulty, and I do not consider it feasible. I will, however, arrange to nominate a Muslim League member to preside over the Cabinet in the event of the Governor-General and the Vice-President being absent. I will also nominate a Muslim League member as Vice-Chairman of the Co-ordination Committee of the Cabinet, which is most important. I am Chairman of this Committee and in the past have presided almost invariably, but I shall probably do so only on special occasions in future.

6. I accept that both major parties would be consulted before filling a vacancy in any of these three seats.

7. In present conditions all the portfolios in the Cabinet are of great importance and it is a matter of opinion which are the most important. The minority representatives cannot be excluded from a share of the major portfolios and it would also be suitable to continue Mr. Jagjivan Ram in the Labour portfolio. But, subject to this, there can be equal distribution of the most important portfolios between the Congress and the Muslim League. Details would be a matter for negotiation.

8. I agree.

9. Since the basis for participation in the Cabinet is, of course, acceptance of the statement of May 16, I assume that the League Council will meet at a very early date to reconsider its Bombay resolution.

(*iii*) *From Lord Wavell to Mr. Jinnah, October 12, 1946.*

I confirm what I told you this evening that the Muslim League are at liberty to nominate any one they wish for their own quota of seats in the Cabinet though any person proposed must, of course, be accepted by me and by His Majesty before being appointed.

My intention is to discuss portfolios when all the names have been received, both from the Muslim League and the Congress.

(*iv*) *From Mr. Jinnah to Lord Wavell, October 13, 1946.*

The Working Committee of the All-India Muslim League have considered the whole matter fully and I am now authorised to state that they do not approve of the basis and scheme of setting up the Interim Government which has been decided by you, presumably with the authority of His Majesty's Government.

Therefore, the Committee do not, and cannot, agree with your decision already taken, nor with the arrangements you have already made.

We consider and maintain that the imposition of this decision is contrary to the Declaration of August 8, 1940, but since, according to your decision, we have a right to nominate five members of the Executive Council on behalf of the Muslim League, my Committee have for various reasons come to the conclusion that in the interests of Mussalmans and other communities it will be fatal to leave the entire field of administration of the Central Government in the hands of the Congress. Besides, you may be forced to have in your Interim Government Muslims who would not command the respect and confidence of Muslim India, which would lead to very serious consequences: and lastly, for other very weighty grounds and reasons, which are obvious and need not be mentioned, we have decided to nominate five[1] members on behalf of the Muslim League in terms of

[1] The five nominees were
Mr. Liaquat Ali Khan—Finance.
Mr I I. Chundrigar—Commerce
Mr. Abdur Rab Nishtar—Post and Air.
Mr Ghazanfar Ali Khan—Health
Mr. Jogendra Nath Mandal—Law.

your broadcast dated August 24, 1946, and your two letters to me dated October 4 and 12, embodying clarifications and assurances.

18. *Extracts*[1] *from Mr. Liaquat Ali Khan's statement at Press Conference, October 26, 1946.*

Mr. Liaquat Ali Khan said, " This Government has been formed under the present constitution and as such there is no such thing as joint or collective responsibility. Pandit Nehru is, therefore, nobody else's leader except of the Congress bloc in the Government. The term ' Leader of the Interim Government ' is a polite fiction The League bloc recognises no other leader except its own".

Explaining his views in reply to several questions he said, " The Congress party have a leader of their own; that means that the Congress bloc in the Government has a leader of its own. The Muslim League bloc in the Government has a leader of its own. As regards the Vice-Presidentship of the Executive Council, the Vice-President's function as laid down in the constitution is to preside at meetings of the Council in the absence of the Governor-General He enjoys no other privilege which other members of the Government do not."[2]

Asked whether Mr. Jogendra Nath Mandal's nomination was a departure from League policy, he said, " The League has always championed the cause of not only the Mussalmans but all the down-trodden peoples of this country."[3]

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[1] These extracts are quoted from newspaper reports

[2] In a statement issued on November 22, 1946, Mr Liaquat Ali Khan said, "The Viceroy has made it clear in his public declarations that the Interim Government has been formed under the present constitution which does not provide for . . .any position analogous to that of a Prime Minister" Pandit Nehru replied, "Mr Liaquat Ali Khan should know that the present Government is officially called a Cabinet . . . . He places reliance on the Government of India Act or something previous to it. In other words, he does not want to enlarge the freedom of the Government but to restrict it and is therefore, completely in line with the representatives of the British Government"

[3] Mahatma Gandhi said on October 16, 1946, "Mr. Jinnah had said that the Muslims and the Hindus were two nations. The League

Replying to the question whether the League's entry into the Government implied that it would come into the Constituent Assembly he said, "I can only answer that question as Secretary of the League and I am not addressing this press conference in that capacity".

19. Extracts from Wavell-Nehru Correspondence, October 23, 1946.

(i) From Pandit Nehru to Lord Wavell, October 23, 1946.

In my correspondence with you and in your letter addressed to me as well as to Mr Jinnah it was made clear that the Muslim League's joining the Interim Government meant inevitably their acceptance of the Long Term Scheme of the Cabinet Delegation contained in the statement of May 16. . . . . It was pointed out then that a formal decision of the Muslim League to this effect would have to be taken by the Council of the League as they had originally passed the resolution of non-acceptance. Nevertheless, it was made clear that the Working Committee of the League would itself recommend the acceptance of this Scheme and the formality could follow soon after. It was on this basis that we proceeded.

(ii) From Lord Wavell to Pandit Nehru, October 23, 1946.

I have made it clear to Mr. Jinnah . . . that the Muslim League's entry into the Interim Government is conditional on the acceptance of the scheme of the Cabinet Delegation contained in the statement of May 16 and explained in the statement of May 25 and that he must call his Council at an early date to agree to this.

As I told you, Mr. Jinnah has assured me that the Muslim League will come into the Interim Government and the Constituent Assembly with the intention of co-operating. . . .

was a purely communal organisation How then could they nominate a Harijan to represent them? He feared their whole mode of entrance into the Cabinet had not been straight He could not sense any generosity in the nomination of a Harijan in their quota of seats, especially when he read what was happening in Eastern Bengal He was, therefore, forced to wonder whether they had come into the Cabinet also to fight".

20. Extracts from Mr. Jinnah's Statement at Press Conference, Karachi, November 25, 1946.

It is quite clear that the Congress has not and never had accepted the Long Term plan embodied in the statement of the Cabinet Mission of the 16th May and clarified by their statement of May 25th. . . . . .

Further, I have never for a single moment conveyed to the Viceroy anything by way of assurances or otherwise, except that the Long Term plan could only be considered and decided by the Council of the All-India Muslim League From the very beginning until we nominated our five representatives I told the Viceroy that the settlement of the Long Term plan could only be taken up when a proper friendly atmosphere was created between the two major organisations The Congress has not budged an inch and the Viceroy repeatedly made it clear to me that it was no use discussing this matter further with any hope of persuading the Congress to make an unequivocal statement accepting the Long Term plan as embodied in the statements of 16th and 25th May

46. EXTRACTS[1] FROM THE PROCEEDINGS OF THE MEERUT CONGRESS, NOVEMBER 21—23, 1946.

I. Pandit Nehru's Speech, November 21, 1946.

I move a resolution for your acceptance. The resolution is this: "On the eve of the summoning of the Constituent Assembly to frame a constitution for India, this Congress declares that it stands for an independent sovereign Republic wherein all powers and authority are derived from the people, and for the constitution wherein social objectives are laid down to promote freedom, progress and equal opportunity for all the people of India, so that this ancient land attains its rightful and honoured place in the world and makes its full contribution to the promotion of world peace and the progress and welfare of mankind, and directs all Congressmen to work to this end".

[1] These extracts are taken from newspaper reports.

This resolution is in the nature of a directive to Congress members of the Constituent Assembly. This is the first time that we use the words 'independent sovereign Republic' to describe our objective. The resolution contains an indication that this Republic will have a Socialist basis.

* * * *

The circumstances in which the Congress formed the Interim Government are generally known. With the League's entry into it, some of the conventions previously built up have been discarded. The Viceroy does not continue the spirit in which the Government was formed.

Two basic principles laid down in the formation of the Interim Government were, firstly, that it should work as a team, and, secondly, that Muslim League could only join it if it accepted the long-term plan. The League accepted both the principles although Mr. Jinnah used round-about phraseology, but now the League say that the Interim Government is neither a Cabinet nor a coalition and that the Muslim members from a separate bloc.

I have written to Mr. Jinnah suggesting that differences between the Congress and the League in the Interim Government should be settled by mutual agreement without the Viceroy's intervention. But that suggestion remains unaccepted.

The Muslim League have always worked in league with the British Government to oppose nationalist forces in the country. That policy is still continuing and the British Government have taken advantage of it for their own ends. The League have allied themselves also with permanent officials, who consider that they have the right to rule over India.

Because of these differences I and my colleagues have threatened to resign twice during recent days. I want to say that our patience is strained to breaking point. And if these things continue, they will lead to a big struggle.

It is clear from Mr. Jinnah's statements that the League entered the Government not to work it but because they feared they would be weakened if they kept out. It is also

clear from Mr. Jinnah's letters to the Viceroy that the League have not accepted the statement of May 16. If so, how can they continue in the Interim Government?

It is absurd to go on breaking promises so often and expect that Government will go on. The Viceroy is gradually removing the wheels of the car. In any case, the situation is critical but nevertheless we must stay in the Interim Government, though I cannot say how long.

Mr. Jinnah has tried to get the Constituent Assembly postponed *sine die*. If it is so postponed now, it may be said to be postponed for ever. I am not enamoured of this Constituent Assembly, but we have accepted it and should make the best use of it for our benefit. I do not expect that this will be the last Constituent Assembly. When our freedom becomes ampler we shall have another Constituent Assembly.

One good thing about this Constituent Assembly is that the British have no direct representation, though we cannot prevent their indirect representation in it. If we do not hold the Constituent Assembly now, the atmosphere will deteriorate. The League are welcome to join the Constituent Assembly, but let me make it clear that whether they come in or keep out, we shall go on. We will go to the Constituent Assembly, fully prepared and fully organised, to establish an independent Republic. We are not going in to fight over petty things.

II. Sardar Patel's Speech, November 23, 1946.

In moving a resolution relating to the Interim Government Sardar Vallabhbhai Patel explained the difficulties that stood in the way of the Central Government's intervention in Provincial matters, such as the Calcutta and Noakhali disturbances.[1] He declared that he

[1] Speaking in the Indian Legislative Assembly on November 14, 1946, Pandit Nehru observed, "The House knows that the Government of India may not interfere, under the existing constitution, with Provincial Autonomy. In so far as any one can interfere under this constitution, it is the Governor-General and not the Governor--General-in-Council."

had warned Bengal's leaders who saw him after the Calcutta riots that East Bengal was bound to be the next scene of trouble. He told them, "If you want independence you must learn to defend yourselves and your neighbours and other helpless people. You should not run to the army or the police for protection".

Replying to critics who spoke of non-violence and avoidance of civil strife Sardar Patel reiterated his conviction that the sword must be met by the sword. Mahatma Gandhi said it was better to use violence than to be a coward. Non-violence was a weapon which it was beyond the power of ordinary men to use, and, therefore, Sardar Patel urged people to adopt violence in self-defence and only in self-defence, or in defence of neighbours. He gave this advice because the present Central Government during the transference of power was in a state of paralysis.

III. Acharya Kripalani on Pakistan.

In course of his Presidential speech Acharya Kripalani referred to 'the unorganised hysteric violence of the mob' and observed:

"If no Hindu's life, property and honour are safe in a Muslim-majority area and no Muslim's in a Hindu-majority area, then civilised life becomes an impossibility. Even Mr. Jinnah's dream of Pakistan, though it has made the problem what it is, holds out no prospects of its solution, for it leaves the minorities where they are.

* * * *

Even if the Muslims must have a theocratic state of their own, they cannot be allowed to impose it on Hindus, Sikhs and other minorities in their territory. These minorities have at least as much right of self-determination as the Muslims claim for themselves in India as a whole. Nor can the rest of India be reasonably expected to harbour large sections of population in its midst who openly repudiate their citizenship in that State. If the Muslim League claims Pakistan on religious and communal grounds, let it face all

its implications and not try to eat the cake and yet have it. . . In no case must we allow ourselves to be bullied and blackmailed by a section of the population into sacrificing the just rights of the others."

47. STATEMENT OF LORD PETHIC-LAWERENCE, HOUSE OF LORDS, NOVEMBER 27, 1946.

The British Government have invited Lord Wavell to come to this country for consultation with regard to the political situation in India and have requested him to invite two representatives of the Indian National Congress, two representatives of the Muslim League and one representative of the Sikh community to accompany him.

* * * *

The House will be aware that Mr. Jinnah has stated that Muslim League representatives will not attend the Constituent Assembly as set up on the basis proposed by the Cabinet Mission which is due to meet on December 9.

This situation is mainly due to differences in view between the Congress and the Muslim League as to the interpretation of certain provisions in the Cabinet Mission's statement of May 16.

The purpose of the proposed discussions is to endeavour to reach a common understanding between the two major parties on the basis on which the work of the Assembly can proceed with the co-operation of all parties.

48. CORRESPONDENCE RELATING TO THE LONDON CONFERENCE, NOVEMBER 26-30, 1946.

1. From Pandit Nehru to Lord Wavell, November 26, 1946.

With reference to our conversation today, in the course of which you conveyed H.M.G.'s invitation to some of us to visit London this week, I have consulted my colleagues and we have given careful thought to the proposal. I need hardly say that we are greatful to H.M.G. for their invitation, but we feel we cannot at this stage go to London. We would

be agreeable to consultations with the representatives of the British Government in India.

It would appear that the proposal involves a reopening and a reconsideration of the various decisions arrived at since the visit of the British Cabinet Delegation to India. The Muslim League accepted places in the Government on the very clear understanding that they also accepted the Long-term proposals contained in the Cabinet Mission's statement of May 16. Indeed they could not join the Government otherwise. But now the League have announced very definitely that they will not participate in the Constituent Assembly.

We attach, as you are aware, great importance to the holding of the meeting of the Constituent Assembly on the date fixed, namely, December 9. The invitation to us to go to London appears to us to reopen the whole problem which was settled to a large extent by the Cabinet Mission's statement and the formation of the Interim Government. Any impression in the public mind that these decisions are reopened would, in our opinion, be fatal.

It was because we felt that it was necessary in the public interest to emphasise that problems have been finally settled that we insisted on the holding of the Constituent Assembly on the date fixed for it.

Even this date, it must be remembered, was given months after the election of the members. Any further postponement in the present context would, in all probability, result in the abandonment of the plan and create a feeling of uncertainty all round which is not only undersirable but actually, at the present juncture, would encourage various forms of violent propaganda.

It is difficult enough at this stage for us to leave the country even for a short while. We have also to prepare for the Constituent Assembly meeting which will take place in less than two weeks. If any useful purpose would have been served by our going out now, we should have done so in spite of these difficulties. We are convinced, however, that our leaving India now would mean that at the instance of the

League the Cabinet Mission's plan is going to be abandoned or substantially varied and that we are parties to it.

It would mean giving in to the League's intransigence and incitement to violence and this would have disastrous consequences. The first thing to be certain about is that plans agreed to will be implemented and that there will be a continuity about policy. There has been suspicion enough. Any addition to it will wreck the whole scheme and make it difficult to replace it by another.

We feel, therefore, that we cannot, at this stage, proceed to London, but we would welcome, whenever necessary, consultations with the representatives of the British Government in India. A brief visit now on our part to England cannot bear fruit. It is likely to have a contrary result.

We, therefore, regret we are unable to accept H.M.G.'s invitation conveyed to us through you. I trust you will convey the contents of this letter to H.M.G.

2. Cable from Mr. Attlee to Pandit Nehru, November 27, 1946.

I very much hope that you will agree to come to London since it is not possible at present time for me or my colleagues who have already been absent more than three months on Indian affairs this year to go to India. The object of our talks would be to try and ensure a successful meeting of the Constituent Assembly on December 9. There is no intention of abandoning either decision of Assembly to meet or plan put forward by Cabinet Delegation.

It is our desire to see that this is implemented in full and not any desire to abandon or alter it that has prompted us to ask you and your colleagues to come to London.

All three members of Cabinet Delegation individually and collectively have asked me to urge upon you the supreme importance of this opportunity of our meeting and discussing situation before any further untoward actions take place in India.

We ask you to help in this way to make rapid and smooth

progress towards the goal of Indian freedom, an objective which we share whole-heartedly with people of India.

3. Cable from Pandit Nehru to Mr. Attlee, November 28, 1946.

I am grateful to you for your message and appreciate your desire to ensure a successful meeting of the Constituent Assembly on December 9 and onwards. We are all anxious that the Constituent Assembly should meet on the date fixed and should proceed harmoniously to fulfil its task and we shall do our utmost to this end and in co-operation with others.

As we have repeatedly stated, we accept the Cabinet Delegation's plan in its entirety. In regard to certain interpretations we made our position perfectly clear to the Delegation and we have proceeded accordingly since then. We have further stated that in the event of different interpretations the matter should be referred to the Federal Court and we shall abide by Court's decision.

It appears from the statements made on behalf of British Government in Parliament yesterday that the only point to be considered is this interpretation. In regard to this our position is quite clear and we are completely committed to it. We are unable to change it and have no authority to do so. Hence our visiting London for this purpose is not necessary.

The first session of the Constituent Assembly will deal with matters of procedure and appointment of committees. The question of interpretation as regards subsequent activities will not arise at this stage. It is, therefore, easily possible for all to co-operate in this session and, if necessity arises, to refer any matter over which agreement has not been reached to Federal Court.

It would be more suitable and convenient for us to visit London, if necessary, after first brief session of the Constituent Assembly. This would allow more time for consultations.

In view of these considerations and also because of great difficulty in leaving India at present we feel that our visit to London now would serve no useful propose; but if in spite of this or because you wish to consider other matters

you desire us to come, we shall endeavour to do so. But we shall have to return by December 9 in time for the Constituent Assembly.

4. Mr. Attlee's cable to Pandit Nehru, November 28, 1946.

Thank you for your message. I note what you say about position of Congress but nonetheless we feel that a visit by you before Constituent Assembly meets would be of great value and we appreciate your willingness to meet us in this matter. Arrangements will be made to enable you to return by December 9.

5. Mr. Jinnah's cable to Mr. Attlee, November 29, 1946.

Your message to Pandit Nehru without disclosing his communication to you delivered to me at nine tonight (November 29) is new position after we had accepted invitation to go to London. We cannot agree to confine only to matters mentioned in your message to Pandit Nehru in the light of what has already taken place which has created entirely new situation. Unless it is open to us to discuss whole situation it will be no use my going to London. Please wire clarify position immediately.

6. Mr. Attlee's cable to Mr. Jinnah, November 30, 1946.

I trust that you will come to London. Your refusal must be based on the misunderstanding of my telegram to Nehru. There is nothing in it to prejudice full consideration of all points of view.

7. Mr. Jinnah's cable to Mr. Attlee, November 30, 1946.

I thank you for your message, received this morning. After your clarification and assurances I have decided to leave for London tomorrow.

49. STATEMENT OF THE BRITISH GOVERNMENT, DECEMBER 6, 1946.

The conversations held by His Majesty's Government with Pandit Jawaharlal Nehru, Mr. M. A. Jinnah, Mr.

Liaquat Ali Khan and Sardar Baldev Singh came to an end this evening as Pandit Nehru and Sardar Baldev Singh are returning to India to-morrow morning.

The object of the conversations has been to obtain the participation and co-operation of all parties in the Constituent Assembly. It is not expected that any final settlement could be arrived at, since the Indian representatives must consult their colleagues before any final decision is reached.

The main difficulty that has arisen has been over the interpretation of Paragraph 19 (5) and (8), of the Cabinet Mission's Statement of May 16, relating to meetings in Sections, which runs as follows:—

19. (5) :—'These Sections shall proceed to settle Provincial Constitutions for the Provinces included in each Section and shall also decide whether any Group Constitution shall be set up for those Provinces and if so with what Provincial Subjects the Group should deal. Provinces should have power to opt out of the Groups in accordance with the provisions of Sub-Clause (8) below.'

Paragraph 19 (8) :—

'As soon as the new constitutional arrangements have come into operation, it shall be open to any Province to elect to come out of any Group in which it has been placed. Such a decision shall be taken by the Legislature of the Province after the First General Election under the new Constituent Assembly.'

The Cabinet Mission have throughout maintained the view that decisions of the Sections should, in the absence of an agreement to the contrary, be taken by a simple majority vote of the representatives in the Sections. This view has been accepted by the Muslim League, but the Congress have put forward a different view. They have asserted that the true meaning of the Statement, read as a whole, is that the Provinces have the right to decide both as to Grouping and as to their own constitutions.

His Majesty's Government have had legal advice which confirms that the statement of May 16 means what the Cabinet Mission have always stated was their intention. This part

of the statement, as so interpreted, must, therefore, be considered an essential part of the Scheme of May 16 for enabling the Indian people to formulate a constitution which His Majesty's Government would be prepared to submit to Parliament . It should, therefore, be accepted by all parties in the Constituent Assembly.

It is, however, clear that other questions of interpretation of the Statement of May 16 may arise and His Majesty's Government hope that if the Council of the Muslim League are able to agree to participate in the Constituent Assembly, they will also agree, as have the Congress[1], that the Federal Court should be asked to decide matters of interpretation that may be referred to them by either side and will accept such a decision, so that the procedure, both in the Union Constituent Assembly and in the Sections, may accord with the Cabinet Mission's Plan.

There has never been any prospect of success for the Constituent Assembly except upon the basis of the agreed

[1] Speaking at the All-India Congress Committee on January 6, 1947, Pandit Nehru referred to this statement and observed, "It is a paragraph which is likely to mislead people It says as a fact that the Congress have agreed already to it. Exactly when the Congress agreed to this or in what from is not clear What has happened in the past few months is that on many occasions when any question or dispute arose we have often said generally—and we said so at Simla—that we are prepared to refer any specific matter of dispute to an impartial arbitrator—whether it is the International Hague Court or any court of justice Once or twice we also said that if there is difficulty about interpretation, we are prepared to refer it to some authority like the Federal Court. These were general satements we made, and normally speaking we agreed to abide by them. But the way in which it has been put in this statement, as if a formal statement was made to us and we agreed, is completely wrong

Apart from this, in view of recent developments and the statement of December 6 which produces a new situation, I am not prepared to admit for an instant that we have agreed to any future procedure about references. Whatever the future brings we shall have to consider it I should like to make it perfectly clear that we are giving no assurance about any references in regard to any other matters to the Federal Court. We find that everything we say is being twisted and distorted and brought against us in the future We are not going to commit ourselves at the present moment to any reference to the Federal Court or to any other authority. We shall decide—or the Constituen Assembly shall decide—as we think best in the circumstances".

procedure. Should the Constitution come to be framed by a Constituent Assembly in which a large section of the Indian population had not been represented, His Majesty's Government could not, of course, contemplate—as the Congress have stated they would not contemplate—forcing such a constitution upon any unwilling parts of the country.

50. THE 'OBJECTIVES RESOLUTION' OF THE CONSTITUENT ASSEMBLY.

I. The Resolution[1].

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

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

Wherein the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the law of the Constitution, shall possess and retain the status of autonomous Units, together with residuary powers, and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom; and

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

Wherein shall be guaranteed and secured to all the people of India justice, social, economic and political: equality of status, of opportunity, and before the law: freedom of

[1] It was moved by Pandit Nehru on December 13, 1946.

thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and

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

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

This ancient land attain its rightful and honoured place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind.

II. Speech of Pandit Jawaharlal Nehru, December 13, 1946.

*This Constituent Assembly has now been in session for some days. It has done much formal business, but more is yet to be done. We have been cutting our way and clearing the ground on which we intend to erect the edifice of a constitution. It, however, seems proper that before we proceed further we should clearly understand where we are going and what we intend building. It is apparent that on such occasions details are unnecessary. In building, you will, no doubt, use each brick after mature consideration. Usually, when one desires to construct a building, one must have a plan for the structure that one wishes to erect; and then collect the material required. For a long time we have been having various plans for a free India in our minds, but now, when we are beginning the actual work, I hope, you will be at one with me when I say, that we should present a clear picture of this plan to ourselves, to the people of India and to the world at large. The Resolution that I am placing before you defines our aims, describes an outline of the plan and points the way which we are going to tread.

You all know that this Constituent Assembly is not what many of us wished it to be. It has come into being under particular conditions and the British Government have a

* Authorised English translation of Hindustani speech begins.

hand in its birth. They have attached to it certain conditions. We accepted the State Paper, which may be called the foundation of this Assembly, after serious deliberations and we shall endeavour to work within its limits. But you must not ignore the source from which this Assembly derives its strength. Governments do not come into being by State Papers. Governments are, in fact, the expression of the will of the people. We have met here today because of the strength of the people behind us and we shall go as far as the people—not of any party or group, but the people as a whole—shall wish us to go We should, therefore, always keep in mind the passions that lie in the hearts of the masses of the Indian people and try to fulfil them.

I am sorry there are so many absentees. Many members who have a right to come and attend the meeting are not here to-day. This, in one sense, increases our responsibility. We shall have to be careful that we do nothing which may cause uneasiness in others or goes against any principle. We do hope that those who have abstained, will soon join us in our deliberations, since this Constitution can only go as far as the strength behind it can push it. It has ever been and shall always be our ardent desire to see the people of India united together so that we may frame a constitution which will be acceptable to the masses of the Indian people. It is, at the same time, manifest that when a great country starts to advance, no party or group can stop it. This House, although it has met in the absence of some of its members, will continue functioning and try to carry out its work at all costs.

The Resolution that I am placing before you is in the nature of a pledge. It has been drafted after mature deliberation and efforts have been made to avoid controversy. A great country is sure to have a lot of controversial issues; but we have tried to avoid controversy as much as possible. The Resolution deals with fundamentals which are commonly held and have been accepted by the people. I do not think this Resolution contains anything which was outside the limitations laid down by the British Cabinet or anything

which may be disagreeable to any Indian, no matter to what party or group he belongs. Unfortunately, our country is full of differences, but no one, except perhaps a few, would dispute the fundamentals which this Resolution lays down. The Resolution states that it is our firm and solemn resolve to have a Sovereign Indian Republic. We have not mentioned the word 'Republic' till this time; but you will well understand that a free India can be nothing but a republic.

On this occasion, when the representatives of the Indian States are not present, I desire to make it clear how this Resolution will affect the Indian States. It has also been suggested, and the suggestion may take the form of an amendment laying down that since certain sections of the House are not present, the consideration of the Resolution may be postponed. In my opinion, such an amendment is not in keeping with the spirit of the times, because if we do not approve the first objective that we are placing before ourselves, before our country and before the world at large, our deliberations will become meaningless and lifeless, and the people will have no interest in our work. Our intention regarding the States must be clearly understood. We do desire that all sections of India should willingly participate in the future Indian Union, but in what way and with what sort of Government rests with them. The Resolution does not go into these details. It contains only the fundamentals. It imposes nothing on the States against their will. The point to be considered is how they will join us and what sort of administration they will have. I do not wish to express my personal opinion on the matter. Nevertheless I must say that no State can have an administration which goes against our fundamental principles or gives less freedom than obtaining in other parts of India. The Resolution does not concern itself with what form of government they will have or whether the present Rajas and Nawabs will continue or not. These things concern the people of the States. It is quite possible that the people may like to have their Rajas. The decision will rest with them. Our Republic shall include

the whole of India. If a part within it desires to have its own type of administration, it will be at liberty to have it.

I do not wish that anything should be added to or subtracted from the Resolution. It is my hope that this House will do nothing that may appear improper, so that, at no time, should people, who are concerned with these problems but who are not present here, be able to say that this House indulged in irregular talk.

I desire to make it clear that this Resolution does not go into details. It only seeks to show how we shall lead India to gain the objectives laid down in it. You will take into consideration its words and I hope you will accept them; but the main thing is the spirit behind it. Laws are made of words but this Resolution is something higher than the law. If you examine its words like lawyers you will produce only a lifeless thing. We are at present standing midway between two eras, the old order is fast changing, yielding place to the new. At such a juncture we have to give a live message to India and to the world at large. Later on we can frame our Constitution in whatever words we please. At present, we have to send out a message to show what we have resolved to attempt to do. As to what form or shape this Resolution, this declaration, will ultimately take, we shall see later. But one thing is, however, certain: it is not a mere legal matter but something that will give inspiration to the human mind. It is an undertaking with ourselves and with the millions of our brothers and sisters who live in this great country. If it is passed, it will be a sort of pledge that we shall have to carry out. With this expectation and in this form, I place it before you. You have copies of it in Hindustani with you. I will therefore not take more of your time to read it out to you. I will, however, read it in English and speak further on it in that language.

I beg to move[1]: * * * *

Sir, this is the fifth day of this first session of the Constituent Assembly. Thus far we have laboured on certain

[1] Here begins the English speech and the text of the Resolution follows.

provisional and procedural matters which are essential. We have a clear field to work upon; we have to prepare the ground and we have been doing that these few days. We have still much to do. We have to pass our Rules of Procedure and to appoint Committees and the like, before we can proceed to the real step, to the real work of this Constituent Assembly, that is, the high adventure of giving shape, in the printed and written word, to a Nation's dream and aspiration. But even now, at this stage, it is surely desirable that we should give some indication to ourselves, to those who look to this Assembly, to those millions in this country who are looking up to us and to the world at large, as to what we may do, what we seek to achieve, whither we are going. It is with this purpose that I have placed this Resolution before this House. It is a Resolution and yet, it is something much more than a resolution. It is a Declaration. It is a firm resolve. It is a pledge and an undertaking and it is for all of us, I hope, a dedication. And I wish this House, if I may say so respectfully, should consider this Resolution not in a spirit of narrow legal wording, but rather to look at the spirit behind the Resolution. Words are magic things often enough, but even the magic of words sometimes cannot convey the magic of the human spirit and of a Nation's passion. And so, I cannot say that this Resolution at all conveys the passion that lies in the hearts and the minds of the Indian people to-day. It seeks very feebly to tell the world of what we have thought or dreamt of so long, and what we now hope to achieve in the near future. It is in that spirit that I venture to place this Resolution before the House and it is in that spirit that I trust the House will receive it and ultimately pass it. And may I, Sir, also, with all respect, suggest to you and to the House that, when the time comes for the passing of this Resolution let it not be done in the formal way by the raising of hands, but much more solemnly, by all of us standing up and thus taking this pledge anew.

The House knows that there are many absentees here and many members who have a right to come here have not

come. We regret that fact because we should have liked to associate with ourselves as many people, as many representatives from the different parts of India and different groups as possible. We have undertaken a tremendous task and we seek the co-operation of all people in that task; because the future of India that we have envisaged is not confined to any group or section or province, but it comprises all the four hundred million people of India, and it is with deep regret that we find some benches empty and some colleagues, who might have been here, absent. I do feel, I do hope that they will come and that this House, in its future stages, will have the benefit of the co-operation of all. Meanwhile, there is a duty cast upon us and that is to bear the absentees in mind, to remember always that we are here not to function for one party or one group, but always to think of India as a whole and always to think of the welfare of the four hundred millions that comprise India. We are all now, in our respective spheres, party men, belonging to this or that group and presumably we shall continue to act in our respective parties. Nevertheless, the time comes when we have to rise above party and think of the Nation, think sometimes of even the world at large of which our Nation is a great part. And when I think of the work of this Constituent Assembly, it seems to me the time has come when we should, so far as we are capable of it, rise above our ordinary selves and party disputes and think of the great problem before us in the widest and most tolerant and most effective manner so that, whatever we may produce should be worthy of India as a whole and should be such that the world should recognise that we have functioned, as we should have functioned, in this high adventure.

There is another person who is absent here and who must be in the minds of many of us to-day—the great leader of our people, the father of our Nation—who has been the architect of this Assembly and all that has gone before it and possibly of much that will follow. He is not here because, in pursuit of his ideals, he is ceaselessly working in a far

corner of India. But I have no doubt that his spirit hovers over this place and blesses our undertaking.

As I stand here, Sir, I feel the weight of all manner of things crowding around me. We are at the end of an era and possibly very soon we shall embark upon a new age; and my mind goes back to the great past of India, to the 5,000 years of India's history, from the very dawn of that history which might be considered almost the dawn of human history, till to-day. All that past crowds around me and exhilarates me and, at the same time, somewhat oppresses me. Am I worthy of that past? When I think also of the future, the greater future I hope, standing on this sword's edge of the present between this mighty past and the mightier future, I tremble a little and feel overwhelmed by this mighty task. We have come here at a strange moment in India's history. I do not know but I do feel that there is some magic in this moment of transition from the old to the new, something of that magic which one sees when the night turns into day and even though the day may be a cloudy one, it is day after all, for when the clouds move away, we can see the sun later on. Because of all this I find a little difficulty in addressing this House and putting all my ideas before it and I feel also that in this long succession of thousands of years, I see the mighty figures that have come and gone and I see also the long succession of our comrades who have laboured for the freedom of India. And now we stand on the verge of this passing age, trying, labouring, to usher in the new. I am sure the House will feel the solemnity of this moment and will endeavour to treat this Resolution which it is my proud privilege to place before it in that solemn manner. I believe there are a large number of amendments coming before the House. I have not seen most of them. It is open to the House, to any member of this House, to move any amendment and it is for the House to accept it or reject it, but I would, with all respect, suggest that this is not a moment for us to be technical and legal about small matters when we have big things to face, big things to say and big things to do, and therefore I would hope that the House would

consider this Resolution in this big manner and not lose itself in wordy quarrels and squabbles.

I think also of the various Constituent Assemblies that have gone before and of what took place at the making of the great American nation when the fathers of that nation met and fashioned out a constitution which has stood the test of so many years, more than a century and a half, and of the great nation which has resulted, which has been built up on the basis of that Constitution. My mind goes back to that mighty revolution which took place also over 150 years ago and to that Constituent Assembly that met in that gracious and lovely city of Paris which has fought so many battles for freedom, to the difficulties that that Constituent Assembly had and to how the King and other authorities came in its way, and still it continued. The House will remember that when these difficulties came and even the room for a meeting was denied to the then Constituent Assembly, they betook themselves to an open tennis court and met there and took the oath, which is called the Oath of the Tennis Court, that they continued meeting in spite of Kings, in spite of the others, and did not disperse till they had finished the task they had undertaken. Well, I trust that it is in that solemn spirit that we too are meeting here and that we, too, whether we meet in this chamber or other chambers, or in the fields or in the market-place, will go on meeting and continue our work till we have finished it.

Then my mind goes back to a more recent revolution which gave rise to a new type of State, the revolution that took place in Russia and out of which has arisen the Union of the Soviet Socialist Republics, another mighty country which is playing a tremendous part in the world, not only a mighty country but for us in India, a neighbouring country.

So our mind goes back to these great examples and we seek to learn from their success and to avoid their failures. Perhaps we may not be able to avoid failures because some measure of failure is inherent in human effort. Nevertheless, we shall advance, I am certain, in spite of obstructions and

difficulties, and achieve and realise the dream that we have dreamt so long. In this Resolution which, the House knows, has been drafted with exceeding care, we have tried to avoid saying too much or too little. It is difficult to frame a resolution of this kind. If you say too little it becomes just a pious resolution and nothing more If you say too much, it encroaches on the functions of those who are going to draw up a constitution, that is, on the functions of this House. This Resolution is not a part of the constitution we are going to draw up, and it must not be looked at as such. This House has perfect freedom to draw up that Constitution and when others come into this House, they will have perfect freedom too to fashion that constitution. This Resolution therefore steers between these two extremes and lays down only certain fundamentals which I do believe, no group or party and hardly any individual in India can dispute. We say that it is our firm and solemn resolve to have an Independent Sovereign Republic. India is bound to be sovereign, it is bound to be independent and it is bound to be a republic. I will not go into the arguments about monarchy and the rest, but obviously we cannot produce monarchy in India out of nothing. It is not there. If it is to be an independent and sovereign State, we are not going to have an external monarchy and we cannot have a search for some local monarchies. It must inevitably be a republic. Now, some friends have raised the question: "Why have you not put in the word 'democratic' here?" Well, I told them that it is conceivable, of course, that a republic may not be democratic but the whole of our past is witness to this fact that we stand for democratic institutions Obviously, we are aiming at democracy and nothing less than a democracy. What form of democracy, what shape it might take is another matter. The democracies of the present day, many of them in Europe and elsewhere, have played a great part in the world's progress. Yet it may be doubtful if those democracies may not have to change their shape somewhat before long if they have to remain completely democratic. We are not going just to copy, I hope, a certain democratic procedure or an

institution of a so-called democratic country. We may improve upon it. In any event, whatever system of government we may establish here must fit in with the temper of our people and be acceptable to them. We stand for democracy. It will be for this House to determine what shape to give to that democracy, the fullest democracy, I hope. The House will notice that in this Resolution, although we have not used the word 'democratic' because we thought it is obvious that the word 'republic' contains that word and we did not want to use unnecessary words and redundant words, but we have done something much more than using the word. We have given the content of democracy in this Resolution and not only the content of democracy but the content, if I may say so, of economic democracy in this Resolution. Others might take objection to this Resolution on the ground that we have not said that it should be a Socialist State. Well, I stand for Socialism and, I hope, India will stand for Socialism and that India will go towards the constitution of a Socialist State and I do believe that the whole world will have to go that way. What form of Socialism again is another matter for your consideration. But the main thing is that in such a Resolution, if, in accordance with my own desire, I had put in that we want a Socialist State, we would have put in something which may be agreeable to many and may not be agreeable to some and we wanted this Resolution not to be controversial in regard to such matters. Therefore, we have laid down, not theoretical words and formulae, but rather the content of the thing we desire. This is important and I take it there can be no dispute about it. Some people have pointed out to me that our mentioning a republic may somewhat displease the Rulers of Indian States. It is possible that this may displease them. But I want to make it clear personally and the House knows, that I do not believe in the monarchical system anywhere, and that in the world to-day monarchy is a fast disappearing institution. Nevertheless, it is not a question of my personal belief in this matter. Our view in regard to these Indian States has been, for many years, first of all

that the people of those States must share completely in the freedom to come. It is quite inconceivable to me that there should be different standards and degrees of freedom as between the people of the States and the people outside the States. In what manner the States will be parts of that Union, that is a matter for this House to consider with the representatives of the States. And I hope in all matters relating to the States, this House will deal with the real representatives of the States. We are perfectly willing, I take it, to deal in such matters as appertain to them, with the Rulers or their representatives also, but finally when we make a constitution for India, it must be through the representatives of the people of the States as with the rest of India, who are present here. In any event, we may lay down or agree that the measure of freedom must be the same in the States as elsewhere. It is a possibility and personally I should like a measure of uniformity too in regard to the apparatus and machinery of Government. Nevertheless, this is a point to be considered in co-operation and in consultation with the States. I do not wish, and I imagine this Constituent Assembly will not like, to impose anything on the States against their will. If the people of a particular State desire to have a certain form of administration, even though it might be monarchical, it is open to them to have it. The House will remember that even in the British Commonwealth of Nations to-day, Eire is a Republic and yet in many ways it is a member of the British Commonwealth. So, it is a conceivable thing. What will happen, I do not know, because that is partly for this House and partly for others to decide. There is no incongruity or impossibility about a certain definite form of administration in the States, provided there is complete freedom and responsible Government there and the people really are in charge. If monarchical figure-heads are approved by the people of the State, of a particular State, whether I like it or not, I certainly will not like to interfere. So I wish to make it clear that so far as this Resolution or Declaration is concerned, it does not interfere in any way with any future

work that this Constituent Assembly may do, with any future negotiations that it may undertake. Only in one sense, if you like, it limits our work, if you call that a limitation, *i.e.*, we adhere to certain fundamental propositions which are laid down in this Declaration Those fundamental propositions, I submit, are not controversial in any real sense of the word. Nobody challenges them in India and nobody ought to challenge them and if anybody does challenge, well, we accept that challenge and we hold our position

Well, Sir, we are going to make a constitution for India and it is obvious that what we are going to do in India, is going to have a powerful effect on the rest of the world, not only because a new free independent nation comes out into the arena of the world, but because of the very fact that India is such a country that by virtue, not only of her large size and population, but of her enormous resources and her ability to exploit those resources, she can immediately play an important and a vital part in world affairs Even today, on the verge of freedom as we are today, India has begun to play an important part in world affairs. Therefore, it is right that the framers of our Constitution should always bear this larger international aspect in mind.

We approach the world in a friendly way We want to make friends with all countries. We want to make friends, in spite of the long history of conflict in the past, with England also. The House knows that recently I paid a visit to England. I was reluctant to go for reasons which the House knows well. But I went because of a personal request from the Prime Minister of Great Britain. I went and I met with courtesy everywhere. And yet at this psychological moment in India's history when we wanted, when we hungered for messages of cheer, friendship and co-operation from all over the world, and more especially from England, because of the past contact and conflict between us, unfortunately, I came back without any message of cheer, but with a large measure of disappointment. I hope that the new difficulties that have arisen, as every one knows, because of the recent

statements made by the British Cabinet and by others in authority there, will not come in our way and that we shall yet succeed in going ahead with the co-operation of all of us here and those who have not come. It has been a blow to me, and it has hurt me that just at the moment when we are going to stride ahead, obstructions were placed in our way, new limitations were mentioned which had not been mentioned previously and new methods of procedure were suggested. I do not wish to challenge the *bona fides* of any person, but I wish to say that whatever the legal aspect of the thing might be, there are moments when law is a very feeble reed to rely upon, when we have to deal with a nation which is full of the passion for freedom. Most of us here during the past many years, for a generation or more, have often taken part in the struggle for India's freedom. We have gone through the valley of the shadow. We are used to it and if necessity arises, we shall go through it again. Nevertheless, through all this long period, we have thought of the time when we shall have an opportunity, not merely to struggle, not merely to destroy, but to construct and create. And now, when it appeared that the time was coming for constructive effort in a free India to which we looked forward with joy, fresh difficulties are placed in our way at such a moment. It shows that, whatever force might be behind all this, people who are able and clever and very intelligent, somehow lack the imaginative daring which should accompany great offices. For, if you have to deal with any people, you have to understand them imaginatively; you should understand them emotionally; and of course, you have also to understand them intellectually. One of the unfortunate legacies of the past has been that there has been no imagination in the understanding of the Indian problem. People have often indulged in, or have presumed to give us advice, not realising that India, as she is constituted today, wants no one's advice and no one's imposition upon her. The only way to influence India is through friendship and co-operation and goodwill. Any attempt at imposition, the slightest trace of partronge, is resented and will be resented. We have

tried, I think honestly, in the last few months in spite of the difficulties that have faced us, to create an atmosphere of co-operation. We shall continue that endeavour. But I do very much fear that that atmosphere will be impaired if there is not sufficient and adequate response from others Nevertheless, because we are bent on great tasks, I hope and trust that we shall continue that endeavour and I do hope that, if we continue, we shall succeed. Where we have to deal with our own countrymen, we must continue that endeavour even though in our opinion some countrymen of ours take a wrong path. For, after all, we have to work together in this country and we have inevitably to co-operate, if not to-day, tomorrow or the day after. Therefore, we have to avoid in the present anything which might create a new difficulty in the creation of that future which we are working for. Therefore, so far as our own countrymen are concerned, we must try our utmost to gain their co-operation in the largest measure. But, co-operation cannot mean the giving up of the fundamental ideals on which we have stood and on which we should stand. It is not co-operation to surrender everything that has given meaning to our lives. Apart from that, as I said, we seek the co-operation of England even at this stage which is full of suspicion of each other. We feel that if that co-operation is denied, it will be injurious to India, certainly to some extent, probably more so to England, and, to some extent, to the world at large. We have just come out of the World War and people talk vaguely and rather wildly of new wars to come. At such a moment this New India is taking birth—renascent, vital, fearless Perhaps it is a suitable moment for this new birth to take place out of this turmoil in the world. But we have to be clear-eyed at this moment,—we, who have this heavy task of constitution-building. We have to think of this tremendous prospect of the present and the greater prospect of the future and not get lost in seeking small gains for this group or that. In this Constituent Assembly we are functioning on a world stage and the eyes of the world are upon us and the eyes of our entire past are upon us. Our past is

witness to what we are doing here and though the future is still unborn, the future too somehow looks at us, I think, and so I would beg of this House to consider this Resolution in this mighty prospect of our past, of the turmoil of the present and of the great and unborn future that is going to take place soon.

III. Speech of Pandit Jawaharlal Nehru, January 22, 1947.[1]

It was my proud privilege, Sir, six weeks ago, to move this Resolution before this honourable House. I felt the weight and solemnity of that occasion. It was not a mere form of words that I placed before the House, carefully chosen as those words were. But these words and the Resolution represented the agony and hopes of the nation coming at last to fruition.

As I stood here on that occasion I felt the past crowding round me, and I felt also the future taking shape. We stand on the razor's edge of the present, and as I was addressing not only this honourable House but the millions of India who were vastly interested in our work and because I felt that we were coming to the end of an age, I had a sense of our forbears watching this undertaking of ours and possibly blessing it, if we moved aright, and the future of which we became trustees, became almost a living thing taking shape and moving before our eyes. It was a great responsibility to be trustees of the future, and it was some responsibility also to be inheritors of the great past of ours. And between the great past and the great future which we envisage, we stood on the edge of the present and the weight of that occasion, I have no doubt, impressed itself upon this honourable House.

So, I placed this Resolution before the House, and I had hoped that it could be passed in a day or two and we could start our other work immediately. But after a long debate this House decided to postpone future consideration of this Resolution. May I confess that I was a little disappointed because I was impatient that we should go forward? I felt that we were not true to the pledges that we had taken by

[1] On this date the Resolution was adopted amidst acclamation

lingering on the road. It was a bad beginning that we should postpone even such an important Resolution about objectives. Would that imply that our future work would go along slowly and be postponed from time to time? Nevertheless, I have no doubt that the decision this House took in its wisdom in postponing this Resolution was a right decision, because we have always balanced two factors, one, the urgent necessity in reaching our goal, and the other, that we should reach it in proper time and with as great a unanimity as possible. It was right, therefore, if I may say with all respect, that this House decided to adjourn consideration of this motion and thus not only demonstrated before the world our earnest desire to have all those people here who have not so far come in here, but also to assure the country and every one else how anxious we were to have the co-operation of all. Since then six weeks have passed, and during these weeks there has been plenty of opportunity for those who wanted to come. Unfortunately, they have not yet decided to come and they still hover in this state of indecision. I regret that, and all I can say is this, that we shall welcome them at any future time when they may wish to come. But it should be made clear without any possibility of misunderstanding that no work will be held up in future, whether any one comes or not. There has been waiting enough. Not only waiting six weeks, but many in this country have waited for years and years, and the country has waited for some generations now. How long are we to wait? And if we, some of us, who are more prosperous can afford to wait, what about the waiting of the hungry and the starving? This Resolution will not feed the hungry or the starving, but it brings a promise of many things—it brings the promise of freedom, it brings the promise of food and opportunity for all. Therefore, the sooner we set about it the better. So we waited for six weeks, and during these six weeks the country thought about it, pondered over it, and other countries also and other people who are interested have thought about it. Now we have come back here to take up the further consideration of this Resolution. We have had a long debate

and we stand on the verge of passing it. I am grateful to Dr. Jayakar and Mr. Sahaya for having withwrawn their amendments. Dr. Jayakar's purpose was served by the postponing of this Resolution, and it appears now that there is no one in this House who does not accept fully this Resolution as it is. It may be some would like it to be slightly differently worded or the emphasis placed more on this part or on that part. But taking it as a whole, it is a Resolution which has already received the full assent of the Country.

There have been some criticisms of it, notably from some of the Princes. Their first criticism has been that such a Resolution should not be passed in the absence of the representatives of the States. In part I agree with that criticism, that is to say, I should have liked all the States being properly represented here, the whole of India, every part of India being properly represented here when we pass this Resolution. But if they are not here it is not our fault. It is largely the fault of the Scheme under which we are functioning, and we have this choice before us: are we to postpone our functioning because some people cannot be here? That would be a dreadful thing if we stopped not only this Resolution but possibly so much else because representatives of the States are not here. So far as we are concerned, they can come in at the earliest possible moment; we will welcome them if they send proper representatives of the States. So far as we are concerned, even during the last six weeks or a month we have made some effort to get into touch with the Committee representing the States Rulers to find a way for their proper representation here. It is not our fault that there has been any delay. We are anxious to get every one in, whether it is the representatives of the Muslim League or the States or any one else. We shall continue to persevere in this endeavour so that this House may be as fully representative of the country as it is possible to be. So, we cannot postpone this Resolution or anything else because some people are not here.

Another point has been raised: the idea of the sovereignty of the people which is enshrined in this Resolution does not

commend itself to certain rulers of Indian States. That is a surprising objection and, if I may say so, if that objection is raised in all seriousness by anybody, be he a ruler or a minister, it is enough to condemn the Indian States system of every ruler or minister that exists in India. It is a scandalous thing for any man to say, however highly placed he may be, that he is here by special divine dispensation to rule over human beings to-day. That is a thing which is an intolerable presumption on any man's part, and it is a thing which this House will never allow and will repudiate if it is put before it. We have heard a lot about this divine right of kings; we had read a lot about it in past histories and we had thought that we had heard the last of it and that it has been put an end to and buried deep down into the earth long ages ago. If any individual in India or elsewhere raises it today, he would be doing so without any relation to the present in India. So, I would suggest to such persons in all seriousness that, if they want to be respected or considered with any measure of friendliness, no such idea should be even hinted at, much less said. On this there is going to be no compromise.

But, as I made plain on the previous occasion when I spoke, this Resolution makes it clear that we are not interfering in the internal affairs of the States. I even said that we are not interfering with the system of monarchy in the States, if the people of the States so want it. I gave the example of the Irish Republic in the British Commonwealth and it is conceivable to me that, within the Indian Republic, there might be monarchies if the people so desire. That is entirely for them to determine. This Resolution and, presumably, the Constitution that we make, will not interfere with that matter. Inevitably, it will be necessary to bring about uniformity in the freedom of the various parts of India, because it is inconceivable to me that certain parts of India should have democratic freedom and certain others should be denied it. That cannot be. That will give rise to trouble, just as in the wide world to-day there is trouble because some countries are free and some are not.

Much more trouble will there be if there is freedom in parts of India and lack of freedom in other parts.

But we are not laying down in this Resolution any strict system in regard to the governance of the Indian States. All that we say is this: that they, or such of them, as are big enough to form unions or group themselves into small unions, will be autonomous units with a very large measure of freedom to do as they choose, subject no doubt to certain central functions in which they will co-operate with the Centre, in which they will be represented in the Centre and in which the Centre will have control. So that, in a sense, this Resolution does not interfere with the inner working of those Units. They will be autonomous and, as I have said, if those Units choose to have some kind of constitutional monarchy at their head, they would be welcome to do so. For my part, I am for a republic in India as anywhere else. But, whatever my views may be on that subject, it is not my desire to impose my will on others; whatever the views of this House may be on this subject, I imagine that it is not the desire of this House to impose its will in these matters.

So, the objection of the ruler of an Indian State to this Resolution becomes an objection, in theory, to the theoretical implications and the practical implications of the doctrine of sovereignty of the people. To nothing else does any one object. That is an objection which cannot stand for an instant. We claim in this Resolution to frame a Constitution for a Sovereign Independent Indian Republic—necessarily Republic. What else can we have in India? Whatever the State may have or may not have, it is impossible and inconceivable and undesirable to think in any other terms but in terms of a Republic in India.

Now, what relation will that Republic bear to the other countries of the world, to England and to the British Commonwealth and the rest? For a long time past we have taken a pledge on Independence Day that India must sever her connection with Great Britain, because that connection had become an emblem of British domination. At no time have we thought in terms of isolating ourselves in this part

of the world from other countries or of being hostile to countries which have dominated over us. On the eve of this great occasion, when we stand on the threshold of freedom, we do not wish to carry a trail of hostility with us against any other country. We want to be friendly to all. We want to be friendly with the British people and the British Commonwealth of Nations.

But what I would like this House to consider is this when these words and these labels are fast changing their meaning and in the world today there is no isolation, you cannot live apart from the others. You must co-operate or you must fight. There is no middle way. We wish for peace. We do not want to fight any nation if we can help it. The only possible real objective that we in common with other nations, can have is the objective of co-operating in building up some kind of world structure, call it 'One World,' call it what you like. The beginnings of this world structure have been laid down in the United Nations Organisation. It is feeble yet; it has many defects; nevertheless, it is the beginning of the world structure. And India has pledged herself to co-operate in that work.

Now, if we think of that structure and our co-operation with other countries in achieving it, where does the question come of our being tied up with this Group of Nations or that Group? Indeed, the more groups and blocks are formed, the weaker will that great structure become.

Therefore, in order to strengthen that big structure, it is desirable for all countries not to insist, not to lay stress on separate groups and separate blocs. I know that there are such separate groups and blocs today and because they exist today, there is hostility between them, and there is even talk of war among them. I do not know what the future will bring to us, whether peace or war. We stand on the edge of a precipice and there are various forces which pull us on one side in favour of co-operation and peace and on the other, push us towards the precipice of war and disintegration. I am not prophet enough to know what will happen, but I do know that those who desire peace must deprecate separate

blocs which necessarily become hostile to other blocs. Therefore, India, in so far as it has a foreign policy, has declared that it wants to remain independent and free of all these blocs and that it wants to co-operate on equal terms with all countries. It is a difficult position because, when people are full of fear of each other, any person who tries to be neutral, is suspected of sympathy with the other party. We can see that in India and we can see that in the wider sphere of world politics. Recently an American statesman criticised India in words which show how lacking in knowledge and understanding even the statesmen of America are. Because we follow our own policy, this group of nations thinks that we are siding with the other and that group of nations thinks that we are siding with this. That is bound to happen If we seek to be a free, independent, democratic Republic, it is not to dissociate ourselves with other countries but rather as a free nation to co-operate in the fullest measure with other countries for peace and freedom, to co-operate with Britain, with the British Commonwealth of Nations, with the United States of America, with the Soviet Union, and with all other countries, big and small. But real co-operation would only come between us and these other nations when we know that we are free to co-operate and are not imposed upon and forced to co-operate. So long as there is the slightest trace of compulsion, there can be no co-operation.

Therefore, I commend this Resolution to the House and I commend this Resolution, if I may say so, not only to this House but to the world at large so that it can be perfectly clear that it is a gesture of friendship to all and that behind it there lies no hostility. We have suffered enough in the past. We have struggled sufficiently, we may have to struggle again, but under the leadership of a very great personality we have sought always to think in terms of friendship and goodwill towards others, even those who opposed us. How far we have succeeded, we do not know, because we are weak human beings. Nevertheless, the impress of that message has found a place in the hearts of millions of people of this country, and even when we err and

go astray, we cannot forget it. Some of us may be little men, some may be big, but whether we are small men or big, for the moment we represent a great cause and therefore something of the shadow of greatness falls upon us. Today in this Assembly we represent a mighty cause and this Resolution that I have placed before you gives some semblance of that cause. We shall pass this Resolutiion, and I hope that this Resolution will lead us to a constitution on the lines suggested by this Resolution. I trust that the constitution itself will lead us to the real freedom that we have clamoured for and that real freedom in turn will bring food to our starving peoples, clothing for them, housing for them and all manner of opportunities of progress, that it will lead also to the freedom of the other countries of Asia, because in a sense, however unworthy, we have become—let us recognise it—the leaders of the freedom movement of Asia, and whatever we do, we should think of ourselves in these larger terms. When some petty matter divides us and we have difficulties and conflicts amongst ourselves over these small matters, let us remember not only this Resolution but this great responsibility that we shoulder, the responsibility of the freedom of 400 million people of India, the responsibility of the leadership of a large part of Asia, the responsibility of being some kind of guide to vast numbers of people all over the world. It is a tremendous responsibility. If we remember it, perhaps we may not bicker so much over this seat or that post, over some small gain for this group or that. The one thing that should be obvious to all of us is this, that there is no group in India, no party, no religious community, which can prosper if India does not prosper. If India goes down, we go down, all of us, whether we have a few seats more or less, whether we get a slight advantage or we do not. But if it is well with India, if India lives as a vital free country, then it is well with all of us to whatever community or religion we might belong.

We shall frame the constitution, and I hope it will be a good constitution, but does anyone in this House imagine that, when a free India emerges, it will be bound down by

anything that even this House might lay down for it? A free India will see the bursting forth of the energy of a mighty nation. What it will do and what it will not, I do not know, but I do know that it will not consent to be bound down by anything. Some people imagine that what we do now may not be touched for 10 years or 20 years; if we do not do it today, we won't be able to do it later. That seems to me a complete misapprehension. I am not placing before the House what I want done and what I do not want done, but I should like the House to consider that we are on the eve of revolutionary changes, revolutionary in every sense of the word, because when the spirit of a nation breaks its bonds, it functions in peculiar ways and it should function in strange ways. It may be that the Constitution this House may frame may not satisfy that free India. This House cannot bind down the next generation, or the people who will duly succeed us in this task. Therefore, let us not trouble ourselves too much about the petty details of what we do, those details will not survive for long, if they are achieved in conflict. What we achieve in unanimity, what we achieve by co-operation is likely to survive. What we gain here and there by conflict and by overbearing manners and by threats will not survive long. It will only leave a trail of bad blood. And so now I commend this Resolution to the House and may I read the last para of this Resolution. But, one word more, Sir, before I read it.

India is a great country, great in her resources, great in her man-power, great in her potential, in every way. I have little doubt that a Free India on every plane will play a big part on the world stage, even on the narrowest plane of material power, and I should like India to play that great part in that plane. Nevertheless, today there is a conflict in the world between forces in different planes. We hear a lot about the atom bomb and the various kinds of energy that it represents and in essence today there is a conflict in the world between two things, that atom bomb and what it represents and the spirit of humanity. I hope that while India will no doubt play a great part in all the material

spheres, she will always lay stress on that spirit of humanity and I have no doubt in my mind that ultimately in this conflict that is confronting the world the human spirit will prevail over the atom bomb. May this Resolution bear fruit and the time may come when in the words of this Resolution, this ancient land attain its rightful and honoured place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind.

51. DEBATE[1] IN THE HOUSE OF COMMONS, DECEMBER 11-13, 1946.

I. Mr. Attlee's Statement, December 11, 1946.

The House will have seen that the conversations with Indian leaders which took place during last week have unfortunately ended without an agreement being achieved.

As the House knows Government issued a statement at the conclusion of the conversations but members will, no doubt, wish to have some account of the present situation.

It will be remembered that on May 16 last, the Cabinet Mission made proposals which, it was hoped, would bridge the gap between the Hindu and Muslim points of view and enable Indians to frame their own constitution by the accepted democratic method of Constituent Assembly.

In order to provide the most hopeful basis for co-operation in constitution-making, the Cabinet Mission found it necessary to recommend both the outline of the future constitution for India and the particular procedure by which details might be elaborated.

The essence of their proposals was that while there would be a Union of India limited to Foreign Affairs, Defence and Communications, there would be an opportunity by the adoption of a particular procedure in the Constituent Assembly for the Provinces to form Groups for the administration of such subjects as it was decided should be dealt with in common.

[1] The following extracts are based on newspaper reports

To provide this opportunity the Mission proposed that the Constituent Assembly, after preliminary meeting to decide the order of business, should divide up into Sections, two of which cover Provinces which, the Muslim League claims, should constitute Pakistan

These Sections would settle provincial constitutions and decide whether a Group constitution should be framed for the Provinces within the Section and if so, for what subjects

Individual Provinces would be free to opt out of a Group after the first election under the new constitution The intention of the Mission was that the decisions of Sections should be taken by a majority vote

Subsequently difference of opinion developed between the Congress Party and the Muslim League[1] as to the meaning of the Cabinet Mission's Statement on the question of procedure within the Sections of the Constituent Assembly and it was largely because of misgivings in regard to this that the Muslim League withdrew its acceptance of the Cabinet Mission's plan at the end of July last

The Congress view is that Provinces have the right to decide both as to Grouping and as to their own constitutions and that, therefore, decisions in the Sections cannot be by simple majority vote The Congress, however, have stated that they are prepared to accept the ruling of the Federal Court as to the proper interpretation of the Cabinet Mission's Statement

It was mainly in the hope of resolving the difference of view on this matter that the British Government invited the Indian representatives to come to London

We had very full and friendly discussions with Indian representatives, but I regret to say that up to the present, we have not succeeded in resolving this difficulty Consequently, the Constituent Assembly which was summoned to meet in India last Monday is holding its preliminary session without representation of the Muslim League

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[1] This is not correct Maulana Azad raised this point in his letter to Lord Pethick-Lawrence dated May 20, before the League expressed its view Mr Jinnah's statement of May 22 does not refer to this point —Editor

In the statement which the Government issued at the conclusion of the conversations, we have said that we have had legal advice which confirms that the Statement of May 16 means what the Cabinet Mission have always said was their intention, namely, that voting in Sections should be by a majority vote. This is the view which is accepted by the Muslim League and on the basis of which they originally accepted the Cabinet Mission's proposals.

From their point of view, this is an essential element in the plan because if the agreement of all provinces within a Section is required to the framing of a Group constitution, it is probable that the opposition of some of the smaller Provinces will prevent Group constitutions being framed.

The intention of the Cabinet Mission was that while an individual province might be outvoted in a Section, its freedom would be safeguarded by the right to opt out of the Group after the constitution had been framed.

His Majesty's Government feel that all parties of the Constituent Assembly should agree to work the scheme in the way intended by the Cabinet Mission, but if the Constituent Assembly desires that this fundamental point should be referred for a decision of the Federal Court, such a reference should be made at a very early date so that the decision can be known before the meetings of the Sections of the Constituent Assembly take place.

It may seem to the Honourable members that these differences as to matters of procedure are of small importance in relation to the paramount need for securing a constitution for India which has the widest possible measure of consent.

A peaceful transfer of power to an Indian Government freely set up by agreement among Indians is a matter of supreme importance, not only for India, but for Asia and the world as a whole.

But it must be remembered that representatives who came to London were not in a position to commit their parties and that the issues stir deep and passionate feelings. Time must be given for the parties, after full debate, to decide their attitude.

It may also be that the subject will come under consideration by the Federal Court. In these circumstances, Government feel that a general debate on Indian affairs at the present time would be inopportune and might destroy the prospect of settlement.

I am sure, I am speaking for all parties in this House in making an appeal to all communities in India to co-operate in framing a constitution which, because it is based on consent, will be welcomed by all and worked in a co-operative spirit.

[On Mr. Churchill's demand a debate on India was agreed to.]

II. Speech of Sir Stafford Cripps, December 12, 1946.

Sir Stafford Cripps opened a two-day debate on India. He began by moving the following motion:

"That this House takes note of the statement on India made on December 11 by the Prime Minister and expresses its hope that a settlement of the present difficulties between Indian parties will be forthcoming."

Declaring that Britain had now, for over a century and a half, been intimately associated with the development of India, Sir Stafford Cripps said: "We have been largely responsible for shaping her destiny and deciding the course of her history. Whether we have conducted ourselves well or ill, we have carried the responsibility in a large measure and today we find that India and her people, like ourselves, are confronted with the most grave problems that arise out of that historical development.

Do not let us under-estimate the difficulty of its solution. It is sometimes suggested that but for the intransigence of this or that Indian party the matter could be easily solved. That, I do not think, is in accordnace with the true situation. Everyone, who has shared in the responsibility for the past of India, must likewise share in the responsibility for the present and we as a people share that responsibility and that is why we are, all of us, most anxious to find a way out of these present difficulties."

The time had now come, said Sir Stafford Cripps, when Britain wanted to hand over power to the Indian people. The difficulty was how to accomplish that objective.

There were two principles, both democratically sound, but which were very hard to match together in a single process.

The first was the right of the majority to determine its own future without any veto or prohibition from any minority. The second was the right of minorities to enjoy freedom and a full voice in the determination of their own future without suppression by the majority.

"The only way in which these two rights can be worked out is in democratic assembly where there is give and take. We know in this House of Commons a degree of tolerance between the parties.

The fundamental difficulty, I believe, in India today is that the principal bodies have not shown themselves prepared to trust one another or work together on a democratic basis.

Deep-seated contention, accentuated by the approach of handing over of power, has bitterly separated those, who alone can determine the future of India. There is no use our girding at the facts of history. We must try to overcome or get round them."

Loud cheers greeted a tribute by Sir Stafford Cripps to the Viceroy of India, Lord Wavell, for his "hard and unceasing labour" in the task of forming the Interim Government.

After recalling the events which had led up to this event Sir Stafford Cripps said: "The Government is functioning satisfactorily to-day and there have been, I am glad to say, no major difficulties within the Government itself. Unfortunately, the position is not helped by speeches made in the country by the supporters of the two parties. It is difficult, as members of the Opposition know, if not impossible, to maintain unity within a Coalition Government if an active and bitter struggle is proceeding throughout the country between partisans of the two sides to that coalition."

Sir Stafford Cripps declared that the position had, of course, been made far worse by the outbreak of violence on a large scale throughout many provinces. It was right to say,

Sir Stafford Cripps added, that the leaders on both sides had roundly condemned these disturbances and had tried by visiting the areas and otherwise to influence their followers to a more calm and less violent frame of mind.

Referring to the riots, Sir Stafford Cripps said: "This terrible toll of casualties is an index of the intensity of the communal feeling that has come into being and though it will be deplored by everyone, who has the interest of India at heart, nevertheless it is a stark and naked fact. It settles nothing. Indeed it only makes settlement more difficult, but is a factor none of us can ignore."

Sir Stafford Cripps recalled that riots broke out in Calcutta after the Muslim League decision to set aside August 16 as Direct Action Day. These riots, he said, shocked the whole world by their intensity. He referred to the death-roll of some 4,000 and of 10,000 injured.

Next came the outbreaks in Eastern Bengal, when gangs of hooligans carried the reign of terror into those parts with the result that 50,000 evacuees were driven out and some 200 deaths caused. This was accompanied by abduction, rape and forced conversions and as a result wild rumours circulated, greatly exaggerating that conduct which was already bad enough.

"Even worse violence and murder broke out in Bihar and spread to the United Provinces. It was not possible to give the casualties in Bihar with any accuracy. It was probably not an exaggeration to put the dead alone at 5,000. It was estimated that since September 1, there had been 445 deaths due to serious rioting in the United Provinces."

Referring to the visit of Indian leaders to London, Sir Stafford Cripps said that it was hoped that even at that eleventh hour some accommodation might be possible in the calmer atmosphere of London. The leaders at these meetings on both sides stated that they genuinely desired co-operation in the Constituent Assembly and that they realised that some agreement between the parties was essential as the basis for the happy and progressive future of India. Never-

theless, they were unable to come to any agreement as to how the Constituent Assembly should proceed.

Sir Stafford Cripps declared: "The object of the Cabinet Mission was to find means whereby they could balance the desire of the Congress for a strong unitary Federation on the one hand with the Muslim League's desire for autonomy on the other. That balance was obtained by a limited centre, the constitution of which was to be worked out by a Constituent Assembly, in which the Congress would have a clear majority on the basis of population on which it was constituted on the one side, and Sections B and C in which the Muslims would have their majority on the other hand; and in which, of course, provincial constitutions, and if so decided Group constitutions, could be worked out for the two groups of provinces. Thus each party had a majority where it was most deeply interested. It was, however, provided that no province could be forced into a Group against its will."

Sir Stafford Cripps added that the dispute which arose, as to how the decision should be arrived at in the Sections, was already a matter of difference when the Mission was in India. Could a province vote itself out of a Group and itself determine its own constitution for the province or were both these matters to be decided by a simple majority of the Section?

The latter view was clearly the correct one in the opinion of the Cabinet Mission, His Majesty's Government and their legal advisers; and this view was supported by the Muslim League.

Sir Stafford continued: "The Congress took the contrary view. The Congress held that they were prepared to submit this question of interpretation to the Federal Court and accept its decision, but on this, to them, a fundamental point, the Muslim League were not prepared to take that risk. There the matter still remained."

Sir Stafford Cripps said that the Government had asserted definitely their understanding of the document and had stated that if the Constituent Assembly desired to refer the matter

to the Federal Court then they hoped they would do it quickly so as to remove any doubts in their minds.

But the Government also had to envisage the possibility in the Clause in the final paragraph of the Statement. This was perhaps a statement of the obvious—that if the Muslim League could not be persuaded to come into the Constituent Assembly, then parts of the country where they were in a majority could not be held to be bound by the results. That position had always been realised by the Congress who had repeatedly said that they would not coerce unwilling areas to accept the new constitution.

Sir Stafford Cripps continued: "I do not wish the House to gain the impression that the position is therefore hopeless.

We understand that Mr. Jinnah is prepared to put the matter before his Council with a view to ascertaining whether on the basis of the statement of December 6 they are now prepared to enter the Assembly and we hope that the Constituent Assembly will show their statesmanship and desire for accommodation with the Muslim League by not committing themselves irrevocably to anything that will make it more difficult for the Muslim League to come in at a later date.

For the moment, therefore, I cannot take that matter any further.

It is perhaps a little unfortunate that at this tense and delicate moment we should have been induced to stage a debate in this House."

Mr. Churchill: "Are we doing any harm now?"

Sir Stafford Cripps: "I hope not. We still have hope that despite the mutual fears and suspicions which reign, the two parties may eventually find themselves side by side in the Constituent Assembly and in Sections, for we are as convinced now as we have ever been, that it is by such co-operation that a satisfactory new constitution for India can be hammered out."

Sir Stafford Cripps told the House how matters stood with the States and the minorities.

"Regarding Indian States, the Cabinet Mission laid

down two principles as to the relationships of States to the Crown during this period of transition. the first, that during the transitional period of the Interim Government paramountcy would remain with the British Crown. The British Government could not and would not, in any circumstances, transfer that paramountcy to any other Government of British India.

Second, that when the transfer of power takes place in British India, then, if I may quote, 'as logical consequence and in view of desires expressed to them on behalf of Indian States, His Majesty's Government will cease to exercise powers of paramountcy'."

Sir Stafford Cripps said that this quotation was in the Statement made to the States while the Cabinet Mission was in India.

He added: "This means that the rights of the States, which flow from their relationship to the Crown, will no longer exist and that the rights surrendered by the States to the paramount power will return back to the States again.

Proposals were also put forward as to the participation of representatives of the States in the Constituent Assembly and also for a Negotiating Committee representing the States which could settle outstanding matters with the representatives of major communities in British India.

These arrangements were welcomed by the Standing Committee of the Chamber of Princes in a Press statement on June 19 and the Negotiating Committee has now been set up. In that Statement they expressed the view that the Mission's plan provided the necessary machinery for attaining by India of independence, as well as a fair basis for future negotiations.

Not unnaturally Indian States are most anxious that all major communities should be represented in the Constituent Assembly as they do not wish to be in the position of having to deal with one community only. Their ability, indeed, to co-operate must depend to some extent on what happens as regards the entry of the Muslims into the Constituent Assembly."

Dealing with the minorities, Sir Stafford Cripps said that it would be remembered that in the proposals of 1942, it was laid down that one of the conditions of acceptance by Britain of the new constitution was that there should be a treaty which, among other things, would contain a provision for the protection of minorities.

"In the proposals of the Cabinet Mission this year the conditions of minorities were stated differently That is, it was stated that a satisfactory provision for their protection should appear in the constitution and this we believe to be a more effective way and indeed, it is in line with the demands put forward by Dr. Ambedkar to the Viceroy in 1942 when he stressed the ineffectiveness of treaty protection and the need for incorporation of protective provisions in the constitution itself.

The second point of interest is the provision suggested by the Mission for seeing that proper protection of minorities should be incorporated in the constitution.

At first sight, it might appear that this could be done by giving them weightage in the Constituent Assembly. But when the position is examined, it will be found that if sufficient weightage is given to make the representation really effective for each of the minorities in the Constituent Assembly or in the Sections, then it places the majority parties in an impossible position.

It would, for instance, deprive the Muslims of their majority in Sections B and C. In fact, quite a lot of minority representatives have been elected to the Constituent Assembly owing to proportional representation and with some assistance from the major parties[1]. There are six Indian Christians, three Anglo-Indians, 29 Scheduled Castes of Congress sponsoring and two of other sponsoring. The Sikhs, of course, have been dealt with as a major party in the Punjab, which is their stronghold, and they themselves have elected their own quota of representatives.

The Mission felt this was not in itself enough and so

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[1] This is true in case of the Congress, but not in case of the League.—Editor.

proposed an advisory committee on, among other things, minorities to attain full representation of all minorities, especially those not otherwise represented in the Assembly and it was the intention that this should be an authoritative body, whose recommendations would carry weight both with the Assembly and the Sections

Those are the general provisions with regard to the minorities.

I would mention two of the special cases, Sikhs and the Depressed Classes. The position of the Sikhs is a very difficult one, because they do not have majority in any single province or area of the country and it is, therefore, impossible to devise any method of giving them any form of autonomy.

They are, however, a very important community, almost entirely centred in the Punjab.

They wished that in the Section which contained the Punjab they should be given the right to veto any provision which affected their community, just as the Muslim League had such right in the Constituent Assembly itself That was not possible, because a similar right would have had to be given to the other minorities and if two such vetoes had existed it would have been a certainty that the Section would not have arrived at any decision at all. By avoiding partition which would have divided the Sikhs into two halves they were saved a worse solution from their point of view The Sikhs were not perhaps in so bad a position as they have thought. Both the other two communities must be anxious for their support. If that very valiant community will exercise patience they will find they will come very well out of it."

Regarding the Scheduled Castes, Sir Stafford Cripps said, as it turned out, they had got two representatives in the Interim Government, one from the Congress organisation and one (Independent) from Bengal who was in fact a sympathiser with Dr. Ambedkar's federation.

In the Constituent Assembly, there were 29 Congress representatives of the Scheduled Castes and two others He hoped representation would be given to both the organisations in the Advisory Committee on minorities.

In conclusion he said: "After careful re-examination of the scheme put forward in May last, we are convinced that it is not only a fair but a feasible scheme.

Whatever the scheme, it is clear, it can only succeed by co-operation and a certain degree of tolerance, whether in the Constituent Assembly or in the Sections. Neither community can force the other to accept its decisions, unless there is sufficient mutual trust of the basic democratic intention of both parties. We hope both the parties may arrive at an agreement between them in which they are both honourably bound, not only in letter, but also in spirit."

III. Mr. Churchill's Speech.

Mr Winston Churchill, Leader of the Opposition, began by saying that the Opposition associated itself with Sir Stafford in his appeal to the various leaders of parties in India to abstain from violent propaganda, and invective against each other, which might have the effect of bringing about a recrudescence or intensification of the grave disorders, which had occurred.

"Sir Stafford Cripps deplored in moderate terms the fact that we are having a debate on this subject today, but it would be pity if the British Empire in India passed out of life into history without the House of Commons seeming to take any interest in the affair, without any record even in the Hansard of the transaction."

Declaring that the Opposition would not divide the House, Mr. Churchill said: "We must indulge in the hope that an agreement will be reached between the two great Indian religions and their political parties, which give modern expression to their age-long antagonisms."

Apparently referring to his insistence on having a debate Mr. Churchill said: "If we remain silent after all these months, it might be thought that we were in agreement with His Majesty's Government and that the policy they were pursuing was the national policy and not the party policy of the forces they represent. It might be thought that this

was the policy which was endorsed and the execution of which was endorsed by the British people as a whole, whereas for good or for ill, the responsibility rests with His Majesty's Government.

On their heads lies the responsibility not only for execution but for the impulse they have given to a great many tendencies, which are dominant in this matter today.

I will say nothing to derogate from any utterance or statement made by members of the other parties, but I would be very sorry indeed that as matters unfold in India there should be any question of our being held accountable at the present time for the course of events.

Therefore, we are bound to take the opportunity of bringing the affair to the light of day."

Mr. Churchill added: "There was and still is a general measure of consent here and throughout the land to the final transference of power from the House of Commons into Indian hands, but that transference, if it is to take place, must be based upon agreement and co-operation of the principal masses and forces among the Indian people. Only in this way could that transference take place without measureless bloodshed out there and lasting discredit to our name in the world.

Those who are acquainted with the general movement of our relations with India over the last 20 years have hoped that the desire of many Indians to be rid for ever of British rule and guidance would have brought a melting of hearts among the vast populations inhabiting the Indian continent and that they should have joined together to maintain the peace and unity of India and stride more boldly into their independent future

It is necessary to place on record the undoubted fact that no such melting of hearts has occurred. In fact, I think that that would be considered an under-statement On the contrary, all facts and omens point to the revival in acute and violent form of the internal hatreds and quarrels, which have long lain dormant under the mild incompetence of liberal British control. To me, it would come as no surprise if there was complete failure to agree. As I warned the House in

1931, if we were to wash our hands of responsibility, a fierce civil war would immediately break out between Muslims and Hindus. But this warning like others fell on deaf ears."

Mr. Churchill said that he always bore in mind the words used by his father when Secretary of State for India 60 years ago in 1885—" Our Rule in India is, as it were, a sheet of oil spread out over the surface and keeping calm and quiet and unruffled by storms an immense and profound ocean of humanity."

That was a task, commented Mr. Churchill, which with all their shortcomings and through all their ordeals, they had faithfully and loyally pursued since Queen Victoria assumed the Imperial Crown.

"That is the task which we have now declared ourselves willing to abandon, abandon completely, provided we have such assurances of agreement between Indian races, religious parties and forces as will clear us of the responsibility of leaving India to a hideous collapse and catastrophe We have no such assurances at the present time "

An agreement in India was an indispensable condition. It was the foundation of the Cripps and Cabinet Missions. "There is no agreement yet before us. I say yet there is only strife and bloodshed and the prospect more worse. That is the first point we must take note of—absence of an agreement, which was the common ground between us and would stand as the foundation of future transference of power."

Mr. Churchill said: "The second point was the cardinal error of the British Government when, on August 12, they invited one single Indian party, the Congress, to nominate all the members of the Viceroy's Council (Conservative cheers), thereby precipitating strife and massacres over a wide region (Conservative cheers and Labour shouts of protest) unparallelled in India since the Indian Mutiny of 1857. Indeed, it is certain that more people have lost their lives or been wounded in India by violence since the Nehru Government was installed in office four months ago than in the previous 90 years, four generations of men, covering a large part of five reigns."

"That", said Mr. Churchill, "was only a foretaste of what might well come in the future. It might be only the first few heavy drops of rain before the thunderstorm broke. This 'frightful slaughter' in wide regions had in the main fallen upon the Muslim minorities."

Quoting reports from "high and creditable witnesses" of what had taken place in Bihar, Mr. Winston Churchill said that it cast into shade the Armenian atrocities with which Gladstone once stirred the moral sense of Liberal Britain.

"We are, of course, cauterised by all we have passed through ourselves, our faculty for wonder is ruptured, our faculty of reason is numb. The world is full of misery and pathos, but it has not stirred us as it would have done our fathers or predecessors in this House."

He doubted very much whether the official figure of 10,000 lives lost since the Interim Administration of Pandit Nehru took over represented half the total of racial and religious murders to date. "This outbreak of animal fury had ravaged many large districts and may, at any time, resume or spread its devastation through the teeming cities and provinces as big as England or the British Isles."

It was some comfort to recall that both Muslim and Hindu leaders had joined together to arrest or at least to mitigate "this appalling degeneration."

Mr. Churchill added: "I have been informed that it was Pandit Nehru himself who gave the order, which the Provincial Government of Bihar had been afraid to give, for the police and troops to fire upon a Hindu mob who were exterminating the Muslim minority in their midst. That is certainly to his credit. May it be taken as an encouraging sign. Nevertheless, I must record my own belief which I have long held that any attempt to establish the reign of Hindu numerical majority in India will never be achieved without a civil war.

Perhaps it will not be in fronts of armies or organised forces, but in thousands of different places. Such a war

would lead through uncountable agony to an awful abridgement in the population.

Any attempt by the Congress party to establish Hindu rule on the basis of majority, measured by standards of Western civilisation or what is left of it, by proceeding with the forms and formulas of Government with which we are familiar, will at a very early stage be fatal to any conception of the unity of India".

Mr. Churchill added that disputes and deadlocks were not the issue at stake. They were only symbols of the passion and hatred of thousands of years. The unity of India was a superficial appearance imposed there by long generations of British rule and it would pass away for long periods of time once the impartial element of guidance from outside was withdrawn.

Another new and important fact, said Mr Churchill, was the declaration by the British Government that a constitution should be framed by the Constituent Assembly, in which each section of the Hindu population had been represented and that the Government could not contemplate forcing such a constitution on unwilling parts of the country.

"If this at least is the settled policy of Government, it will carry them far. It comprises within its scope the discharge of our obligations both to the Muslim inhabitants of India and to those, who are called Scheduled or Depressed Classes.

How this policy will be carried into effect it is not possible to foresee, still less to foretell at this moment. It is indeed a formidable programme.

That declaration appears to me to be the most important milestone in this long journey.

The British Government owed special protection to the Muslims numbering 90,000,000, who comprised the majority of the fighting elements of India, and the Untouchables of anything from 40,000,000 to 60,000,000. They had been outwitted and outmanoeuvred on this question. The pretence was put forward that they were a small part of the vast

Hindu community not entitled to be considered as a minority community in Indian life.

I must ask the Prime Minister to state the Government's view and intentions on this particular point. Are untouchables to be considered as an entity by themselves entitled to consideration given to entities or are they merely to be used to swell the numerical size of those whom they regard as their oppressors?"

Turning to the character of the Constituent Assembly which, he said, was apparently to proceed to make a Republic for India and engage upon it at once, Mr. Churchill said, "They are dealing with the fortunes of all Indians. A large part is not even to be represented."

Mr. William Cove (Labour) interjected: "Is Mr. Churchill in favour of extending the franchise?"

Mr. Churchill: "Yes, certainly. Mr. Cove laughs. I have always been in favour of extending the franchise. I believe in the will of the people. But I do not believe in perversion of the will of the people—actively organised and engineered minorities who having seized upon power by force or fraud or chicane go forward and use that power in the name of vast masses with whom they have long lost all effective connection."

Mr. Churchill continued: "A decision is to be taken as a result of which British connection with India will come to an end. I am not at all admitting that the decision represents the wish of the people of India. Nor do I admit that the authorities who are going to utter this expression can claim democratic title which in modern days attaches to those who speak for large majorities of universal suffrage electorates.

But the Cabinet Mission's proposal of May for setting up the Constituent Assembly was essentially a proposal that the main political parties of India should meet and through their representatives endeavour to work out the proposed constitution."

Mr. Churchill asked if the British Government considered that the meetings now taking place in New Delhi, which the Muslim League were not so far attending at all, were in

any sense meetings of a valid Constituent Assembly. The fact that Muslims were refusing to attend remained a fact, whoever was to blame for it, and a meeting of one side without the other was not a conference.

Indeed, the text of the proposals of the Government and of Sir Stafford Cripps whose ability had been devoted with such disastrous effects to furthering of the whole of this policy. . . ."

Mr. Churchill was interrupted with loud Government cries of " Shame " and one voice called out " Dirty ".

In an atmosphere of rapidly increasing excitement, Mr. Churchill said, "I remember when Sir Stafford Cripps went out as representative of the Government of which I was the head and how we had to pull him up because . . . ."

Mr. Churchill halted amidst the interruption and then said, "I do not want to say anything"—He was interrupted again by loud Government cries of "Shocking".

Sir Stafford Cripps, red in the face, rose from his seat on the Government Front Bench in the midst of the noise and said, "If Mr. Churchill intends to disclose what passed between me and the Cabinet on that occasion I hope he will disclose it all."

Mr. Churchill replied, "Sir Stafford Cripps is quite right in what he says and I shall not pursue this point. What is all this laughter? No one impugns the conscientious integrity and virtue of Sir Stafford Cripps, but I must say that in the Cabinet Mission, of which we have results published which have taken place under the present Government, his influence has, I have every reason to believe, been used for altogether undue emphasis being placed on advantages being given to Hindus (Cries of "No").

At any rate, Sir Stafford Cripps can defend himself and no one more than he has taken responsibility in this matter, because neither of his colleagues could compare in that acuteness and energy of mind with which he devoted himself to so many topics injurious to the strength and welfare of the State.

To return to the validity of the present Constituent

Assembly, on which I trust we shall have a statement, the Document of May arranged that if the President of the Assembly should decide that a matter raised is not a major communal issue, the party which objects and maintains it as a major communal issue may claim that the matter is referred for the opinion of the Federal Court.

How is it possible that this procedure should work if the party that objects is not there? Therefore, the meeting at Delhi is not the proposed Constituent Assembly.

Take a more homely analogy; if a bride or a bridegroom fails to turn up in the Church the result is what is called a unilateral wedding. The absolute essence is that both the parties should be there."

Mr. Churchill continuing said: "It is still pertinent to inquire if His Majesty's Government consider that their proposed conference of the Constituent Assembly has begun"

He added, "I feel bound to end on a positive conclusion although I will express it rather in terms of negation

In all this confusion, uncertainty and gathering storm which those who have studied the Indian problem for long years might well have foreseen there appear at the present time three probable choices before the British Parliament

The first is to proceed with ruthless logic to quit India regardless of what may happen there. This we can certainly do. Nothing can prevent us if it be the will of Parliament from gathering together our women and children and unarmed civilians and marching under strong rearguards to the sea. That is one choice. The second is to assert the principle so often proclaimed that the King needs no unwilling subjects and that the British Commonwealth of Nations contemplates no compulsory partnership; and that in default of real agreement partition of India between the two different races and religions, widely differing entities, must be faced".

Mr. Churchill concluded, "Those who wish to make their own lives in their own way may do so and the gods be with them and those who desire to find in variety of systems means of association with our great free Commonwealth may also

be permitted to take the course which ultimately they may show themselves ready to take.

It follows, of course, from this course, this second alternative, that anarchy and massacre must be prevented and that failing measure of agreement not now in sight, an impartial administration responsible to Parliament shall be set up to maintain the fundamental guarantees of life, liberty and pursuit of happiness of millions, nay, the hundreds of millions of humble folk who now stand in jeopardy, bewilderment and fear. Whether that can be achieved or not by any apparatus of British-controlled Government that we can form from our dislocated resources is again a matter upon which it is now impossible to form a final judgment.

One thing, however, there is that, whatever happens, we must not do; we must not allow British troops or British officers in the Indian Army to become agencies and instruments of enforcing Caste Hindu domination upon 90,000,000 Muslims and 60,000,000 untouchables nor must the prestige or authority of the British power in India even in its sunset be used in partnership on either side of these profound and awful cleavages.

For such a force to be used to enforce religious and party victory upon minorities of scores of millions would seem to combine disadvantages of all policies and lead us ever deeper in tragedy without giving us relief from our burdens or liberation, however sadly purchased, from moral and factual responsibility.

It is because we feel that these issues should be placed bluntly and plainly before British and Indian peoples even amid their present distresses and perplexities that we thought it our bounden duty to ask for this debate."

IV. Speech of Mr. A. V. Alexander, December 13, 1946.

Replying to the debate Mr. Alexander declared that the action which the Government had pursued throughout its period of office had in view the implementation of the pledges given by the previous Governments to the Indian people. He rejected Mr. Churchill's assertion that it had not been

the national policy or that this policy had not been endorsed by the British people.

Mr. Churchill had suggested that the British Government was responsible for the powerful impulse given to a great many tendencies dominant in the Indian situation today. "If he says it is the action of the Government which gives impulse to all these hatreds or quarrels, then I repudiate this as false."

Turning to Mr. Churchill's charge that Government had committed a cardinal error by inviting the Congress party after having made other efforts to nominate members of the Interim Government, Mr. Alexander said that he was deeply shocked to hear Mr. Churchill say that that action had precipitated a series of massacres over wide regions. He repudiated this charge and pointed out that a Commission of Inquiry was investigating the cause of the riots.

Replying to Mr. Churchill's question whether it was the Government's policy for the Depressed Classes to be treated as a separate political entity, Mr. Alexander said that whether or not any separation of that kind should be given to them was a matter for the Constituent Assembly. The Government did not consider it desirable or in the interests of the Depressed Classes that they should attempt to influence the Assembly in that matter. Their view was that provisions in the constitution were the right methods for providing safeguards for the rights of minority elements. He reminded the House of what the Cabinet Mission had said, *viz.*, that when the Constituent Assembly completed their labours the British Government would recommend to Parliament to take necessary action to enable the new constitution to come into operation, subject to two matters. One of them was adequate provision for the protection of minorities. Both the major parties had declared their intention of making proper provision for protection of minorities in the constitution and the Government saw no reason to doubt that the Constituent Assembly would do so.

In the course of his speech Mr. Alexander once referred

to "future India, which we all hope will get complete freedom."

Mr. Churchill, intervening: "By complete freedom, does the Minister mean independence?"

Mr. Alexander: "Yes".

Mr. Churchill: "Why not say so?"

Mr. Alexander: "I am always prepared to take instructions from such a master of the English language as Mr. Churchill on what words ought to be chosen. He knows a great deal about the choice of words, but if independence means freedom it may also be that freedom means independence. But we have always stated our views on this matter in almost precisely the same terms as the offer made by the Secretary of State for India in June 1945 in which he said he hoped they would be able to get their complete freedom within the Commonwealth or without it. We have not departed either in words or in spirit from that. I am sure Mr. Churchill, for whom I have such respect for his great leadership during the war, will not make small debating points like that."

Mr. Churchill: "This expression 'full freedom' does require a more precise definition. I saw it was said the other day that India would take a step towards freedom and gain her freedom, but as a matter of fact, as far as freedom is concerned, she has had an immense measure of freedom. But the question of independence has a different aspect of freedom, and at the stage we have reached in these discussions it is necessary to distinguish between the two in the statements which are made. We are at this moment expecting to hear that the Constituent Assembly, with whatever validity attached to it, has declared in favour of an independent Indian republic. That is independence—whether it is freedom is a matter which only the future can show."

Mr. Alexander: "At any rate Indians will be free to choose what is to be the constitution of their Republic and how that will translate freedom to their people. What we have laid upon us is the duty to implement the pledges of

Government after Government, that they should have the opportunity to be free."

Mr. Churchill : "In the decision now being taken at Delhi by the Constituent Assembly in favour of an independent Indian Republic, is that to be judged by the Government as a decision of a valid authoritative constituent body although it only represents one major community in India?"

Mr. Alexander: "I am certainly not going to be drawn into a statement this afternoon as to exactly what our position is upon decisions which have not yet been taken. We stand upon our scheme in regard to procedure. We stand upon our interpretation of the position which we gave last week, in our statement of December 6, and are confining our efforts at the moment to doing our best to persuade both the communities to come together to avoid bloodshed and communal strife and get on with fashioning of a free constitution for India. We will in the light of the scheme of May 16 deal with the decision of the Constituent Assembly appropriately when it has taken its decision. I am not going to make replies to hypothetical questions."

Earl Winterton : "Do I understand that he cannot give the answer to the specific question—Will the Government be bound by decisions in the Assembly in which the Muslim League would not be present?"

Mr. Alexander: "I said I could not answer hypothetical questions. We have made our position perfectly clear in certain respects. In the last paragraph of our statement last week we made it clear we would not contemplate forcing upon an unwilling community anything they did not want. The Congress itself accepts that. In our statement of May 25 we have agreed to leave constitution-making to Indians provided we get proper protection for minorities. We want that in the constitution. We shall adhere to our pledges to the Indian people."

Mr. Churchill : "Are we to understand that the Government at this present moment reserve their decision as to

the validity of the proceedings of the Constituent Assembly?"

Mr. Alexander: "I am not going to give a legal answer this afternoon about the validity of the proceedings. I repeat the scheme for election for the Constituent Assembly was carried out and, if the Muslim League abstained from going there, how can you prevent a duly elected Assembly from going on to do its business?"

Mr. Churchill: "I ask a direct and immediate question. Is the issue of the validity of the Assembly reserved by the Government or not?"

Mr. Alexander: "I have great respect for Mr. Churchill's long parliamentary experience, but I still think that the question is hypothetical. We are still labouring to get them to attend the Constituent Assembly, and I am going to make no further statement this afternoon on this point I do not think I am called upon to do so."

Mr. Churchill: "I think he has in fact answered because he has said that the Government have no further statement to make this afternoon. That is another way of saying they have reserved their opinions."

Mr. Alexander: "Mr. Churchill is very clever in these matters. He is good at making commitments. But I am not committed to the statement he has just made. I shall leave that for the Government to deal with in the circumstances they are faced with at the time."

Mr Alexander concluded: "I beg all leaders of Indian thought, I beg the people of this country, whilst thanking them for supporting our general efforts up to date, to go on maintaining tolerance in this country and to develop greater tolerance in India.

We have now given them a base on which they can proceed to make their own constitution. Although it is perfectly true that differences on the question of procedure cover a great deal of strife and enmity, the only real difference between this country and India is the difference between Indians themselves on the question of procedure.

Surely we can beg and plead with them now to come

together in the Constituent Assembly and to make a constitution which is free but which allows no damage and no harm to be done to the liberty of the minorities. If they can come to us with a constitution like this, this Government will carry out every word of its pledges to them and recommend the cession of its sovereignty to a body set up which provides complete freedom for all communities and all minorities within its ranks."

[The Government motion was approved without a vote.]

52. STATEMENT AND SPEECH[1] OF LORD PETHICK-LAWRENCE IN THE HOUSE OF LORDS, DECEMBER 11-16, 1946.

On December 11, 1946, Lord Pethick-Lawrence made a statement identical with that made by Mr. Attlee in the House of Commons on the same date.

Replying to Viscount Simon's speech Lord Pethick-Lawrence said, on December 16, 1946, that there was almost complete unanimity throughout Britain on the main issue that the time had come for Indians to have independence, whether within or without the British Commonwealth according to their desire.

That being so, it was no longer possible for this country to frame a constitution for India, still less to impose one. Their constitution must be made by Indians for Indians and must command the consent of the major communities and be fair to the minorities generally.

The Cabinet Mission recommended what they considered the most hopeful method for constitution-making. But the Government had made it clear that no minority should be able to place a veto on the advance of the majority.

"I would refer Viscount Simon to the last paragraph of the statement of December 6. The Government have nothing to add to it".

Lord Pethick-Lawrence added: "Although the parties took part in the election of the Constituent Assembly, it is

[1] The following extracts are based on newspaper reports.

well-known that the Muslim League representatives are not taking their seats at the preliminary sittings which are now being held and which are, therefore, clearly not representative of the two major communities. The British Government still hope that before the meetings of the Sections take place, it will become so representative.

With that object in view they do not think it desirable to make any statement on the hypothetical question beyond that which they have made already.

I turn now to the suggestion relating to the function of the Constituent Assembly under normal conditions. Viscount Simon asked whether the Assembly now sitting at Delhi is restricted in its endeavour to frame a constitution to the basic form recommended by the Mission".

"Under the Cabinet Mission's proposals," Lord Pethick-Lawrence said, "the Constituent Assembly cannot frame a constitution which departs from the form recommended by the Mission unless agreed upon with the approval of the majority of representatives of each major party.

It is provided that any resolution varying the provisions of paragraph 15 or raising any communal issue shall require a majority of representatives present and voting of each of the major communities.

A reference has been made to a speech by Pandit Nehru at Benares.[1] I would not minimise the gravity and importance

[1] In a speech delivered in the Town Hall grounds, Benares, on December 15, 1946, Pandit Nehru declared that whatever form of constitution was decided in the Constituent Assembly would become the constitution of a Free India, whether Britain accepted that or not

Pandit Nehru said that the British Government was thinking that the decisions of the Constituent Assembly were not binding on them. "But we have not entered the Constituent Assembly," he went on, "to place our decisions in a silver dish and dance attendance on the British Government for acceptance.

We have now altogether stopped to look to London. We know that there are some differences amongst us but we shall settle them ourselves. We cannot and will not tolerate any outside interference."

Pandit Nehru added that India's relations with Britain henceforth would depend on how the British acted at present. "We want to be friendly with all the countries of the world, even with Britain, but only if Britain did not put hindrances in our march towards complete freedom. We want to forget British misdeeds of the past. If British behaviour towards India at present improves Britain would reap

of the remarks attributed to him. I should be inclined to think that the speech at Benares was a political rejoinder to a very provocative speech made only a few days ago in the House of Commons.

Be that as it may, I can say that the position of the Government remains unchanged."

"Our intentions stand", Lord Pethick-Lawrence declared, "our conviction stands that only on a fast agreement can a stable constitution be created. Our intention remains to do all in our power to bring the parties together."

Lord Pethick-Lawrence shared the appeal made by Lord Simon both to the Muslims and the Congress to find accommodation which would enable them to sit together in the Constituent Assembly and create a situation which would command the support of all sides

Dealing with the proposals for the setting up of Sections, he said that the question at issue was as to vote between different provinces in the Sections. It was to resolve this issue that the Indian leaders were invited to this country, regarding which visit the British Government issued their statement on December 6.

He added: "I should like to make it quite plain that the British Government do not consider that this issue is one which, it is desirable, should be referred to the Federal Court.

The statement of December 6 makes this clear and also the interpretation which the British Government themselves hold. The view of the Government is that this interpretation should be accepted by all parties. They only mention the matter of the Federal Court because the Constituent Assembly is to refer the issue to the Federal Court. That was the view expressed by the Congress. It should be done without delay."

Continuing he said, "I wish to make it quite clear that His Majesty's Government stand by their interpretation of the statement of May 16 as set out in that statement and

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favourable results, but if their behaviour remained bad Britain could not expect good results

We have advanced so much on the path to freedom that it is not possible for us to retrieve"

that they will by no means depart from it even if the Federal Court should be appealed to. I hope agreement may yet be reached in a way which will allay fears of both parties."

Lord Pethick-Lawrence said that it must be obvious to all that no constitution could be successfully brought into being and survive unless it was based on mutual consent.

There was anxiety in certain quarters, he said, whether the majority in a Section might not impose a provincial constitution on a province contrary to the wishes of the inhabitants and of such a character as to prevent the wishes of the majority of the inhabitants prevailing in the decision whether or not to stand out of a Group. He was sure that neither side had any wish that this should take place and he saw no reason why the two major communities should not come to agreement between themselves which would avoid any danger of that happening.

Lord Pethick-Lawrence said that the manner in which the seats representing the States should be filled in the Constituent Assembly was to be negotiated between a committee appointed by the Indian States and a committee appointed by the British India side of the Constituent Assembly. The States had appointed their Committee and when the Committee had been appointed by the British India part of the Assembly, negotiations could begin

The Cabinet Mission had made it clear, and the British Government had since reiterated, that they could not in any circumstances transfer paramountcy to the India Government. The position would be that, when British authority had withdrawn from free India, the powers of paramountcy would lapse, and as a necessary corollary, the obligations of the States to the Crown would lapse also.

Dealing with the Cabinet Mission's proposal that an advisory committee should be constituted to make representations as to the minorities, Lord Pethick-Lawrence said that the committee would be an authoritative body representing both the minorities themselves and the leading experienced statesmen from India It seemed to the British Government that as all parties in India were anxious that minorities

should have due protection, recommendations of such a committee should not be disregarded.

Concluding, Lord Pethick-Lawrence appealed to those taking part in the debate to make full allowance for the inherent difficulties. He was not pleading, he said, for indulgence for himself or the British Government. The House was fully entitled to make such criticism of them as they thought fit. He was pleading for the Indian leaders who had recently come to London—his friends, as he was sure they would allow him to call them. They were all men with very heavy responsibilities, who were spokesmen for large masses of their fellow countrymen and women whom they had to carry with them in any approach to a settlement. He was sure the House had no wish to say anything which might make it more difficult for these men to come together.

53. MR. JINNAH'S SPEECH[1] IN KINGSWAY HALL, LONDON, DECEMBER 13, 1946.

Mr. Jinnah addressed Muslim Leaguers in Britain assembled in Kingsway Hall, London.

He said: "I am glad that I have been given this opportunity of giving you facts about India. It is a long story. It seems from what I have noticed in the Press in the past few days that the British people were asleep during the last seven or eight months while the Labour Government was handling the problem of India. Now I see there is a change. That is a very good sign indeed.

I am glad that the British people have awakened a bit. It is the tradition of the British nation that they only wake up when there is something dangerous.

The Cabinet Mission came to India in March and tried to understand the situation there, and after lots of conversations they put forward what is known as a long-term and a short-term scheme. The Congress did not accept the long-term proposals in fact. They 'accepted,' on their own terms, with reservations and with their own interpretation, one of

[1] The following extracts are taken from newspaper reports.

the most fundamental and basic points known as the Grouping clause. To our disappointment the Cabinet Mission took an attitude which, to say the least, was most amazing. What did they do? They accepted what I would have characterized as non-acceptable, and they told the world, and actually misled the British Parliament, that the Congress had accepted the long-term scheme.

They said in effect: Our original proposal is five-five-two but now we must make it five-five-three or five Muslims, five Hindus, one Sikh, one Christian and one Parsi. This was intended really to placate the Congress. The cause is difficult for an average Englishman to understand unless he has been in India for a long time

The Cabinet Mission and the Viceroy evidently thought that if they had one Parsi then it might appease the Congress because there was every likelihood that the Parsi would support them. When that was suggested the Congress turned it down again. Then we were told that the Cabinet Mission and the Viceroy would announce their own proposals These were made known on June 16 and were known as the short-term scheme. We were also told that this was final and that it was up to Congress to accept or not and to the Muslim League to do the same. Ladies and gentlemen, you will be surprised to hear that the Congress did not accept.

When the names were announced Congress said: 'We do not accept the nominees you have chosen. We want this and that substitution.' Congress also said: 'We do not agree to provision of any safeguard for Muslims.' With regard to what? With regard to any major communal issue. An assurance was given—and it applied to both communities and not only to Muslims—that if there was any major communal issue upon which there was disagreement and if the majority of Muslim or Hindu members were opposed to it then it should not be enforced.

They also said: 'We cannot accept it on various grounds. We are not going to accept the short-term scheme which you have announced to the world as final.' And they rejected it on June 25. On the same day we accepted it. Then there

was another amazing fact I have not yet been able to understand exactly what influenced the Cabinet Delegation to scrap it on grounds which in my judgement—and I think it is the judgement of many impartial men—was nothing but a perversion of the true meaning of the construction of Para 8

The Cabinet Mission said: 'Now we shall begin afresh.' We complained that this was most unjust and unfair and added: 'In that case postpone the long-term plan.' The Mission said, 'No.' Preparations had gone too far ahead and they must proceed. That was an interpretation revolting and repugnant to common sense On that construction Congress had accepted the long-term and rejected the short-term plan. Their attitude was: 'We must scrap the thing and begin afresh.'

But I want you to understand that Congress did not even accept the long-term plan and yet it was passed off as their acceptance. It was betrayal of the Muslim League and Muslims—betrayal No 1.

Then what did we find? It was postponed for a month. Preparations for the Constituent Assembly, however, were to go ahead. Naturally we protested. We issued statements. I do not know whether they reached you here or not, but we made our decision clear.

About the end of July a proposal was sent for the Interim Government—a fresh one. I do not want to worry you about the details of it but it was a fundamentally and entirely different one. It was a landslide as far as the Muslim League was concerned. We were unable to accept.

In the meantime we were making it clear that Congress had not accepted the long-term scheme; but ours was a voice in the wilderness.

On July 18 Parliament met and on the floor of the House of Commons a version was given to the British people which was half true and misleading. It concealed the true state of affairs, but nothing happened.

We had to consider this very serious position with which we were faced. We called a meeting of the Council of the Muslim League and it met on July 29. Meanwhile, pronounce-

ments of Congress leaders were made known and Pandit Nehru's was the worst of the lot. They said: 'We are going to the sovereign Constituent Assembly. We will decide what we think proper.'

As to the scope of the proposed Union, it was confined only to three matters. They were foreign affairs, defence and communications. But Pandit Nehru made it clear that the Constituent Assembly could take any decision they liked. We had no alternative except to withdraw the assent we had given on June 6. But we said that later on we were willing to consider a change in the formula of the Indian Government and of our assent to the proposal embodied in the statement of June 16, which were the final proposals of the Cabinet Mission and the Viceroy.

We came to the conclusion that there was no room for reason, intelligence or fair play."

Throwing up his arms in a gesture of despair, Mr. Jinnah added: "I am sorry to say that the British Delegation has throughout at every critical stage really worked under mortal fear of incurring the displeasure of Congress. Why? Because Congress at every critical stage now, as then, has the fundamental policy that they will resort to mass civil disobedience at any moment they think necessary.

We have made concessions. We have given up a lot for these reasons.

Believe me I am telling the truth. We think an amicable and peaceful settlement is far better even if we have to sacrifice something substantial for it."

Mr. Jinnah continued: "We thought that we would make our sacrifice on the altar by achieving freedom for all of us. Let me tell you Congress has been adamant. It has not budged an inch.

Unfortunately for our country and our people they are going headlong on a mad career. Congress are responsible for obstructing the freedom of the people of India.

What is it we want? What are our utmost demands? The answer is—Pakistan."

Mr. Jinnah went on to explain what he meant by Pakistan. "What is Pakistan? What is so terrible about it? How is it going to harm the Hindus or prejudice them?

In the north-west and north-east zones of India, which are our homeland and where we are in a majority of 70 per cent,[1] we say we want a separate State of our own. There we can live according to our own notions of life. The differences between Hindus and Muslims are so fundamental that there is nothing that matters in life upon which we agree.

It is well known to any student of history that our heroes, our culture, our language, our music, our architecture, our jurisprudence, our social life are absolutely different and distinct. We are told that India has been one for a long time. I tell you that the so-called 'one India' is British-made. It was made by the sword. It can only be held as it has been held. Do not be misled by anyone saying that India is one and why, therefore, should it not continue to be one. What do we want? I tell, you—Pakistan. Pakistan presupposes that Hindustan should also be a free State.

What would Hindus lose? Look at the map. They would have three-quarters of India. They would have the best parts. They would have a population of nearly 200,000,000. Pakistan is certainly not the best part of India. We should have a population of 100,000,000, all Muslims[1].

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[1] Although Mr Jinnah is never very particular about facts when he is anxious to emphasize his demands, yet it is difficult to believe that he really made these absurd statements The speech was, however reported by Reuter and published in *The Statesman* on December 15, 1946.

As the Cabinet Mission's statement of May 16, 1946, which is based on "the most recent census taken in 1941", shows, in the North-West the Muslims constitute 62 07 per cent. of the total population, while in the North-East they constitute only 51 69 per cent.

As regards the fantastic claim that Pakistan "should have a population of 100,000,000, all Muslims", it may be noted that, according to the census of 1941, there are 59,101,207 Muslims and 47,903,576 non-Muslims in the six provinces demanded by the League.

It may be noted that on October 5, 1944, Mr. Jinnah told the representative of *Daily Worker*, "To understand the Pakistan demand in its full significance it is to be borne in mind that the six Provinces, *viz.*, N.-W.F.P., Baluchistan, Sind. the Punjab in the North-West and Bengal and Assam in the North-East, of this subcontinent, have a population of 70 million Muslims and total population of Muslims would not be less than 70 per cent." (see *Jinnah-*

What is the objection to these proposals of ours? We should be free. Let me say that these will be big States. How many states are there in this world with a population of 100,000,000? You see, it is not a small thing. Let us live as good neighbours with the Hindus just as America lives in a friendly way with Canada and as many of the states in North and South America do.

Unfortunately Europe has not shown this spirit, but nevertheless is it not a big proposition to suggest that the whole of Europe should be one and that there should be one Government? I know many idealists who desire it. But they also desire that the whole world should be one and that there should be one Government. It is a noble idea. But such ideals are not achieved easily.

Where, then, is the objection to Pakistan? The only objection is that the Hindus want the whole of India, and if we agree we are reduced to nothing but a minority.

Therefore the problem is—is Britain going to stand with its bayonets and hand over authority to the Hindu majority? If that happens we will lose every bit of honour, integrity and fair play.

Democracy is alien to Hindu society. I do not want to show any disrespect for any other society, but the Hindu society is caste-ridden and caste-bound. The untouchables have no place socially, economically or in any way at all.

Democracy is the blood of Muslims who look upon complete equality of manhood. Muslims believe in fraternity, equality and liberty. How can a minority put a check on a majority? It is bunkum. We are not trying to put a check on a majority; but we are entitled to establish our Government

The sooner the British Government and people realize the truth and actual conditions in India, better it will be not for them but for the Hindus and Muslims. It is, therefore, for the British Government not to evade the truth but to face the problem boldly and frankly."

Gandhi Talks, published by the All-India Muslim League, p. 79). Apparently Mr Jinnah had his own census figures, which he repeated year after year.—Editor.

Continuance of the present policy might lead to serious trouble, Mr. Jinnah declared, adding: "Review the whole position. There is no other way unless you want to triumph at the cost of thousands of lives. There is no other way but to divide India. Give Muslims their homeland and give Hindus Hindustan."

On the subject of the Cabinet Mission, Mr. Jinnah said: "We were within the orbit of constant discussion and negotiation. There was no room for argument. Every time someone in Congress said 'no,' something else had to be done immediately. In those circumstances we thought there was no course for us to take but to resort to power politics for the first time since 1906. The Council of the League decided on a different policy The Viceroy took no notice of anything we said. I do not know who was responsible for this.

The next step was that the Muslim League was ignored and by-passed and Pandit Nehru was summoned to form the Interim Government

We were ignored and by-passed and a Government was formed. In a broadcast the Viceroy said: 'I understand there is complaint of the time and manner in which I have formed the Government' It was not only a complaint. It was a dangerous course for him to have taken He issued an appeal when he told us, there are five seats for you if you like to come in. You can imagine what feeling there was in the Muslim League at the time when Pandit Nehru was summoned to form the Interim Government. It was given out in big headlines all over India—and I may tell you that nine-tenths of the Press is Hindu Congress—in a manner which was bound to excite anyone

But on July 27 we decided to change our policy and to resort to direct action—a big change of policy—and we decided to tell our people of this on August 16.

At the moment this was announced there was a meeting at Viceroy's Lodge. Pandit Nehru was summoned and it was astonishing that nothing happened anywhere but in Calcutta.

In the Press and over the radio statements were made explaining that the only purpose of the Muslim League was

a change of policy. But there was bloodshed at Calcutta and in other parts of India before August 16.

The Muslim League has only 26 per cent. of the population in Calcutta. That would not have been the ideal place to select if we wanted to cause bloodshed[1]. Why did it happen? The Inquiry Commission will give their verdict[2] but I must tell you this much. A few days after August 16 many meetings were held by the Muslim League in Calcutta and Bengal's Leaders nipped this thing in the bud.[3]

We came to Britain to discuss the situation. When Pandit Nehru came here the Congress future in India was already decided and he came only because he had been asked by the Viceroy. While this is the case the British can say and do say that there can be no room for discussion or negotiation while one party has already decided on its course for the future. What is the position about the British statement? The Cabinet Mission were authors of the proposals and should keep to their word.

They say that Congress may refer the whole matter to the Federal Court as early as possible. As I see it, the coming of Pandit Nehru and the Muslim League from India has meant nothing. Congress are going on as if nothing has happened. Once again the people are being confused. It is being said that no action should be taken as we are still at the stage of negotiation and that anything we say will spoil a compromise.

Congress is going ahead and treating the Constituent Assembly as a sovereign body. What do the British now want the League to do? What can we possibly do? Do

[1] When Mr Norton-Jones, Deputy Commissioner of Police, Calcutta, was giving his evidence before the Calcutta Riots Enquiry Commission, he was asked by the lawyer representing the Muslim League whether it was possible to believe that the Muslim minority in Calcutta could start rioting against the Hindu majority. Mr. Norton Jones replied that wars were not always started by the stronger nations. (After the partition Mr Norton Jones opted for service in Pakistan.)—Editor.

[2] The Inquiry Commission was dismissed by the League Ministry of Bengal in July, 1947, before its work was completed and no report was published.—Editor.

[3] Mr. Jinnah was quite silent about Noakhali and Tipperah, where the Muslims constitute 80 per cent. of the population and where their atrocities were not nipped in the bud by 'Bengal's Leaders'.—Editor.

not be misled. It is only when this is decided that anything can be done. It is also clear that we are in a position where there is nothing we can do."

54. MR. JINNAH'S STATEMENT,[1] PRESS CONFERENCE, LONDON, DECEMBER 14, 1946.

Mr. Jinnah indicated today that if the Congress unequivocally accepted the British Government's interpretation of the Grouping clauses in the Cabinet Mission's constitutional proposals for India, he would certainly have to call his Council.

He added that he could not, of course, say whether his Council would decide to enter the Constituent Assembly at Delhi.

Asked if the League's goal was complete independence, he replied: "What do you think we are fighting for? The goal of complete independence is Pakistan—certainly."

Asked to give his reaction to the paragraph in the British Government's statement of December 6 to the effect that it did not contemplate forcing upon the minorities any constitution in the framing of which they were unrepresented, Mr. Jinnah replied: "Suppose the Federal Court decides against the interpretation of H.M.G , what will H.M.G. do with regard to the Constituent Assembly? Is it to proceed on the basis of the interpretation given by the Federal Court contrary to the interpretation of H.M.G.? In that case the Muslim League could never accept it."

A questioner suggested that there was a feeling in London that the Muslim League was not prepared to submit the principal question separating the parties to the Federal Court. Mr. Jinnah replied: "If you ask me why we always have been averse to being a party to reference to the Federal Court on this point, it is because the authors themselves (the British Cabinet Mission and the Government) ought to know what the proposals are. I say it is not a matter for a court. A mediator making a proposal should know what he means and should say if there is any doubt in anyone's mind: 'I will make it clear.'"

[1] The following extracts are taken from newspaper reports.

Mr. Jinnah added that, besides, this was a fundamental basic point—it was the very foundation of the scheme. "It is not a justiciable issue," he said. " I tell you I will trust no court to decide on a point like this."

One Pressman put a dual question. If the Congress accepted the proposals laid down by the British Government, he asked, would the Muslim League be willing to take part in the Constituent Assembly, and in that case would it be willing to agree with the Congress that the Assembly was a sovereign and autonomous body not subject to outside interference?

Mr. Jinnah answered the first part by saying that if the Congress unequivocally accepted H.M.G.'s interpretation of December 6, certainly he would have to call his Council. He indicated that he could not anticipate a decision of the Muslim League Council.

He thanked the questioner for the second point. " It is all very well to talk in this loose way on the position of the Constituent Assembly," he said, going on to tell his audience that the Congress with 292 supporters—there might be a few less—in the Assembly, certainly had a "brute majority," whereas the Muslim number was 79.

He added: " That is what people understand when they talk of democracy. As between the Hindus and the Muslims there is no such thing as democracy. It is a majority of one nation that can overrule the unanimous decision of any other nation[1] because they are 79 and the Congress are 292". " In the perilous position that the Muslims will be," observed Mr. Jinnah, " we don't want any outside interference in this sense that somebody should tinker with us, but there must be some provision within the scheme itself which will prevent a brute majority taking the bit in its mouth and running away. But to treat it as a sovereign Constituent Assembly taking decision after decision and then presenting the poor Muslim minority, the British Government and the world with a *fait accompli*—there is the real danger."

[1] Mr Jinnah was silent about the majority of the Muslim League in Sections B and C, in which the non-Muslims were not given communal veto as given to the League in the Union Assembly under Section 19 (vii) of the Statement of May 16.—Editor.

"Does that mean that the Muslim minority wants to continue a veto on progress?" asked the questioner.

"That is often said, but it is absurd," answered Mr. Jinnah. "Unless the majority of one nation can take what decisions it likes, the moment you do not agree you are exercising your veto and you are intransigent. In that case the majority is to grind down the minority completely and the minority has no remedy."

Mr. Jinnah asked his audience if it was ever known anywhere in the world of a constitution that worked successfully without being framed with the willing assent of major elements that lived in the land. "Even the machinery will not work unless it has the goodwill, co-operation and honest desire of the people."

With regard to the statement that the Muslims were placing a veto on the advance of the majority, he asked: "What majority do you mean? If you mean the Hindus, we wish them godspeed. Go ahead—establish your Hindustan, frame your constitution for the Hindus. Leave us alone and we shall frame a constitution for Pakistan."

Asked if he were advocating a separate Constituent Assembly for Pakistan, Mr. Jinnah said that he had always done so.

Referring to the Congress and the Muslim League participation in the present Provisional Government, he said that the Congress had made its intentions clear—that whatever the constitution, they were going to act as a Cabinet with joint and collective responsibility and a responsibility only to the Legislature, where they have an overwhelming majority, and to no outside authority.

"When we say we cannot allow that," declared Mr. Jinnah, "we are criticized as the King's Party and agents of British Imperialism."

Mr. Jinnah added that while the question of the framing of the future constitution was still unsettled, the Interim Government "would go ahead with measures which will torpedo completely our demand for Pakistan and separation." He made a point that H.M.G.'s statement of December 6 suggested that if the Indian political parties intended to

refer the chief points at issue to the Federal Court, " it will then be reasonable that meetings of the Sections of the Constituent Assembly should be postponed until decisions of the Federal Court are known."

Mr. Jinnah said that he did not know whether the Congress would consider it reasonable to postpone the meeting of Sections of the Constituent Assembly until the decision of the Federal Court was known.

55. RESOLUTION OF THE CONGRESS WORKING COMMITTEE ON THE STATEMENT OF THE BRITISH GOVERNMENT, DECEMBER 22, 1946.

The Working Committee have given careful consideration to the statement issued by the British Government on December 6, 1946, as well as other statements made recently on their behalf in Parliament. These statements, though made by way of interpretation and elucidation, are clearly additions to and variations of the British Cabinet Mission's statement of May 16, 1946, on which the whole scheme of the Constituent Assembly was based.

The statement of May 16, 1946, laid down in paragraph 15 as basic principles of the constitution that ' there should be a Union of India embracing both British India and the States,' that ' all subjects other than Union subjects and all residuary powers should vest in the provinces ' and that ' provinces should be free to form Groups.'

The provinces were thus intended to be autonomous, subject to the Union controlling certain specified subjects. Paragraph 19 laid down, *inter alia*, the procedure for Sections to meet, for decisions to be taken as to whether Groups should be formed or not, and for any province to elect to come out of the Group in which it might have been placed.

In their resolution of May 24, 1946, the Working Committee pointed out what appeared to be a divergence between the basic principles and the procedure suggested, in that a measure of compulsion was introduced which infringed the basic principle of provincial autonomy. The Cabinet Mission, thereupon, issued a statement on May 25, 1946, in which it

was stated that 'the interpretaion put by the Congress resolution on paragraph 15 of the Statement, to the effect that the provinces can in the first instance make the choice whether or not to belong to the Section in which they are placed, does not accord with the Delegation's intentions. The reasons for Grouping of the provinces are well known and this is an essential feature of the scheme and can only be modified by agreement between the two parties.'

The point at issue was not merely one of the procedure but the fundamental principle of provincial autonomy and whether or not a province or part should be coerced against its will.

The Congress made it clear later that their objection was not to provinces entering Sections, but to compulsory Grouping and the possibility of a dominating province framing a constitution for another province entirely against the wishes of the latter. This might result in the framing of rules, the regulation of franchise, electorates, constituencies for elections and the composition of the Legislature which might seriously prejudice or even nullify the provision for a province subsequently to opt out of a Group.

It was pointed out that this could never be the intention of the Cabinet Mission as it would be repugnant to the basic principles and policy of the scheme they had propounded The Congress approach to the problem of constitution-making has all along been that coercion should not be exercised against any province or part of the country and that the constitution of free India should be drawn up by the co-operation and goodwill of all parties and provinces concerned.

In a letter dated 15 June, 1946, from Lord Wavell to Maulana Azad, then President of the Congress, it was stated that 'the Delegation and I are aware of your objections to the principle of Grouping. I would, however, point out that the statement of May 16 does not make Grouping compulsory. It leaves the decision to the elected representatives of the provinces concerned sitting together in Sections. The only provision which is made is that the representatives of certain provinces should meet in Sections so that they can decide whether or not they wish to form Groups.'

Thus the principle which was emphasised again was that Grouping was not compulsory and in regard to Sections a certain procedure was indicated. This procedure was not clear and could be interpreted in more than one way and in any event a point of procedure could not override a basic principle. We pointed out that the right interpretation should be one which did no violence to that principle.

Further, in order to smooth the way to the co-operation of all concerned in the working of the proposed scheme we not only made it clear that we were prepared to go into the Sections, but also we suggested that if our interpretation was not accepted we would be agreeable to reference on this point to the Federal Court.

It is well-known that the proposal in regard to Grouping affected injuriously two provinces especially, namely, Assam and the N.-W. F. P., as well as the Sikhs in the Punjab. Their representatives expressed their strong disapproval of this proposal. In a letter to the Secretary of State dated 25th May, 1946, Master Tara Singh gave expression to the anxiety and apprehensions of the Sikhs and asked for clarification in regard to certain matters. The Secretary of State sent an answer to this letter on June 1, 1946, in the course of which he said: 'I have considered carefully the detailed points you raise at the end of your letter. I fear the Mission cannot issue any additions to, or interpretation of the statement.'[1]

In spite of this explicit statement, the British Government have, on December 6, issued a statement which is both an addition to and an interpretation of the Statement of May 16, 1946. They have done so after more than six and a half months, during which period many developments have taken place as a consequence of the original statement. Throughout this period the position of the Congress was made repeatedly clear to the British Government or their representatives, and it was with full knowoledge of this position that the British Government took subsequent steps

[1] See A. C Banerjee & D R. Bose, *The Cabinet Mission in India*, pp. 178-181.

in furtherance of the Cabinet Mission's proposals. That position was in conformity with the basic principles laid down in the statement of May 16, 1946, which statement the Congress had accepted in its entirety.

Further, the Congress had expressed its willingness to refer, if necessity arose, the point of interpretation to the Federal Court, whose decision should be accepted by the parties concerned. In the course of his letter dated June 28, 1946, addressed to Mr. Jinnah, the Viceroy stated that Congress had accepted the statement of May 16. In the course of a broadcast on August 24, 1946, the Viceroy, in appealing to the Muslim League to co-operate, pointed out that the Congress are ready to agree that any dispute of interpretation may be referred to the Federal Court

The Muslim League reversed its former decision and rejected the British Cabinet Mission's scheme by formal resolution and even decided to resort to direct action. Their spokesmen have since repeatedly challenged the very basis of that scheme, that is, the constitution of a Union of India and have reverted to their demand for a partition of India.

Even after the British Government's statement of December 6, 1946, the leaders of the Muslim League have reiterated this demand for partition and the establishment of two separate independent Governments in India.

When the invitation of the British Government was received by the Congress at the end of November last to send its representatives to London, the Congress position was clearly indicated again It was on an assurance of the Prime Minister of Great Britain that a representative of the Congress proceeded to London.

In spite of this assurance and of previous assurances to the effect that no addition to, or interpretations of, the statement of May 16, 1946, were going to be made, the British Government have now issued a statement which clearly, in several respects, goes beyond the original statement, on the basis of which progress has been made till now.

The Working Committee deeply regret that the British Government should have acted in a manner which has not been in keeping with their own assurances, and which has

created suspicion in the minds of large numbers of people in India.

For some time past the attitude of the British Government and their representatives in India has been such as to add to the difficulties and complexities of the situation in the country. Their present intervention long after the members of the Constituent Assembly had been elected has created a new situation which is full of peril for the future. Because of this, the Working Committee have given anxious and prolonged thought to it.

The Congress seeks to frame, through the Constituent Assembly, a constitution of a free and independent India with the willing co-operation of all elements of the Indian people. The Working Committee regret that Muslim League members of the Constituent Assembly have refrained from attending its opening session.

The Committee, however, appreciate and express their gratification at the presence in the Constituent Assembly of representatives of all other interests and sections of the people of India, and note with pleasure the spirit of co-operation in a common task and a high endeavour which has been in evidence during the session of the Assembly. The Committee will continue their efforts to make the Constituent Assembly fully representative of all the people of India and trust that members of the Muslim League will give their co-operation in this great task.

In order to achieve this, the Committee have advised Congress representatives in the Assembly to postpone consideration of important issues to a subsequent meeting.

In their statement of December 6, 1946, the British Government, in giving their interpretation of a doubtful point of procedure, have referred to it as a 'fundamental point' and suggested that the Constituent Assembly may refer it to the Federal Court at a very early date.

Subsequent statements made on behalf of the British Government have made it clear that they are not prepared to accept the decision of this Court should it go against their own interpretation. On behalf of the Muslim League also it has been stated that they will not be bound by the decision

of the Federal Court, and a demand for partition of India, which is a negation of the Cabinet Mission's scheme, continues to be put forward.

While the Congress has always been willing to agree to a reference to the Federal Court, any reference now, when none of the other parties are prepared to join in it or to accept it, and one of them does not even accept the basis of the scheme, becomes totally uncalled for and unbecoming, and unsuited to the dignity of either the Congress or the Federal Court. By their repeated statements, British statesmen have ruled this out.

The Working Committee are still of opinion that the interpretation put by the British Government in regard to the method of voting in the Sections is not in conformity with provincial autonomy, which is one of the fundamental bases of the scheme proposed in the statement of May 16

The Committee are anxious to avoid anything that may come in the way of the successful working of the Constituent Assembly, and are prepared to do everything in their power to seek and obtain the largest measure of co-operation, provided that no fundamental principle is violated.

In view of the importance and urgency of the issues facing the country and the far-reaching consequences which must follow any decision, the Working Committee are convening an emergent meeting of the A.-I. C. C. in Delhi early in January to consider the latest developments and to give such directions as it may deem fit.

56. EXTRACTS[1] FROM PROCEEDINGS OF THE ALL-INDIA CONGRESS COMMITTEE, NEW DELHI, JANUARY 5-6, 1947.

I. Resolution.

The A.-I.C.C. having considered the events that have taken place in the country since the Meerut session of the Congress in November last, the statement issued by the British Government on December 6, 1946, and the statement of the Working Committee of December 22, 1946, advises Congressmen as follows:—

[1] These extracts are taken from newspaper reports

The A.-I.C.C. endorses the statement of the Working Committee of December 22, 1946, and expresses its agreement with the view contained therein.

While the Congress has always been agreeable to making a reference to the Federal Court on the question of interpretation in dispute, such a reference has become purposeless and undesirable owing to recent announcements made on behalf of the British Government. A reference could only be made on an agreed basis, the parties concerned agreeing to abide by the decision given.

The A.-I.C.C. is firmly of opinion that the constitution for a free and independent India should be framed by the people of India on the basis of as wide an agreement as possible. There must be no interference whatsoever by any external authority, and no compulsion of any province or part of a province by another province. The A.-I.C.C. realises and appreciates the difficulties placed in the way of some provinces, notably Assam and the N.-W.F.P. and the Sikhs in the Punjab, by the British Cabinet's scheme of May 16, 1946, and more especially by the interpretation put upon it by the British Government in their statement of December 6, 1946. The Congress cannot be a party to any such compulsion or imposition against the will of the people concerned, a principle which the British Government have themselves recognised.

The A.-I.C.C. is anxious that the Constituent Assembly should proceed with the work of framing a constitution for free India with the goodwill of all parties concerned and, with a view to removing the difficulties that have arisen owing to varying interpretations, agree to advise action in accordance with the interpretation of the British Government in regard to the procedure to be followed in the Sections.

It must be clearly understood, however, that this must not involve any compulsion of a province and that the rights of the Sikhs in the Punjab should not be jeopardised. In the event of any attempt at such compulsion, a province or part of a province has the right to take such action as may be deemed necessary in order to give effect to the wishes of the people concerned. The future course of action will depend

upon the developments that take place and the A.-I.C.C. therefore directs the Working Committee to advise upon it, whenever circumstances so require, keeping in view the basic principle of provincial autonomy.

II. Pandit Nehru's Speech.

Pandit Nehru moving the Working Committee's resolution recommending acceptance of the British Government's statement of December 6, said that it was a simple, straightforward resolution. There was no sign of weakness in it. If there was the least suspicion of weakness, he would not have brought it before them or commended it to their acceptance.

The main question before them was how to keep the Constituent Assembly alive and extract from it the greatest possible good for the country. By accepting the statement of December 6, we would leave the door open for the League to enter and put forward their point of view. If we did not accept that statement, it would give an opportunity to the British Government to change or withdraw their statement of May 16, with the result that the Constituent Assembly might be changed radically.

Obstacles had been put in the path of the Constituent Assembly in the past. We had overcome them and we should do everything in our power hereafter to prevent attempts to sabotage this great weapon which we could use to our advantage.

Pandit Nehru recalled his speech at Meerut in which he had referred to the crisis towards which he felt inside the Interim Government they were fast moving. He had stated that the attitude of the British Government was adversely affecting the work of the Interim Government. Those statements and the fears he had expressed then were now coming true. At the time of his earlier speech the British Government could not have claimed success in impeding our work, but now the British Government were in a position to make that claim and substantiate it. The British Government's actions had created complications. A grave situation had been

created and the resolution before the House which had been prepared with great care and deliberation was a simple, straightforward one meant to meet that situation.

The House had to decide whether to accept the statement of December 6 or not. This question had proved to be a headache. "We are not in the habit of accepting things thrust upon us against our will. We were sorely tempted to accept the challenge contained in this statement and answer it with all the force at our command. But we realised the danger of allowing our emotions to overpower us."

"Many forces had lined up against us," Pandit Nehru went on, "We should advance cautiously to meet and overcome those forces, and it was this consideration that prompted the Working Committee to bring the resolution before the House."

The resolution accepted the statement. Some might feel that this was a confession of weakness. He denied that Our fight had taken on a new form with the meeting of the Constituent Assembly and our aim should be to see that the Assembly was not postponed or shelved. It had not yet begun to function in its fullness but he hoped that when it met after a fortnight it would begin to function as it should

The significant point about the Assembly was not whether it was sovereign or not, but that it could not be dissolved by the British Government except by the use of force. "When the British Government choose to use force in that way, then it will be time for us to decide how to face it."

The primary point to bear in mind was that the Constituent Assembly had begun to function since December 9 and though it was not the Assembly of our ideals, yet it could be utilised as a weapon to achieve our independence. Therefore, it became absolutely essential and important to prevent attempts to postpone or shelve it. It had life in it and was capable of taking us far on the road to independence.

Our opponents had failed in their effort to shelve it, and so had adopted the alternative of putting obstacles in its way and had issued the statement of December 6. Since 1919 we had depended entirely on our strength and had looked to

the people of India and not to the British Government to achieve our objective.

"We have no desire to add to the number of enemies ranged against us at this critical stage of our fight."

The League desired that the Constituent Assembly should not continue and that the country should revert to the order of things that prevailed eight or nine months ago. If that desire materialised, we should meet that situation as we thought best. But all our energies should now be bent to going ahead with the Constituent Assembly with strength and firmness. It was possible that we might have to fight on a different front; we should be prepared for that too. By passing this resolution we would show to the world that we did not intend to work behind closed doors And in order to demonstrate our desire to keep the doors open, we did many unpleasant things and postponed many decisions which we liked to take without delay. We did not want to give an opportunity to anyone to say that we had broken the British plan.

Speaking of Assam[1], Pandit Nehru said it was true it had a mandate to oppose Sections and Groups[2] and Assam could fight if it wanted. But, he would remind them that battles were won not by the personal courage of one or two but by the co-operation of many thousands and by the mobilisation and right use of resources. At the present time our object should be to out-manœuvre our opponents. The time might come when Assam would have to fight; that fight would not be single-handed but would be waged with the whole of India behind them.

Pandit Nehru concluded by referring to his statement at Meerut that he did not know how long he and his colleagues would continue in the Interim Government. He still did not know how long they would remain there. People had been talking of the final fight for independence. He felt, how-

[1] See A C Banerjee, *The Constituent Assembly of India*, pp. 164, 266-270, 276-279, 288-291.

[2] To the representatives of Assam in the Constituent Assembly the Legislative Assembly of Assam gave a definite mandate to have nothing to do with Section C from the very start.—Editor.

ever, that that fight was even now in progress. Possibly that fight would have to be intensified in the near future but the present situation was such as to call for restraint of language and calm deliberation before action

57. STATEMENT[1] OF DR. RAJENDRA PRASAD ON THE CONSTITUENT ASSEMBLY, JANUARY 20, 1947.

In the course of debates on India in the House of Commons and in the House of Lords in December last, certain statements were made detracting from the representative character of this Assembly during its last session. Notable among those who spoke in this strain were Mr. Churchill and Viscount Simon. Mr. Churchill observed that the Assembly, as it was meeting then, represented 'only one major community in India'. Viscount Simon was more specific and referred to the Assembly as 'a body of Hindus'. He went on further to ask 'whether this meeting of Caste Hindus at Delhi can be regarded by the Government as the Constituent Assembly they meant at all'.

Both these gentlemen have held the highest offices of responsibility and have had a long and intimate connection with the affairs of India; and whatever may be their views on current political controversies, they would not, I am sure, like to make statements which are wholly contrary to facts and lead to mischievous inferences. It is for this reason that I have considered it necessary on this occasion formally to state the facts. Out of a total of 296 members who were to take part in the preliminary session, 210 members attended. These 210 members consisted of 155 Hindus out of a total of 160, 30 Scheduled Caste representatives out of a total of 33, all the five Sikhs, six Indian Christians out of a total of seven (one of them is also counted as a member of backward Tribes), all the five representatives of Backward Tribes, all three Anglo-Indians, all three Parsis and four Muslims out of eighty. The significant absence is of course that of the representatives of the Muslim League—an absence which we all deeply regret. But it is clear from the figures I have

[1] This statement was made in the Constituent Assembly.

quoted that, with the exception of representatives of the Muslim League, every community in India, whatever the party affiliation of the persons representing that community, was represented in the Assembly; and, therefore, to describe the Assembly as representing 'only one major community in India' or as 'a body of Hindus' or as a 'meeting of Caste Hindus' is a complete travesty of facts.

58. INDIAN STATES ON THE CONSTITUENT ASSEMBLY, JANUARY 29-30, 1947.

I. Resolutions[1] of the Standing Committee of the Chamber of Princes, January 29, 1947.

This meeting reiterates the willingness of the States to render the fullest possible co-operation in framing an agreed constitution for, and in the setting up of, the proposed Union of India in accordance with the accepted plan; and declares:—

(4) That the following fundamental propositions *inter alia* form the basis for the States' acceptance of the Cabinet Mission's plan:—

(I) The entry of the States into the Union of India in accordance with the accepted plan shall be on no other basis than that of negotiation, and the final decision shall rest with each State. The proposed Union shall comprise, so far as the States are concerned, the territories of only such States or groups of States as may decide to join the Union, it being understood that their participation in the constitutional discussions in the mean time will imply no commitments in regard to their ultimate decision which can only be taken after consideration of the complete picture of the constitution.

(II) The States will retain all subjects and powers other than those ceded by them to the Union. Paramountcy will terminate at the close of the interim period and will not be transferred to or inherited by the new Government of India. All the rights surrendered by the States to the Paramount Power will return to the States. The proposed Union of India will, therefore, exercise only such functions

[1] These resolutions are taken from newspaper reports.

in relation to the States in regard to Union subjects as are assigned or delegated by them to the Union Every State shall continue to retain its sovereignty and all rights and powers except those that have been expressly delegated by it There can be no question of any powers being vested or inherent or implied in the Union in respect of the States unless specifically agreed to by them

(III) The constitution of each State its territorial integrity and the succession of its reigning dynasty in accordance with the custom law and usage of the State shall not be interfered with by the Union or any Unit thereof nor shall the existing boundaries of a State be altered except by its free consent and approval

(IV) So far as the States are concerned the Constituent Assembly is authorised only to settle the Union constitution in accordance with the Cabinet Mission s plan and is not authorised to deal with questions bearing on the internal administrations or constitutions of individual States or groups of States

(V) His Majesty s Government have made it clear in Parliament that it is for the States to decide freely to come in or not as they choose Moreover according to the Cabinet Mission s Memorandum of May 12 1946 on States treaties and paramountcy Political arrangements between the States on the one side and the British Crown and British India on the other will be brought to an end after the interim period The void will have to be filled either by the States entering into a Federal relationship with the successor Government in British India or failing this entering into particular political arrangements with it

(*B*) That the States Negotiating Committee elected by the Standing Committee of the Chamber of Princes and set up at the request of His Excellency the Viceroy in accordance with Paragraph 21 of the Cabinet Mission s statement of May 16 1946 is the only authoritative body competent under the Cabinet Mission s plan to conduct preliminary negotiations on behalf of the States on such questions relating to

their position in the new Indian constitutional structure as the States might entrust to it.

(*C*) That while the distribution *inter se* of the States' quota of seats on the Constituent Assembly is a matter for the States to consider and decide among themselves, the method of selection of the States' representatives is a matter for consultation between the States Negotiating Committee and the corresponding Committee of the British Indian portion of the Constituent Assembly before final decision is taken by the States concerned.

This meeting

(*A*) Endorses the press statement issued on June 10, 1946, by the Standing Committee of the Chamber of Princes in consultation with the Committee of Ministers and the Constitutional Advisory Committee, in regard to the attitude of the States towards the Cabinet Mission's plan: and

(*B*) Supports the official statement of the views communicated by the States delegation to the Cabinet Mission on April 2, 1946, which *inter alia* associated the States with the general desire in the country for India's complete self-government or independence in accordance with the acepted plan.

This meeting resolves that in accordance with this resolution and the instructions and resolutions of the States Constitutional Advisory Committee as endorsed by the Standing Committee of Princes and the Committee of Ministers, the States Negotiating Committee be authorised to confer with the corresponding committee of the British Indian portion of the Constituent Assembly, as contemplated and declared by His Majesty's Government in Parliament, in order to negotiate (*A*) the terms of the States' participation in the Constituent Assembly when it re-assembles under Paragraph 19 (6) of the Cabinet Mission's statement, and (*B*) in regard to their ultimate position in the All-India Union, provided that the results of these negotiations will be subject to the approval of the aforesaid States Committee and ratification by the States.

11. Speeches,[1] January 30, 1947.

Regret at the "organized campaign of misrepresentation and vilification against the Princely order" was expressed by the Nawab of Bhopal, Chancellor of the Chamber of Princes, presiding over a conference of over 60 Princes and 100 Ministers from various States

Sir C. P. Ramaswami Iyer, Dewan of Travancore, and Sir A. Rāmaswami Mudaliar, Dewan of Mysore, also addressed the conference which was held chiefly to explain the reasons for yesterday's resolution defining the terms of reference of the States Negotiating Committee in its forthcoming discussions with the corresponding body set up by the British Indian portion of the Constituent Assembly.

"We have recently declared on a number of occasions," the Nawab of Bhopal said, "that we do not in any way want to hamper the political advancement of our common motherland. Our attitude has, however, failed to evoke response from certain quarters in British India. We are asked to quit or exist on sufferance only. It would be unworthy on our part to succumb to these threats. We have been the spearhead of progress in many a field. Are we to disappear simply because we fail to subscribe to certain dogmas?"

He enumerated certain fundamental principles on which the States could not compromise. He said that some of the clauses in Pandit Nehru's resolution passed by the Constitient Assembly were in conflict with the Cabinet Mission's plan which had been accepted by the Princes. He quoted from the speeches and statements made by certain Indian political leaders and said that they claimed far greater powers for the Union Centre than had been assigned to it under the State Paper. The Nawab said that he had been assured by the highest authority that it was not intended to give ancillary powers to the Union.

He pleaded for the immediate implementation of his declaration on fundamental rights and privileges for States people made in January, 1946, at the annual session of the

[1] The following extracts are quoted from newspaper reports.

Chamber of Princes. If this was done the States would be able to cope successfully with the " malicious campaign now going on " against them, he said.

Sir C. P. Ramaswami Iyer, speaking at the request of the Nawab, emphasized that the powers of the Union Centre as defined in the Cabinet Mission's plan were strictly limited and confined to three subjects only, *viz.*, foreign affairs, defence and communications, with powers to raise the necessary finances for the working of these three departments. The States were intimately connected with what was meant by " powers to raise the finances " and also the scope of the three subjects. For instance, he asked, were State armies to be retained or not?

He expressed apprehension that the spokesmen of a certain party in British India might claim the right of direct taxation by the Union Centre. He quoted Pandit Nehru as saying that tariff and customs fell within the purview of foreign affairs. He observed that in deciding such important matters the States must be consulted beforehand and not made to face a *fait accompli*.

Sir Ramaswami Mudaliar said that he wanted to make it clear that the States were not in a militant mood and did not want to adopt a policy of obstruction in approaching the constitutional problems of the country.

He thought that the resolution passed by the Constituent Assembly was full of dangerous potentialities and was sure to delay the framing of the Indian Constitution. It was to obviate such risks that the Chamber of Princes had thought it necessary to define clearly the States ' point of view.

Referring to the clause in the resolution on "objectives", recently passed by the Constituent Assembly, which dealt with sovereignty, Sir Ramaswami declared that there could be no compromise over the question of the monarchical form of government in Indian States. He said that some checks and breaks had to be provided for against the contingency of a majority party running amuck in the future governance of India. In his opinion, the retention of monarchy in the States would exercise a restraining influence on those quarters which believed in deciding everything by a brute majority.

Another serious implication of the resolution, Sir Ramaswami Mudaliar said, was interference with the territorial integrity of Indian States.

59. RESOLUTION OF THE MUSLIM LEAGUE WORKING COMMITTEE, KARACHI, JANUARY 31, 1947.

The Working Committee of the All-India Muslim League have given careful consideration to the statement issued by H. M. G. on December 6, 1946, the resolution passed thereafter by the Congress Working Committee on December 22, 1946, and by the All-India Congress Committee on January 6, 1947, the speeches delivered by responsible leaders of the Congress at the A. I. C. C. session referred to above, and the proceedings of the Constituent Assembly during its two sessions so far held, and record their views as follows:

By their statement of December 6, H. M. G. admitted that the interpretation which the Muslim League had always put on paragraphs 19 (V) and 19 (VIII) of the Cabinet Mission's statement of May 16 was the correct one and accorded with the intention of the Cabinet Mission and H. M. G.

By that statement it was also proved that the Congress, on the other hand, had ' put forward a different view ' and, therefore, had not accepted what H. M. G. themselves described as 'this fundamental point', namely, that decision in the Sections, including questions relating to the framing of the constitutions of Provinces included in each Group, 'should, in the absence of agreement to the contrary, be taken by a simple majority vote of the representatives in the Sections'.

H. M. G., furthermore, added that ' this statement, as so interpreted, must, therefore, be considered an essential part of the scheme of May 16 for enabling the Indian people to formulate a constitution which H. M. G. would be prepared to submit to Parliament '. Accordingly, in their statement of Dec. 6 they urged the Congress to accept 'this reaffirmation of the intention of the Cabinet Mission' or in the alternative to refer the point to the Federal Court at a very early date.

In their statement of Dec. 6 H. M. G. also affirmed that the Congress had agreed that other questions of interpretation of the statement of May 16 which might arise might be referred by either side to the Federal Court whose decisions should be accepted, and on the assumption that the Congress had agreed to this procedure, H. M. G asked the Muslim League also to agree to it in order to ensure that ' the procedure both in the Union Constituent Assembly and in the Sections may accord with the Cabinet Mission's plan '.

H. M. G., in the last paragraph of their statement of Dec. 6, reiterated the fact that ' there has never been any prospect of success for the Constituent Assembly except upon the basis of the agreed procedure ', and they repeated the assurance: ' Should the constitution come to be framed by a Constituent Assembly in which a large section of the Indian population had not been represented. H. M. G. would not, of course, contemplate—as the Congress have stated they would not contemplate—forcing such a constitution upon any unwilling parts of the country '.

The meaning and the application of this assurance were further clarified by Sir Stafford Cripps in his speech in the House of Commons on Dec. 12, 1946, when he said: ' But the Government had also to envisage the possibility in the clause in the final paragraph of the statement. This was, perhaps, a statement of the obvious—that, if the Muslim League could not be persuaded to come into the Constituent Assembly, then parts of the country where they were in a majority[1] could not be held to be bound by the results.'[2]

[1] The word "they" obviously stands for "the Muslim League". So this statement of Sir Stafford Cripps gave the League the right of veto regarding 3 provinces—Bengal, the Punjab and Sind Out of 10 representatives of Assam and 3 representatives of N. W F P. in the Constituent Assembly the League claimed the allegiance of 3 and 1 respectively. Baluchistan had only one representative, and he had not so far submitted to the control of the League —Editor.

[2] The London *Times* observed on February 4, 1947. "The League, while apparently relying on the British declaration that a constitution framed by the Constituent Assembly, not fully representative, cannot be enforced upon unwilling parts of India, may perhaps have lost from sight the not less significant undertaking that a minority cannot be suffered indefinitely to impede the progress of the majority."—Editor.

The situation created by the issue of this statement by H. M. G. is that the onus of taking the next step fell on the Congress and it was called upon:—

1. To accept honestly and unequivocally the correct interpretation of paragraphs 19 (V) and 19 (VIII) of the Cabinet Mission's statement of May 16, which interpretation has been already accepted by the Muslim League, or to refer the point to the Federal Court.

2. To reaffirm that it has accepted the procedure for the settling of other questions or interpretations that might arise, so that the decision should accord with the basic and fundamental principles of the scheme of May 16, 1946, namely, that either side could refer such questions to the Federal Court whose decisions would be binding on all concerned; and

3. To postpone the session of the Constituent Assembly which had been called for Dec. 9, 1946, pending settlement of the dispute over the fundamental points of principle and procedure which had been brought to the fore by the statement of Dec. 6 and the correct interpretation of which the Congress has not accepted, as was made clear in that statement, there being no prospect of success for the Constituent Assembly without such agreement, particularly on the part of the Congress.

The Working Committee of the All-India Muslim League regret to note that the Congress has reacted to the situation created by the statement of Dec. 6 in a manner which shows that it is determined to adhere to its own views and interpretations of the fundamental provisions in the Cabinet Mission's statement of May 16, which militate against the clearly expressed intentions and interpretations of the authors of that statement as well as of H. M. G. as a whole and which destroy the very basis on which the constitutional plan set forth in that statement has been drawn up.

By its resolution of Dec. 22 the Congress Working Committee rejected the suggestion that the point in dispute should be referred to the Federal Court[1] if the Congress did

[1] The Muslim League conceals the fact that the Congress could not refer the matter to the Federal Court after clear declarations on

not accept 'this reaffirmation of the intention of the Cabinet Mission', and the Committee decided to convene a meeting of the A. I. C. C. for the purpose of giving a decision on the issue raised by the statement of Dec. 6.

The Working Committee of the Congress, however, in its resolution indulged in an attack on the British Government for their renewed interpretation and clarification, which had called the Congress bluff, and on the Muslim League for no other fault than that its stand had been at last vindicated.

The A. I. C. C., by its resolution passed on Jan. 6, purported ' to agree to advise action in accordance with the interpretation of the British Government in regard to the procedure to be followed in the Sections ', about which there never was any doubt in the mind of any sane and honest person, but it immediately added the following qualifying clauses·

' It must be clearly understood, however, that this must not involve any compulsion on a Province and that the rights of the Sikhs in the Punjab should not be jeopardized'.

' In the event of any attempt at such compulsion, a Province or part of a Province has the right to take such action as may be deemed necessary in order to give effect to the wishes of the people concerned'.

' The future course of action will depend upon the developments that take place and the A. I. C. C., therefore, directs the Working Committee to advise upon it, whenever circumstances so require, keeping in view the basic principle of provincial autonomy.'

These qualifying clauses, in the considered opinion of the Working Committee of the All-India Muslim League, confer the right of veto within the Section on 'a Province' and, what is more absurd, on 'a part of a Province[1] as well

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the part of H M G and the League that they would not accept the decision of the Court if it went against their point of view —Editor

[1] The League welcomes the statement of H M G that no constitution would be forced upon "any unwilling parts of the country". The Congress point of view is the same, namely, no constitution should be imposed on "a Province or part of a Province". What is the distinction between "parts of the country" and "a Province or part of a Province"?—Editor.

as on the Sikhs in the Punjab, and, therefore, they completely nullify the advice or so-called 'acceptance' by the Congress of the Dec. 6 statement, and this A. I C. C. resolution is no more than a dishonest trick and jugglery of words by which the Congress has again attempted to deceive the British Government, the Muslim League, and public opinion in general.

The question at issue was a very simple one. What was required was a straight and honest answer and not these evasions, equivocations, and camouflage from one of the two major contracting parties to the questions whether the Congress honestly and sincerely agreed to the proposals of May 16 as clarified by H. M. G. on Dec. 6, 1946, and whether it was prepared to honourably abide by them and carry out the letter and spirit of the proposals which were put before the two major parties by the British Government, who were merely acting as mediators as, unfortunately, the two major parties had failed to come to any agreement at Simla and the conference at Simla had broken down.

Of the second point in H. M. G.'s statement of Dec. 6, namely, the procedure whereby either side could refer other questions of interpretation to the Federal Court,[1] the resolution of the A. I. C. C. makes no mention, but the mover of the resolution, Pandit Nehru, on being questioned on the second day of the A. I. C. C.'s deliberations as to whether the Congress had agreed to this procedure, categorically answered in the negative and declared:

'Apart from this, in view of the recent developments and the statement of Dec. 6, which produces a new situation, I am not prepared to admit for an instant that we have agreed to any future procedure about references. Whatever the future brings, we shall have to consider it. I should like to make it perfectly clear that we are giving no assurance about any references in regard to any other matters to the Federal Court . . . . We are not going to commit ourselves at the

[1] Mr Jinnah has never indicated his willingness to accept decisions of the Federal Court on disputed points, and the Statement of May 16 provides for reference to Federal Court on *major communal issues alone*.—Editor.

present moment to any reference to the Federal Court or to any other authority We shall decide—or the Constituent Assembly shall decide—as we think best in the circumstances

With regard to the third point namely that if a constitution comes to be framed by a Constituent Assembly in which a large section of the Indian population has not been represented such a constitution would not be forced upon any unwilling parts of the country the A I C C resolution in paragraph 3 completely distorts the meaning and application of this principle and makes this an excuse to instigate a section[1] of the population of Assam the N W I P the Sikhs and even Baluchistan to revolt against decisions that might be taken by the relevant Sections sitting as a whole and by a simple majority vote In the opinion of the Working Committee of the All India Muslim League the subsequent decision of the Assam Provincial Congress not to abide by the procedure laid down for Sections and its reiteration that the Constitution for Assam shall be framed by her own representatives only is a direct result of this instigation and is a step taken by Assam Congressmen in collusion with the all India leaders of the Congress [2]

The Constituent Assembly met on Dec 9 and subsequent dates and thereafter on Jan 20 and subsequent dates and has already taken decisions of vital character so far as it is known to the public and as some of the sittings were held in camera it is very difficult to get correct information as to what other resolutions it has passed or what decisions it has already taken It has passed a resolution known as

[1] This 'section', of course means 70 p c of the population of Assam and 67 p c of the population of the N W F.P.—Editor.

[2] The London *Times* observed on February 4, 1947, "The Resolution passed by the Congress Party Working Committee (?) on January 6 signified only a grudging and qualified acceptance of the British Government's finding . . but it was an acceptance The reservation, exempting provinces from 'compulsion' and safeguarding Sikh rights in the Punjab, however ill-advised in view of League susceptibilities, was a plain invitation to Mr. Jinnah and his supporters to give Assam, the Frontier Province and the Sikhs some kind of assurances as they were demanding for themselves . . The League Working Committee lamentably failed to grasp this opportunity."—Editor.

the independent sovereign republic resolution, laying down the objectives.

It is not only a proclamation of India as an independent sovereign republic but it lays down fundamentals of the Constitution as was admitted by Pandit Nehru, the mover of the resolution. It is a very vital resolution. It lays down the essentials of the next Constitution; several things which are mentioned there are fundamentals of the Constitution. It speaks of a republic or Union, functions and powers vested in the Union or as are inherent or implied in the Union and resulting therefrom, and talks of present boundaries, States and present authorities, the residuary powers, powers being derived from the people, minority rights and fundamental rights.

These are undoubtedly fundamentals of the Constitution and they are beyond the limit of the powers and the terms of the scheme of the Cabinet Mission's statement of May 16 and the resolution is therefore illegal, *ultra vires* and not competent to the Constituent Assembly to adopt.

Next, it has appointed several committees and has proceeded to elect an Advisory Committee, referred to in paragraph 20 of the statement of the Cabinet Mission and the Viceroy, on the rights of citizens, minorities, tribal and excluded areas. Further it has appointed a Steering Committee and various other committees[1], and as some of the decisions have been taken in camera[2] it is very difficult to say what resolutions it has passed or decisions it has taken. It has also passed the rules of procedure and assumed con-

[1] In these Committees seats to which League members were entitled were left vacant —Editor.

[2] With reference to this statement the Secretariat of the Constituent Assembly issued the following Press communique on February 4, 1947:

" . . the Constituent Assembly has passed no secret resolution and taken no secret decision. On two occasions the Assembly resolved itself into a Committee of the whole House sitting in camera and discussed the rules of procedure and the budget, this procedure being adopted in order to facilitate the freedom and informality of discussion necessitated by these particular subjects. Thereafter the Committee assembled in public session and took decisions therein which are public property. No other subject was discussed nor any decision taken in these 'in camera' meetings."—Editor.

trol of Sections by means of these rules for which there is no warrant or justification, particularly rule 63 which runs as follows:

'1. The Assembly shall, before finally settling the Union Constitution, give an opportunity to the several provinces and States through their legislatures to formulate, within such time as it may fix, their views upon the resolutions of the Assembly outlining the main features of the Constitution or, if the Assembly so decides, upon the preliminary draft of the Constitution '.

'2. Before the Constitution of any province is finally settled or the decision to set up a Group Constitution for the Section in which the province is included is finally taken, an opportunity shall be given to the province concerned through its legislature to formulate. within such time as may be fixed for the purpose, its views (*a*) upon the resolution outlining the main features of the Constitution or, if the majority of the representatives of the province in the Assembly so desire, upon the preliminary draft of such Constitution, and (*b*) upon the preliminary decision of the Section concerned as to whether a Group Constitution shall be set up for the provinces included in the Section and, if so, with what provincial subjects the Group should deal.'

It has also appointed a committee to define the scope of the Union subjects, whereas the position was made quite clear, immediately after the statement of May 16 was issued, by the Secretary of State for India in his broadcast and by Sir Stafford Cripps at his Press conference where he read out an explanatory statement. Both of them stated in the clearest possible terms the time and manner in which the Group Constitutions were to be framed by the Sections concerned before the Union Constitution was taken up.

The Secretary of State said: 'After a preliminary meeting in common, these representatives of the provinces will divide themselves up into three Sections. These Sections will decide upon provincial and Group matters. Subsequently they will reunite to decide upon the Constitution for the Union.'

Sir Stafford Cripps at his Press conference said: 'So the three Sections will formulate the provincial and Group Constitutions and when that is done they will work together with the States' representatives to make the Union Constitution. That is the final phase, and the Union is strictly confined to three subjects.'[1]

It is clear from the above that the Constituent Assembly, in which only the Congress Party is represented,[2] has taken decisions on principles and procedure, some of which exceed the limitations imposed by the Statement of May 16 on the Constituent Assembly's functions and powers, at the preliminary stage and which further impinge upon the powers and functions of the Sections. By taking these decisions in the Constituent Assembly and by appointing a committee consisting of individuals chosen by the Congress, the Congress has already converted that truncated Assembly into a rump and something totally different from what the Cabinet Mission's statement had provided for.

In view of these facts and circumstances the Working Committee of the Muslim League is definitely of opinion

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[1] Professor D. N Banerjee pointed out in his Presidential Address at the Indian Political Science Conference, Delhi, December 31, 1946: "How can the Provincial and Group Constitutions be *properly* framed at all unless the Union Constitution is *first settled* and an agreement is reached among all parties on the structure, *powers* and *functions* of the Union (*i e*, Central) Government of India as a whole? . . . . It may be argued . . . that , , the statement of 16th May last has expressly and specifically enumerated the powers to be vested in the Centre (*i e.*, the Union Government). To that my reply is that therein lies the crux of the whole question. What exactly are meant by the proposed Union (*i e*, Central) matters, namely, 'Foreign Affairs, Defence, and Communications', and 'the powers necessary to raise the finances required for the above subjects'? . . . . Those who naively say that the powers of the Centre (*i e*, the Union Government) have been expressly limited to only four subjects, do not appear to have rightly understood the whole question . . powers specifically or expressly conferred upon any authority in a Federal State automatically involves, under the doctrine of implied powers, such other powers as are 'necessary and proper for the effective exercise' of the powers specifically or expressly given. This is the 'doctrine of construction' which has . . . been accepted by the Supreme Court of the United States from the very beginning"—Editor

[2] This is an echo of Mr. Churchill's voice. For relevant facts relating to the representative character of the Constituent Assembly, see pp. 385-386 The States were also prepared to co-operate with the Assembly through the Negotiating Committees (pp. 386-388). —Editor.

that the Congress, by rejecting this final appeal of H. M. G. to accept the correct interpretation of the fundamental procedure of the Cabinet Mission's statement of May 16, and by having already, by the resolutions and decisions taken in two sessions, converted the Constituent Assembly into a body of its own conception, has destroyed all fundamentals of the statement of May 16 and every possibility of compromise on the basis of the Cabinet Mission's constitutional plan. The Working Committee accordingly calls upon H. M. G. to decide that the constitutional plan formulated by the Cabinet Mission, as announced on May 16, has failed because the Congress after all these months of efforts has not accepted the statement of May 16, nor have the Sikhs, nor the Scheduled Castes[1].

The proposals of May 16 could only be given effect to and carried out if the two major parties agreed to accept them. The Congress had not, and has not accepted and does not accept them, although the Muslim League had accepted, by its resolution, the statement of May 16 as far back as June 6, 1946.[2] But in view of the fact that the Congress refused to accept the proposals in toto and unequivocally, the Muslim League had to withdraw its acceptance on July 29, 1946.

The Working Committee of the Muslim League is, therefore, emphatically of opinion that the elections to, and thereafter the summoning of the Constituent Assembly, in spite of strong protests and most emphatic objections on the part

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[1] This is an absolutely false statement. *All* representatives of the Scheduled Castes elected to the Constituent Assembly were at this time participating in its proceedings. Even Dr. Ambedkar, who claimed to be the leader of the Scheduled Castes opposed to the Congress, and whose follower Mr. J. N. Mandal was nominated by Mr. Jinnah to represent the League in the Interim Government, joined the Constituent Assembly and declared that he preferred a strong Centre.

The London *Times* observed on February 4, 1947, "Though predominantly under the Congress party influence the Constituent Assembly is neither a party caucus nor exclusively Hindu; non-Muslim minorities are well represented."—Editor

[2] See A. C. Banerjee, *The Constituent Assembly of India*, Introduction, p. xxxi

of the League, were *ab initio* void, invalid and illegal[1] as not only the major parties had not accepted the statement but even the Sikhs and the Scheduled Castes had also not done so and that the continuation of the Constituent Assembly and its proceedings and decisions are *ultra vires*, invalid, and illegal and it should be forthwith dissolved.[2]

60. STATEMENT OF THE BRITISH GOVERNMENT, FEBRUARY 20, 1947.

Mr. Attlee made the following statement in the House of Commons:

It has long been the policy of successive British Governments to work towards the realisation of self-government in India. In pursuance of this policy, an increasing measure of responsibility has been devolved on Indians, and to-day the civil administration and the Indian armed forces rely to a very large extent on Indian civilians and officers. In the constitutional field, the Acts of 1919 and 1935 passed by the British Parliament each represented a substantial transfer of political power. In 1940 the Coalition Government recognised the principle that Indians should themselves frame a new constitution for a fully autonomous India, and in the offer of 1942 they invited them to set up a Constituent Assembly for this purpose as soon as the War was over.

His Majesty's Government believe this policy to have been right and in accordance with sound democratic principles. Since they came into office, they have done their utmost to carry it forward to its fulfilment. The declaration of the Prime Minister of the 15th March last, which met with general approval in Parliament and the country, made it clear that it was for the Indian people themselves to choose

[1] Mahatma Gandhi said on February 3, 1947, "If the elections and proceedings were illegal, the legality should be challenged in a court of law. Otherwise the charge had no meaning."—Editor.

[2] The London *Times* observed on February 4, 1947, ". . . . it was highly preposterous for the Karachi meeting to call upon the British Government for a declaration that the Cabinet Mission plan has failed and to demand the dissolution of the Constituent Assembly. The plan has not failed. It still offers one hope of evolving an Indian constitution. . ."—Editor.

their future status and constitution and that in the opinion of His Majesty's Government the time had come for responsibility for the government of India to pass into Indian hands.

The Cabinet Mission which was sent to India last year spent over three months in consultation with Indian leaders in order to help them to agree upon a method for determining the future constitution of India, so that the transfer of power might be smoothly and rapidly effected. It was only when it seemed clear that without some initative from the Cabinet Mission agreement was unlikely to be reached that they put forward proposals themselves

These proposals, made public in May last, envisaged that the future constitution of India should be settled by a Constituent Assembly composed, in the manner suggested therein, of representatives of all communities and interests in British India and of the Indian States.

Since the return of the Mission, an Interim Government has been set up at the Centre composed of the political leaders of the major communities, exercising wide powers within the existing Constitution. In all the Provinces Indian Governments responsible to legislatures are in office

It is with great regret that His Majesty's Government find that there are still differences among Indian parties which are preventing the Constituent Assembly from functioning as it was intended that it should. It is of the essence of the plan that the Assembly should be fully representative.

His Majesty's Government desire to hand over their responsibility to authorities established by a constitution approved by all parties in India in accordance with the Cabinet Mission's plan. But unfortunately there is at present no clear prospect that such a constitution and such authorities will emerge. The present state of uncertainty is fraught with danger and cannot be indefinitely prolonged. His Majesty's Government wish to make it clear that it is their definite intention to take necessary steps to effect the transference of power to responsible Indian hands by a date not later than June, 1948.

This great sub-continent now contaning over four hundred million people has for the last century enjoyed peace and security as a part of the British Commonwealth and Empire. Continued peace and security are more than ever necessary to-day if the full possibilities of economic development are to be realised and a higher standard of life attained by the Indian people.

His Majesty's Government are anxious to hand over their responsibilities to a Government which, resting on the sure foundation of the support of the people, is capable of maintaining peace and administering India with justice and efficiency. It is, therefore, essential that all parties should sink their differences in order that they may be ready to shoulder the great responsibilities which will come upon them next year.

After months of hard work by the Cabinet Mission a great measure of agreement was obtained as to the method by which a constitution should be worked out. This was embodied in their statement of May last. His Majesty's Government there agreed to recommend to Parliament a constitution worked out in accordance with the proposals made therein by a fully representative Constituent Assembly. But if it should appear that such a constitution will not have been worked out by a fully representative Assembly before the time mentioned in Paragraph 7, His Majesty's Government will have to consider to whom the powers of the Central Government in British India should be handed over, on due date, whether as a whole to some form of Central Government for British India, or in some areas to the existing Provincial Governments, or in such other way as may seem most reasonable and in the best interests of the Indian people.

Although the final transfer of authority may not take place until June, 1948, preparatory measures must be put in hand in advance. It is important that the efficiency of the civil administration should be maintained and that the defence of India should be fully provided for. But inevitably, as the process of transfer proceeds, it will become progressively more difficult to carry out to the letter all the provi-

sions of the Government of India Act. 1935. Legislation will be introduced in due course to give effect to the final transfer of power.

In regard to the Indian States, as was explicitly stated by the Cabinet Mission, His Majesty's Government do not intend to hand over their powers and obligations under Paramountcy to any Government of British India. It is not intended to bring Paramountcy, as a system, to a conclusion earlier than the date of the final transfer of power, but it is contemplated that for the intervening period the relations of the Crown with individual States may be adjusted by agreement.

His Majesty's Government will negotiate agreements in regard to matters arising out of the transfer of power with representatives of those to whom they propose to transfer power.

His Majesty's Government believe that British commercial and industrial interests in India can look forward to a fair field for their enterprise under the new conditions. The commercial connection between India and the United Kingdom has been long and friendly and will continue to be to their mutual advantage.

His Majesty's Government cannot conclude this statement without expressing on behalf of the people of this country their goodwill and good wishes towards the people of India as they go forward to this final stage in their achievement of self-government. It will be the wish of everyone in these Islands that, notwithstanding constitutional changes, the association of the British and Indian peoples should not be brought to an end; and they will wish to continue to do all that is in their power to further the well-being of India.

The House will wish to know of an announcement which is being made public to-day. Field-Marshal the Right Honourable Viscount Wavell was appointed Viceroy in 1943, after having held high military command in the Middle East, South-East Asia and India with notable distinction since the beginning of the War. It was agreed that this should be a war-time appointment. Lord Wavell has discharged this

high office during this very difficult period with devotion and a high sense of duty. It has, however, seemed that the opening of a new and final phase in India is an appropriate time to terminate this war appointment. His Majesty has been pleased to approve, as successor to Lord Wavell, the appointment of Admiral the Viscount Mountbatten, who will be entrusted with the task of transferring to Indian hands responsibility for the government of British India in a manner that will best ensure the future happiness and prosperity of India. The change of office will take place during March. The House will be glad to hear that His Majesty has been pleased to approve the conferment of an Earldom on Viscount Wavell.

61. EXTRACTS[1] FROM SPEECH OF LORD PETHICK-LAWRENCE, HOUSE OF LORDS, FEBRUARY 25, 1947.

Replying to the India debate opened by Viscount Templewood (formerly Sir Samuel Hoare, ex-Secretary of State for India) Lord Pethick-Lawrence said, "I rise with a profound sense of responsibility which I know will be shared by all those who take part in this debate. I shall endeavour to place before you the reasons which have prompted the British Government to take this momentous step and to give some answer to some questions which have been raised."

Referring to the political aspect, Lord Pethick-Lawrence said that Viscount Templewood had given a very clear presentation of sincerely held views. "I have no doubt he felt a conviction that he was facing reality and that the British Government put forward their views without very much appreciation of where they were going. But I feel that Viscount Templewood was living in an unreal world, a dream-world." The real facts were that for the last 20 years progress towards self-government had been going on, progress to which all parties in the state had contributed. "We have reached now a new stage when, as it were, the balance has

[1] These extracts are taken from newspaper reports.

begun to tilt and a large share of power and responsibility has been transferred already to Indian hands. It was not possible to deal with the situation as though it were exactly as it was before. That was not due mainly to the policy adopted by the British Government. To-day it was the natural and inevitable result of the policies adopted during previous administrations".

Lord Pethick-Lawrence referred to the fact that during the war, India's Civil Service and Police had not been refreshed and brought up-to-date and the time had come to consider whether recruitment should be renewed in the teeth of strong opinion in India

Government were confronted broadly with two alternatives—either they could go back or go forward.

"If we went forward", he said, "we must rely on the good sense and co-operation of the different parties in India or we must be prepared, in the event of oppositional disagreement, to start all over again the unhappy procedure of arrest, imprisonment, imprisonment without trial and come into direct conflict with what was a rapidly growing and determined body of people in India".

"A vast majority of people of all parties in this country, with perhaps a few exceptions, concurred in the view that Government should go forward. If Britain had attempted for a short while to restore the old position of complete control by the British Raj in India, it would be necessary to guarantee that we would stay in India for 10, 15 or even more years".

As soon as they came into office, the Government decided on a different course from that—a course which would enable an endeavour to be made to build the structure of complete Indian self-government.

Re-calling the visit of the Cabinet Mission, of whom he was one, to India, Lord Pethick-Lawrence said he would like the House to appreciate that before the Cabinet Mission went out and, in fact, when they arrived in India, "we were confronted with a really dangerous situation". There was in the realm of the Congress a violent revolutionary sentiment.

The Cabinet Mission found that there was a swing to the extreme and a demand for revolutionary methods to achieve full independence.

"Again," he said, "we had to consider whether we would go forward or go back".

Speaking of the results of the Cabinet Mission, Lord Pethick-Lawrence said, "Although we may not have succeeded in bringing about a combined Constituent Assembly and a Coalition Government, we did succeed in one objective at any rate and that was the dispersal of the element of suspicion that was in the Indian minds against the British Government".

"That was of very great importance in enabling the relationship between this country and India to proceed on these lines".

"I realise that it is not for the Opposition to initiate a policy, that is for the Government, but we were faced with a very serious situation and therefore had to take some action or take none. We could have taken no action and just sat down quiet while India drifted into a graver and graver position. But we felt it was essential to act. We took the course of action which we did and had considerable grounds to think it was supported in India and may have the result of great benefit of India".

"The deteriorating situation demanded drastic steps and because we realised that fact we made our statement of February 20".

"Lord Templewood has asked what were Government's intentions as to what Parliament would do when the time came for legislation to carry out the changes which were contemplated and he (Templewood) said he must have an answer during this debate".

"I cannot give an answer to-day . I want to see first what is going to be the result in India of this statement. I want to see how far it achieves the purpose for which it has been put out. If it does not achieve its purpose we shall have to take another course of action".

"I cannot say here and now that this and that will be done until I can judge which will be the most appropriate action".

Viscount Templewood: "Can he tell the House how long it will take to form opinion?"

Lord Pethick-Lawrence: "I cannot begin to think about what steps I am going to take until I know what I am going to meet and it is only when I see what takes place in India that I can say".

Viscount Templewood: "You see the great urgency of the question".

Lord Pethick-Lawrence: "I don't think it is urgent, although I see its importance. You might say, if I am going to get illness next week what medicine am I going to take. The answer from the doctor is, wait until you see what illness you have before I can prescribe for it".

Lord Cranborne (Opposition Leader): "The patient is not in a very healthy state at the present time. The facts of the illness are already known".

Lord Pethick-Lawrence: "It was to cure whatever illness the patient is suffering from at the present time that the Government have put forward this statement and I cannot go another stage further than that at the present time".

Referring to the appropriate paragraph in the White Paper he said: "That means, among other things, that a state or a body of states, seeing that transfer of power is going to take place, may want to discuss with the British Government some variation of the present conditions".

"I think it is sensible and I think no exception can be taken to it. It is an indication that there may be some slight variation in the position between the Crown and the states".

Viscount Templewood intervening said that he had asked what would be the general line in dealing with the princes and whether there would be simultaneous transference of power to the states as to the Government of India.

Lord Pethick-Lawrence: "I do not think I can answer that categorically. As I have said, in the interim period there is necessarily and naturally a certain shifting of balance

of power. No doubt, when it comes to the states there is some change already beginning. I would beg him not to cross-question me too closely on these very delicate points, because it is very unwise I should give answers. I think the position is perfectly clear and that I have dealt with the points fairly."

"He (Viscount Templewood) felt very deeply the difference between this statement and the statement of May 25 with regard to the minorities. I would like to draw attention to some facts."

"The major parties in India have all stated their willingness to provide full safeguards for the minorities in the constitution in the form of fundamental rights and other necessary conditions. Since we have issued our statement of May 25, important developments have taken place in accordance with our proposals. The Constituent Assembly has appointed an Advisory Committee. A resolution passed by the Constituent Assembly defining the objectives of that body laid it down that in the constitution to be framed there should be guaranteed and secured to all people of India, justice, social, economic and political, equality of status, opportunity, before the law, freedom of thought, expression etc."

"It was provided that there should be adequate safeguards for the minorities of tribal and backward areas."

"There is no reason to assume that this committee, which is widely representative of all sections except Muslims whose places have been kept vacant, will not make proper recommendations. Whatever the paper safeguards there may be in the constitution, after we have left, the treatment of minorities must, in the last resort, depend on the wisdom and statesmanship of Indians, subject to the light of world opinion".

"This resolution passed in the Constituent Assembly is part of the machinery which the Cabinet Mission suggested should be carried out. I think under the circumstances we have achieved a great deal in protecting the rights of minorities."

"Now I come to the question of the date for the transfer of power to Indian hands. It will be evident that transfer

of power has been approaching; that it has been steadily going on for the last 20 years and that this process cannot be indefinitely continued of leaving nominal responsibility for events in our hands while lacking the means of fully exercising that responsibility."

"The advice we have received from responsible authorities in India has been that, taking all circumstances into account, British rule cannot be maintained on its existing basis with adequate efficiency after 1948."

"The policy pursued in recent years by successive British Governments had assumed that full power must be handed over sooner or later and that when the time came, Indians would be found capable of assuming authority. We cannot now import the conception that Indian leaders are incapable of bearing that responsibility and the fixing of an early date is designed to impress upon the Indian parties, first of all, the complete sincerity of the Government in their promise to transfer power and secondly, a sense of the urgency of finding a solution of their outstanding difficulties themselves without the assistance and control of this country."

"Substitution of a slightly later date would not make it appreciably more easy to procure a more detailed constitutional structure."

Lord Pethick-Lawrence continued: "Had the British Government decided on a date giving a period running into years, I think we should have failed to produce the psychological effect on the Indian parties which our statement was designed to produce. With the date announced, there will be ample time for the main decisions and agreements to be reached between the Indian parties if they are willing to arrive at an agreement and for a great deal of details to be filled in."

"If the task is not fully accomplished, it will be possible for Britain to hand over power to a Provisional Government which can accomplish the remaining part of the task."

Lord Pethick-Lawrence said that Viscount Templewood had claimed that he saw no signs that the statement had

produced the desired effect and claimed that there were signs of reverse. "I do not see any signs of reverse," said Lord Pethick-Lawrence, "and there are signs that it has had some of the effects we hoped for."

"I will not quote the various utterances of Pandit Nehru, but they certainly have been encouraging. I think Pandit Nehru and the Congress as a whole realise that it is of supreme importance that they should bring the Muslim League in with them in constructing the future constitution."

"So far as I know, the Muslim League have not expressed any opinion, but I shall be surprised if, when they read the terms of the statement carefully and with due consideration, they will think it is so likely to produce Pakistan."

He went on to quote a statement by the Nawab of Bhopal in which he said that the statement would help to bring home to the people of India the stark realities of the situation.

Lord Pethick-Lawrence also quoted an article in the "Times" to-day by Mr. Richard Casey, who, he said, was a very distinguished Governor of Bengal and was not one of their party, in which Mr. Casey said: "The British Government has not taken an unnecessary step. My belief is that the sooner we hand over political power to Indians the better. We have a responsibility there without power. No doubt the situation contains the seeds of a civil war, but now that everyone knows that British bayonets are not available to either side, I believe the risk is diminished."

Lord Pethick-Lawrence commented: "I would commend that statement to Viscount Templewood. I think sometimes Your Lordships assume that if India opts to go out of the Commonwealth—and it has not expressed that option yet and it may well still be that when it really has had an opportunity of looking at all the facts, it may take a different view—if it opts to go outside the Commonwealth, nothing that this country says or does or wishes will have any influence on India."

Lord Pethick-Lawrence appealed to the House of Lords to weigh their words in the debate not once, but two or

three times Every word spoken in Parliament, he said, was cabled out to India and words which were used with quite good intentions might be entirely misrepresented when they appeared in cold print in an Indian newspaper.

"If this policy of the British Government is to have effect, I do feel that the value of its impact should not be seriously injured by anything which is said in this House When the time comes and the debate is over, your Lordships will have to consider whether you wish to divide on this motion It is not for me to say whether in your judgment you should take that course or not But I do feel that if you should decide to carry this motion to a division and that division goes against Government, it would considerably weaken our means of effecting our desires in India and very likely weaken the very purpose of which Viscount Templewood spoke so eloquently"

62. DEBATE[1] IN THE HOUSE OF COMMONS, MARCH 5-6, 1947.

1. Speech of Sir Stafford Cripps, March 5, 1947.

Sir Stafford Cripps moved the following resolution

"That this House takes note of the statement on India made on February 20 by the Prime Minister and approves the policy set out therein"

Sir Stafford said "The recent statement of the British Government on India has rightly been received as one of the greatest importance, not only to this country and to India, but to the whole future of orderly and peaceful government of the world"

"It is not necessary for me to recapitulate in detail the various stages in our long history of association with the Indian people throughout which we have travelled constantly, though with varying speed, towards the final and inevitable stage of Indian self-government"

"The British people have, by precept and example, done much to inspire Indians to go forward to achieve their own self governing democracy Strange though it may now

[1] The following extracts are quoted from newspaper reports

seem, an Englishman, Mr. Hume, who has been called the Father of the Indian Congress, largely inspired that body in its origin in 1885, when first it was established. Our own constant reiteration of the advantages of free methods of democratic government has certainly encouraged Indians in the development of their own nationalist ideals."

"Even before the war, in the years preceding the Act of 1935, the tempo of advance towards self-government had accelerated, and a very marked forward step was taken with the setting up of democratic self-government in the provinces under the provisions of that Act."

"Not unexpectedly, and indeed according to the rules in these matters, the very fact of granting extended powers of self-government in itself brought about a demand for further acceleration."

Sir Stafford Cripps then quoted in French: "Appetite comes with eating," and continued: "That appetite was developing rapidly before the war, and unfortunately led to many sharp differences between the British Government and the people of India."

"When the war came to an end, stability and our continued control of India was obviously threatened. In the circumstances of the war, the keen Indian nationalist saw an opportunity to expedite the process which seemed to him unduly slow."

"As in so many other countries, in this war, after following the same line of World War I, an appeal to fight for democracy and freedom awakened a strong echo and desire for their own freedom amongst the ranks of nationalists in India."

"At the same time that these ideological arguments were favouring the rise of nationalism the actual circumstances of the situation made it more and more difficult, even had we desired to do so, to continue with the resource and control and restraint which has been available to us."

"Only, it seemed hardly logical and sensible that, where freedom had been promised, steps would be taken to restrain advance towards that freedom, and so it was with the consent

of all parties in this country that our policy for the transfer of power in India to Indians developed under the wartime Government."

"Both the statement of 1940 and the offer of 1942 quickened this process of transfer of power. The substance of the offer of 1940 was recapitulated by the then Prime Minister in his statement in the House of March 11, 1942, when he announced the sending of a Mission to India on this matter."

Continuing, Sir Stafford quoted from that statement by the then Prime Minister. He said it carried nothing short of a promise that, as soon as possible after the war, India should attain full Dominion Status in full freedom and equality with this country and other Dominions under a constitution to be framed by Indians through agreement between themselves and acceptable to the main elements in Indian national life. This was, of course, subject to the fulfilment of Britain's obligations for the protection of the minorities and settlement of lesser matters arising out of her long association with India.

Sir Stafford continued: "Although in 1940 it was still assumed that self-government would be granted within the Commonwealth, in 1942, with the full acquiescence of the then Cabinet, it was publicly stated that the Indian people were entitled to elect to go out of the Commonwealth if they so desired".

"The 1942 offer was on the basis of setting up a Constituent Assembly immediately after the war and subject to agreement between the major parties, but in effect promised that Indian independence should be realized as soon as the Assembly had completed its deliberations. There was thus set a term upon our continued control of India so far as we were concerned; what should be the length of that term was left in the hands of Indians themselves to decide. This offer contemplated that if the two major communities could not reach agreement, then it might become necessary to divide India between them".

"The possibility of a division of India failing agreement between the two major communities was thus put forward

publicly by the British Government, and proper protection of the minorities was made a condition of transfer of power, as was indeed the negotiating of a treaty as to the conditions of transfer".

* * * *

"Although this statement and offer were not effective in bringing about an agreement between the Indian communities, it did, nevertheless, have the effect of encouraging all parties in India to look for an early realization of their freedom, either by the path of a unitary Central Government or the path of a possible division"

"The major community did express impatience at what was regarded as a continued veto by the minorities, and they blamed that reservation upon the British Government That impatience led to the widespread Civil Disobedience movement which occurred in the autumn of 1942 and to the drastic action taken to suppress that movement But there were also other factors at work'

"The exigencies of the war situation were such that it was not possible for the British Government to continue with the recruitment of Europeans for the Secretary of State's Services, while at the same time there was, of course, a great increase in the Indian Forces accompanied by rapid Indianization of the officer cadre This meant that side by side with the growing demand for an acceleration of transfer of power on the part of all parties in India, there was an obvious and unavoidable weakening of the machinery of British control, that is, control of the Secretary of State's Services It was, of course, through these Services that British control had been exercised in the administration of Indian affairs"

After the offer of 1942 had been rejected, it was repeatedly stated that it would remain open for acceptance There was continued prospect of the Constituent Assembly meeting immediately after the war

Referring to the Services, Sir Stafford said "It was not thought possible to reinforce the Services because of war circumstances They were manned by both Indians and Europeans, and at the end of the war there were a considera-

ble number of time-expired officers who were being kept on by war emergency regulations."

"All these officers, Europeans and Indians alike, were most loyal in their service," said Sir Stafford, "but they were placed in an awkward position when Indian party leaders had clashed."

"After the change of Government in July 1945, it became abundantly clear that Indian public opinion was in the main against further recruitment for the Indian Services and later urged the winding up of the Services altogether. In July 1946, it was decided to abandon any further recruitment and when the present Government came into office it found itself already committed to this."

"Provincial elections were arranged and since then new democratic Provincial Governments had come into office for the first time."

Sir Stafford continuing said: "Even before those elections were concluded, the Cabinet Mission had left for India. By this time there had been a serious deterioration in Indo-British relations, so that the first job of the Cabinet Mission was to convince Indians of the sincerity of intention of the British people, and nothing contributed more to the improvement in the relations that subsequently took place than the Prime Minister's statement in this House on March 15 last".

"A resolution of the Indian problem was not then possible in view of the extreme tension which existed between the communities, and so long as the minority could thwart the majority at every turn by exercising a veto which we were prepared to accept as absolute, there did not seem to be any solution."

Quoting the Prime Minister's statement, Sir Stafford said: "That made it clear, I think for the first time, that the majority could not be indefinitely held up by the minority, but on the other hand the majority would have to take fully into account the position of the minorities."

Sir Stafford, declaring that the fixing of the time limit would give the Indian parties opportunities to sink their differences, said: "We have now reached the final and almost

crucial stage. We will have to take risks as to the effect of our action upon our own country, upon India, and upon the rest of the world. We must not let fear of differences prevent us from doing what we believe to be right. We must not fail either ourselves, or India, through lack of decision at a critical time."

"We are convinced that if the Indian parties at once set themselves the task, they can arrive at a decision upon their new constitution by the date named."

"The only true basis for our future friendship is absolute freedom of choice on both sides. We shall continue during the time we remain in India to do all we can to assist, and we believe this latest statement we have made of our intentions will do something to help bring the Indian communities and their leaders face to face with realities."

After quoting the Prime Minister further on the minority question, Sir Stafford Cripps said: "I quote that passage to make it clear that it was definitely stated that protection for the minorities must fall within the Indian Constitution and could not come from outside."

"That statement met, I think, with almost unanimous approval both in Parliament and the country."

"When the Cabinet Mission left for India, the idea that this country was not sincere in its desire to see Indian self-government speedily realised had largely disappeared. During this period, between July, 1945, when the present Government came into office and July, 1946, when the Cabinet Mission returned from India, it would have been most undesirable, and indeed wrong, to have restarted European recruitment to the Secretary of State's Services."

"I can imagine no action which would more certainly have convinced Indians of our lack of sincerity if with one hand we had offered them self-government and with the other recruited Europeans to carry on the British Raj. It would have rendered impossible the task of the Cabinet Mission which met with a considerable measure of success."

"At least very near agreement was reached on the scheme for a Constituent Assembly, something far nearer agreement than had ever been reached before. We had, as disinterested

friends, succeeded in bringing the two major Indian parties nearer together."

"It is true that we had not succeeded so far as an Interim Government at the Centre was concerned, but the attempt was not for that reason abandoned and within a few months such a Government was at last formed—a thing which many people had considered to be quite impossible."

"Almost immediately after the Mission had left some very unhelpful speeches were made by the Indian leaders which whipped up excitement already engendered by the complex and long drawn out negotiations and by the ever nearing prospect of power passing into Indian hands and this brought about a sharpening of the communal conflict in the country which most unfortunately and disastrously led to the breaking out of mass violence in Bengal, Bihar and Bombay."

"At this time there were Indian party Governments in the provinces responsible to their Legislative Assemblies and a Coalition Indian Government at the Centre and one of the first questions taken up by these Governments last autumn was discontinuance of the Secretary of State's Services. They felt that if they were to be responsible for the future administration of India within some reasonable period of time, the sooner the dual loyalty to the Secretary of State and the Indian Governments was brought to an end the sooner they would be able to settle down to a stable form of administration which would accord with the futute status of India."

"When the Cabinet Mission was in India, we had naturally discussed this problem of the Services and their automatic running down with those responsible for their maintenance and we had then explored the possibility of their temporary reinforcement."

"It was made clear to us and we accepted and took responsibility for acceptance of the proposition that no short-term scheme could yield effective or valuable results since a crucial period was immediately ahead and that for that period new or emergency entrants could contribute little,

especially in the very difficult and tangled political atmosphere that then existed."

"This committed us to continuation with the existing Services under conditions so far as the Indian personnel were concerned such as I have already described."

"We were, of course, at the same time demobilising the British armed forces as rapidly as possible under heavy pressure from all sides of the House and that meant that the number of British troops which could be left in India and the East was being rapidly diminished from the war time level."

"At the same time Indianisation of the Indian Army was proceeding rapidly, latterly under the directions of the Indian Defence Member of the Viceroy's Executive."

"It was, in these circumstances, after the decision of the Muslim League not to join in the Constituent Assembly and their failure to reverse their decision on entering the Interim Government, that we invited their representatives and those of the Congress to come to this country with the Viceroy at the beginning of December last."

"Though the conversations that ensued produced no decisive result we hoped that they might result in a lessening of the differences between the two communities and make it easier for the Muslim League, which was the only British Indian element then standing out, to join the Constituent Assembly."

"As a result of this meeeting, we put out our statement of December 6 last and there can be no doubt that as a result of that statement there was a narrowing of the gap between the two parties."

" The Congress accepted that statement but included within their resolution of acceptance words which the Muslim League considered still to contain reservations."

"It is no doubt unfortunate and certainly unpremeditated that just at the moment when the Muslim League were about to consider the situation at Karachi, events in the Punjab boiled up leading to clash between the non-Muslim League Punjab Government and the Muslim League. I am happy to see that some accommodation has been wisely reached in this matter."

"This is just another one of these factors that make it so difficult to predict the course of events in so complex a situation as exists politically in India to-day."

"But however difficult a prediction may be, facts have to be faced and dealt with when they arise."

"At the end of January, almost contemporaneously with the refusal of the Muslim League to reconsider their position in relation to the Constituent Assembly as a result of the Congress resolution upon the British Government's statement of December 6, came a demand by non-Muslim League members of the Viceroy's Executive that Muslim League members should withdraw from the Executive."

"This demand was based upon the proposition that Muslim League representatives had been invited to join the Viceroy's Executive on the basis of the Muslim League taking its part in the Constituent Assembly. This proposition accorded with the facts of the case and had at the time of invitation been communicated by the Viceroy to the leader of the Congress. It is true that in their acceptance of office in the Executive the Muslim League did not expressly accept this condition, but it was assumed by those concerned that as they had not repudiated it they would be bound by it."

"Whatever may be rights or wrongs of this position, it does not seem to the British Government to be wise to precipitate a decision upon it so long as there is any hope of all parties meeting in the Constituent Assembly."

"It was in these circumstances, which I have thought it necessary to detail at some length, that the British Government had to consider what action they should take to smooth out the difficulties of transfer of power in India."

"This was a very difficult decision to take. It seemed essential that we should not lose the initiative and that we should not hesitate or adopt a policy of indecision. There is, I believe, nothing worse in such a situation than temporising or delaying for the sake of delay."

"What then were the alternatives which faced us?"

"There were fundamentally two alternatives, though both might be subject to minor variations. First, we could attempt to stregthen British control in India on the basis of

expanded personnel in the Secretary of State's Services and considerable reinforcement of British troops so that we should be in a position to maintain for as long as might be necessary our administrative responsibility while awaiting agreement among the Indian communities."

"Such policy would entail a definite decision that we should remain in India for at least 15 to 20 years, because for any substantially shorter period we should not be able to reorganise the Services on a stable and sound basis. The length of the period necessary would be determined by the consideration that the Indian members of the Secretary of State's and other administrative Services should look to us for their future career and prospects rather than to Indian leaders to whom we should undoubtedly find ourselves in opposition if such a policy were pursued."

"Secondly, we could accept the fact that the first alternative was not possible and a further attempt to persuade Indians to come together while at the same time warning them that there was a limit of time during which we were prepared to maintain our responsibility while awaiting agreement."

"One thing that was quite obviously impossible was to decide to continue our responsibility indefinitely and, indeed, against our own wishes, into a period when we had not the power to carry it out."

" These were the alternatives and the only alternatives open to us. In pointing out these two alternatives I must refer to the opinions expressed by the Noble Lords who have both had long experience as Viceroys of India. Both of them, one speaking recently in the House of Lords and the other speaking a few months ago, have stressed the reality of these two alternatives and have stated that in their view there is no third alternative. Though neither of them proposes to like either alternative, they are both driven to the conclusion that we must choose between them and the very remarkable speech of Lord Halifax makes it clear why ' We cannot oppose the decision arrived at by the British Government'."

Sir Stafford Cripps said: "Government had no hesitation in putting the first alternative aside It would be contrary to all we have said and to the policy of this country to prolong our stay in India for more than a decade against the wishes of Indians and there can be no doubt that it would be against their wishes. It would be politically impracticable, both from national and international point of view, and would arouse most bitter animosity of all parties in India."

"Even if we had been prepared to make available the extra troops that would be required to deal with the opposition by the Indian people, it is certain that the people in this country—short as we are of man-power—would not have consented to prolonged stationing of large bodies of British troops in India for a purpose which was not consistent with our expressed desire that India should achieve self-government at as early a date as possible. There can be no doubt that such a decision would have been met by the hostility of all Indian communities as indeed has been shown by their favourable reaction to the Government's statement and we should therefore, have had to rule India through the Governor-General and the Governors without any representative Indian Governments."

"We, therefore, ruled out the first alternative as both undesirable and impracticable."

"We were, therefore, left with the other alternative and we had to consider the form in which that alternative should be expressed, consistently with our previous promises and particularly the time limit we should set beyond which we could no longer be reasonably asked to accept responsibility for the Government of India for reasons I have already stated."

"It will be remembered that it had already been decided at an earlier date, as I have mentioned, that it was impossible to alter the situation by building up again the Secretary of State's Services for a short temporary period."

"We were, therefore, faced with adopting the first alternative of re-establishing the Services for a term of years or

to specify some terminal date beyond which we should not be willing to continue our responsibilities."

Saying that he had so far dealt with this problem from the British point of view, Sir Stafford Cripps added: "But we were, of course, equally concerned to do our very best for India and to enter upon the new phase of our long association with that great continental area in a way that was worthy of our people and of the enlightened policy that they had followed."

"We were, therefore, determined to pursue our co-operation with the Indian communities and to make every effort to assist them to come to an accommodation. We took the view that the fixing of a definite term, during which they must either come to an agreement to set up a united independent Government for all India or else break up the country into smaller and weaker units, should provide the strongest inducement to them to sink their differences and to act together."

"It seemed to us that as it was clearly impossible for us to contemplate an indefinite stay in India under constant pressure to side with one party or other in communal disputes, we must in fairness tell all parties when time would arrive by which they must have settled their own differences or risk clash of forces and communities in which we should take no part."

"It is not right that we should allow ourselves to be put in the position of imposing the will of one community upon the other by exercise of force. The facts of the situation are hard and difficult, but they must be faced and they follow, as I have tried to show the House, not from some sudden and hurried decision, but from the whole historical development of the Indian situation."

"On more than one occasion I have pointed out to the House that we are making a tremendous experiment in methods of peaceful progress in attempting to hand over power in a continent of 400,000,000 people without use of violence."

"In course of that great final stage of experiment we

have constantly taken the right step. I do not think that any of us would claim that we have always been right, but we have, nevertheless, done our best and we have gone a long way in the direction upon which we are all agreed and we have now reached the final and most critical stage."

"On the subject of risks," Sir Stafford Cripps continued, " we still have to take risks as to the effect of our actions both upon ourselves, upon India and upon the rest of the world. But there are two principles by which I am convinced that we should be guided. We must not let fear of difficulties prevent us from doing what we believe to be right and we must not fail ourselves or India through lack of decision at a critical moment. In giving up our control of India we want to do our utmost to help Indians of all parties and communities through these final stages of realisation of their freedom."

Sir Stafford Cripps continued: " We therefore decided to state frankly and openly to Indians the latest date to which we can reasonably be asked to accept responsibility for the government of India in order that they might have an opportunity, to which they are entitled, to arrange how best they shall prepare themselves for that time. We might have time to carry through the constitution-making but that would not have conveyed the same sense of urgency nor indeed, if the Indian communities failed to agree, could we have been in any way certain that we should be able to discharge our responsibilities after the date named. We arrived at the decision as to the date upon the best advice that we could obtain."

" The fixing of the date of June 1948 constitutes, therefore, an honest and frank acceptance of the facts of the situation and we are convinced that if the Indian parties at once set themselves to the task they can arrive at a decision upon their new constitution by the date named or at least agree upon an Interim National Government to which we can hand over power by that time."

" The House will appreciate that there are certain inescapable facts arising out of past circumstances which must

condition our action to-day and it is of no use wishing that they were other than they are. They must be faced and it is in the light of these facts that we must reach our decisions."

" There will, I have no doubt, be a number of questions as to the form of the statement and as to its effect upon the different sections of the Indian peoples. And I will try and deal with one or two of the most important before I conclude."

Dealing with the Indian States first, Sir Stafford Cripps said, " As we have repeatedly stated, there is no intention of handing on our rights and obligations under Paramountcy to anyone else. When we transfer power in British India, these rights and obligations of paramountcy will lapse. We are very glad to see that beginnings of agreement have been reached between representatives of the Princes and members of the Constituent Assembly."

" We have envisaged in the statement that some States might wish in these final stages of paramountcy to adjust or modify their position *vis-a-vis* the Paramount Power and we have stated that we are prepared to agree to such modifications where they are necessary and reasonable. Such modifications will not, of course, in any way determine the future relationship of the States to the rest of India."

" It is purely a matter of transitional convenience."

"On handing over of power," Sir Stafford said, "the next question arises out of para 10 of the statement. It has been stated by some that this paragraph is unduly vague. To whom, it is asked, do we hand over power if by the due date a new Central Government for all British India has not been constituted by a fully representative Constituent Assembly?"

" We shall do all in our power to encourage the formation of such a Government as put forward by the Cabinet Mission and in accordance with the procedure suggested by them. If this proves impossible of realisation and there is no such Central Government in being or in prospect when the time comes for decision, then we shall be forced to choose, in the light of circumstances existing at the time of our decision, the most appropriate Government or Governments to

which to hand over power. We have said in our statement that it might be the then existing Provincial Governments as was suggested in the offer of 1942 or it might be some form of combined Government for parts of India, depending upon what seems best and most helpful for the future of India."

"In our statement of December 6, we stressed the fact that if a large section of the Indian population had not been fully represented in the Constituent Assembly we could not accept the forcing of unwilling provinces into a united Indian Government if they have not been represented in the making of the constitution. To that principle, which has the assent of the Congress we understand, we adhere and if it should eventuate that a large group of provinces—but not all—agree upon the form of constitution, then it may be necessary to hand over separately in areas which have not been fully represented."

"We shall have to consider in what way this can best be done to meet the best interests of the Indian people. The position is, however, sufficiently uncertain at this stage to make it impossible now to forecast what will be the wisest action to take when the time comes to make a decision. The only way to remove this uncertainty is to get agreement of the Indian communities as to what it is they wish us to do. We can hardly be accused of vagueness or uncertainty when the Indian communities themselves cannot come to any common agreement."

About the minorities, Sir Stafford Cripps declared: "What I have already said covered to some degree the position as to the minorities and their protection. But in addition to that, there are provisions which the Cabinet Mission laid down in accordance with the promise of the Prime Minister on March 15 last, that this matter should, so far as we could influence it, be dealt with in the new constitution. The Minorities Commission which has now been set up to advise the Constituent Assembly as to the proper measures of protection to be incorporated into the constitution, will, we hope and expect, make full provision for minority protection."

"It is to be noted that all the minorities are represented in the Constituent Assembly and in the Minorities Commission the only gap is that left by the Muslim League who would not thank anybody for calling them a minority. We believe that judging by the way matters are proceeding there will be ample protection for the minorities in the new Indian constitution. That is the only way in which effective protection can be given, for they must ultimately rely upon the tolerance of their own fellow Indians for their safety and freedom. There will be nothing any outside power can do if there is intolerance or unfair treatment."

Sir Stafford Cripps declared, "There is one further question which must, I am sure, be in the mind of every member of this House and that is, what of the future relationship between Great Britain and India."

"Government have always stressed the fact that we in this country would welcome India as a partner in the British Commonwealth of Nations but we have equally emphasised the point that we do not seek unwilling partners. If the Indian people wish it we shall be only too glad to see them associated with the British Commonwealth of Nations and we believe that from that association they, like ourselves and other Dominions, would derive great benefit. But there is something more important and precious than any such formal association, that is continued friendship between the two countries which cannot grow and follow in an atmosphere of restraint."

"Friendship must be freely given and not forced or held by chains of power. It has always seemed to me a profound mistake to believe that we could accomplish mutually advantageous relationship with India by continuing our control over that country against the will of the people in however modified a form."

"The only true basis for our future friendship is absolute freedom of choice on both sides and I believe that this latest statement of the British Government marks the final clearing away of those influences which have militated against full and free friendship in the past and that it is therefore a great and valuable step to our continued close

and friendly relations with a free India of the future. Most statesman-like views have been expressed by Pandit Nehru and others and with this good feeling between the Indian and the British people I trust statesmanship may find ways and means to bring about agreement between the Indian communities."

"It must be obvious, I think, to anyone who objectively studies the present situation that there is really only one way in which all these various difficulties can be overcome and that is by co-operation of the Indian parties. It is their problem and for it they alone can find a solution."

"We shall continue during the time that we remain in India to do all we can to assist and we believe that this latest statement that we have made of our intentions will do something to help bring the Indian communities and their leaders face to face with the realities of the situation and the urgent necessity for their coming to a decision amongst themselves."

"Time is short and the matter brooks no delay. These next few weeks and months must be decisive of the future of India and the happiness of its 400,000,000 inhabitants."

"Whatever may have been the misunderstandings and differences that have divided Indians and the British Government over the past few years, and whoever may have been at fault, we have now made it abundantly and inescapably clear that we intend by June 1948 to withdraw our control of India in favour of that freedom which Indians of all communities have persistently demanded."

"During the next 16 months we have agreed to remain, while they reach their final decision,—decision which must, as I have said, determine the future fate of the Indian people for better or for worse."

In conclusion Sir Stafford Cripps said: "Our policy and action has been based upon acceptance of the Indian claim that they are worthy and fit for self-government and anyone who has the privilege of knowing their leaders would not for a moment doubt that claim. They have their own difficulties which are indeed great, they too find themselves enmeshed and entangled in the skein of their own historical development."

"It is only by acts of real statesmanship on all sides that they can free themselves from their own internal antagonisms. Their problems cannot, I am convinced, be solved by use of force; no stable future can be built on foundations of civil strife."

"I would, therefore, urge upon Indian leaders with all the force and sincerity at my command that they should seize this, the last and greatest opportunity, for supreme statesmanship through which they may bring happiness and prosperity to their own people and may show to the world that they can not only solve their own internal problems but can also make great contribution to world progress."

"Over the last year they have, despite all difficulties and bitter feelings, come much closer to agreement upon how the future constitution of India shall be worked out than ever before. Both sides have moved forward to meet one another but each must still make a small advance to meet the other."

"Now is the time when the wider good of all India, throughout which both the communities are widely dispersed, must take precedence to narrower claims over single communities or single parts of that great continental area."

"If only they will come together in both the Constituent Assembly and the Interim Government with determination, while respecting one another's rightful claims, to cooperate in the working out of the new constitution in a form suitable to the diversity of their religions and races, then they will be able to lead India into paths which will avoid the horror and tragedy of internal strife and allow her to develop her great resources through peace into prosperity to the unending benefit of all her peoples, whether Hindus or Muslims."

II. Speech of Mr. Attlee, March 6, 1947.

The Opposition amendment declining to accept the Government's policy of transferring power from Britain to India by June, 1948, was defeated in the House of Commons by 337 votes to 185.

The Government's motion asking the House to approve its policy of transferring power from Britain to India by June, 1948, was carried without a division.

Mr. Attlee, replying to the debate, in the course of his speech said: "We believe we have done great work in India. We believe the time has come when Indians must shoulder their responsibilities. We can help, but we cannot take the burden on ourselves. Even as we are speaking to-night there are serious communal disturbances."

He continued, "I would have liked a message to go from this House without dissenting voices that it is our earnest will that Indians should grasp now this great opportunity of showing that all of them, without distinction of creed, place the good of the Indian millions before the interests of any section whatever and that to-day we have said in this House: 'We have placed this responsibility clearly on you and we believe you can carry it.'"

At the outset, Mr. Attlee said he noticed that the more recent and the more complete the experience of Members, the less were their speeches ready to condemn outright the decision of the Government.

"We have all to realize how little we know about India, and how soon what knowledge we have gets out of date. I recognize that I am out of date about India myself. I ended my time in India on the Simon Commission nearly 18 years ago. I, therefore, hesitate to be dogmatic or prophetic as to what may happen in India. In this I admit I differ from Mr. Churchill. I think his practical acquaintance with India ended some 50 years ago. He formed very strong opinions—I might almost say prejudices—then. They have remained with him ever since and, I think, I agree it is a remarkable example of constancy (laughter), because I have heard him reiterate these views over a period of years with a constancy that completely ignored the march of events."

"Although he feels deeply on these matters, I feel that he does not really believe in self-government in India. I think he has forced himself to recognize that the steps over many years cannot be entirely retraced, I think he still feels

that those steps were mistaken and that he will not face the logic of the situation. Yet even he did not suggest that we should seek to restore the British Raj as it was in the days when he was in India."

"We have to make up our minds that those days are past. Indeed, at the opening of his speech, Mr. Churchill took great pains to bring himself abreast with the movement of opinion in the Conservative Party. I know of the good work done by the members of all parties who went out on the Goodwill Mission."

On the question of Viceroyalty,[1] Mr. Attlee said: "Mr. Churchill sugests that whenever there was a change of minister of high function there was need of an explanation I do not accept that doctrine. There have been occasions in this House when Ministers have made no statements on leaving office. I can recall when nothing was said, and there was no reason why anything should have been said. There were very few explanations offered and I have known changes in high civil service positions—ambassadors, etc. Indeed, I used to keep a list in the 1935 Parliament and I tried to keep up-to-date the various changes of the Government of the day. Some were up and some were down, but I was never sure which was which. It looked like a chart of Eights Week at Oxford. Changes are desirable, but it is not always necessary that there should be elaborate explanations."

Referring to the rundown of administration Mr. Attlee said, the device suggested by Sir John Anderson was turned down by the Coalition Government in 1945. There were Conservative cries of 'In war-time,'' and Mr. Attlee added: "It was in April, 1945, pretty near the end, was it not?"

He continued: "We took this matter up when the Cabinet Mission went to India. I myself thought that some strengthening would be useful, but we were told that it would not be possible. If it had been possible to strengthen slightly the British cadre, it must be remembered that India is governed in the main by Indians with only a few British. A great mass of the Services are under the Provincial Govern-

[1] The reference is to the appointment of Lord Mountbatten in succession to Lord Wavell.—Editor.

ment. Indian civil servants were looking to the future. They had stood up wonderfully under the strain of war even though they knew from all declarations that had been made that the British *Raj* was coming to an end."

"You have as a matter of fact to govern India through Indians, and conditions are not such that you can throw over what has been done and go back to Section 93 Government in the provinces. It just does not work out. The mere strengthening of Government would not carry us through if you were going to take a line in opposition to the political forces in India."

"Mr Churchill suggested that political people do not count very much, that the great mass of people are not very much interested. I agree, they are not much interested, but after all you have to govern India through educated Indians. You cannot suddenly take people from the Depressed Classes and do so. The national feeling runs right through all the Indian classes and that is why you cannot carry on against the will of the Indian people."

Mr. Attlee agreed that the time they had set was short, but they were strongly advised that it was desirable to fix a date. Sir John Anderson had suggested that there ought to be two stages: One to allow India to decide whether there should be one India or several, and the second for the framing of the constitution. The effect of that would be to divert the mind of Indian politicians from one particular issue and you would in fact get delay. Sir John Anderson thought it was a great mistake to bring Indian politicians into the Government, but the essence of the Indian problem was to get Indian statesmen to understand what were the real problems they had to face.

He said that although the British had given Indians the experience of office in the provinces, at the Centre they had taught them irresponsibility, instead of responsibility. It was not good to be always in the Opposition. It made for irresponsibility (laughter). It was essential to get politicians of all communities into the Government to understand the problem. Sir John Anderson rightly stressed the complexity of

the problems. All the more reason why Indian politicians must be given the experience of how complex they were.

The British Government believed profoundly that it would be better to have an all-India Government if they could possibly get it. Their object had been to get Indian politicians to look at this problem and see what it meant to India. He disagreed with Sir John Anderson when he said it was wrong to put responsibility as soon as you could into the hands of Indian politicians. One of the faults of the Montagu-Chelmsford Reforms was that they taught irresponsibility, not responsibility.

Mr. Attlee knew that the difficulties of handing over would be enormous and he did not imagine that they could get everything fixed "to the last gaiter button" before leaving.

He then went on to the problem of the minorities. "I have very great sympathy with the people of the Scheduled Classes. I remember going into a village in Madras. There was not even a road to their village. We found the condition they were in. Has it occurred to the Opposition that that was after 100 years of British rule? (Ministerial cheers). Did we lack the will to raise the people? I do not think so, but we lacked the power. The fact is that the existence of the Scheduled Classes is part of the whole Hindu social system. They are at the bottom of the social pyramid, and although at one time before the Indian Mutiny we interfered with some Indian customs, we never interfered with others."

"You cannot change the Hindu social system from outside by an alien Power. These things have got to be done by the Indians. Whatever you put in your treaties it rests on the Indians themselves There is the money-lenders. There is gross inequality of wealth in India. That social economic system was continued during all the time of our rule. We did not go in for a revolution in dealing with money-lenders. We did something to repress the money-lender, but not enough. We accepted that social system and we are told at the end of our rule that we must clear things up before we go. If that trust was there, it ought to have been fulfilled long ago".

"Of course, the Government will carry out all their proper obligations to the members of the Services. They may be assured they will not be let down. As to the amendment, in essence it is a plea for delay, a plea for inaction (cries of "No"), for having greater time, for waiting until the Indian parties have come together and every detail of the new constitution has been worked out and agreed."

"We have been warned by two Members who knew India very well. The same warning we have had from India that the dangers of delay and hanging back are as great as the dangers of going forward. When we took office we did not find India in a very easy state. It is a volcano of hidden fires. I think that a great deal has been done by the visits of Members of the Government and the visits of Members of all parties."

He added: "I was very much impressed by what Sir Stanley Reed said. He reminded us that it was 30 years since Lord Curzon initiated changes. Thirty years ago there was a declaration which changed the entire outlook, and in these 30 years the Indians have grown up in a climate of delayed hope—a climate very largely of impatience and frustration—and during these 30 years the administrative machine has been changed out of all knowledge. The political advance was too slow to keep pace with this administrative change, particularly in the Central Government."

"Political advances would, I think, have been easier if undertaken earlier when the administrative machine was stronger. I think that there has been too much delay, too much hesitation, too much fear to go forward: but having reached the present stage, we cannot go back and cannot remain as we are".

"I close by saying that whatever differences there may be between us in this House on this matter I am quite sure the whole House will wish god-speed to the new Viceroy in his great mission-(cheers). It is a mission and not, as has been said, a betrayal on our part. It is a mission of fulfilment. (Cheers)."

"Anyone who has read the lives of the great men who built up our rule in India and did so much to make Indian

unity will know that all of them looked to the fulfilment of our mission in India of placing the responsibility for their own lives in Indian hands."

63. RESOLUTION OF THE CONGRESS WORKING COMMITTEE, MARCH 6-8, 1947.

The Working Committee welcome the declaration made on behalf of the British Government of their definite intention to transfer power finally by a date not later than June 1948 and to take steps to that end in advance.

The transfer of power, in order to be smooth, should be preceded by the recognition in practice of the Interim Government as a Dominion Government with effective control over the Services and administration, and the Viceroy and Governor-General functioning as the constitutional head of the Government. The Central Government must necessarily function as a Cabinet with full authority and responsibility. Any other arrangement is incompatible with good government and is peculiarly dangerous during a transitional period full of political and economic crises.

The Congress has already expressed its acceptance of the British Cabinet Mission's scheme of May 16th, 1946, and has further accepted the interpretations put upon it by the British Cabinet on December 6, 1946. In accordance therewith, the Constituent Assembly has been functioning and has appointed various committees to carry on its work. It has become all the more essential now to expedite this work so that the constitution for an Indian Union and its constituent units should be finally prepared and given effect to well within the stated period to facilitate the final transfer of power.

The Working Committee welcome the decision of a number of States to join the Constituent Assembly and trust that all the States and their peoples will be effectively represented in this task of making a constitution for an Indian Union. The Committee invite afresh the representatives of the Muslim League, who have been elected to the Constituent Assembly, to join in this historic undertaking.

The work of the Constituent Assembly is essentially voluntary. The Working Committee have frequently stated that there can or should be no compulsion in the making of a constitution for India. It is the fear of compulsion or coercion that has given rise to distrust and suspicion and conflict. If this fear goes, as it must, it will be easy to determine India's future so as to safeguard the rights of all communities and give equal opportunities to all. It has been made clear that the constitution framed by the Constituent Assembly will apply only to those areas which accept it. It must also be understood that any province or part of a province which accepts the constitution and desires to join the Union cannot be prevented from doing so. Thus there must be no compulsion either way, and the people will themselves decide their future. This peaceful and co-operative method is the only way to make democratic decisions with the maximum of consent.

In this hour when final decisions have to be taken, and the future of India has to be shaped by Indian minds and hands, the Working Committee earnestly call upon all parties and groups, and all Indians generally, to discard violent and coercive methods, and co-operate peacefully and democratically in the making of a constitution. The time for decision has come and no one can stop it or stand by and remain unaffected. The end of an era is at hand and a new age will soon begin. Let this dawn of the new age be ushered in bravely, leaving hates and discords in the dead past.

In view of new developments which are leading to a swift transfer of power in India, it has become incumbent on the people of India to prepare themselves jointly and co-operatively for this change, so that this may be effected peacefully and to the advantage of all. The Working Committee, therefore, invite the All India Muslim League to nominate representatives to meet representatives of the Congress in order to consider the situation that has arisen and to devise means to meet it.[1]

[1] The League did not respond to this invitation —Editor

The Working Committee will keep in close touch with the representatives of the Sikhs and other groups concerned, with a view to co-operating with them in the steps that may have to be taken and in safeguarding their interests.

64. THE MOUNTBATTEN PLAN, JUNE 3, 1947.

1. On February 20th, 1947, His Majesty's Government announced their intention of transferring power in British India to Indian hands by June, 1948. His Majesty's Government had hoped that it would be possible for the major parties to co-operate in the working-out of the Cabinet Mission's Plan of May 16th, 1946, and evolve for India a constitution acceptable to all concerned. This hope has not been fulfilled.

2. The majority of the representatives of the Provinces of Madras, Bombay, the United Provinces, Bihar, Central Provinces and Berar, Assam, Orissa and the North-West Frontier Province, and the representatives of Delhi, Ajmer-Merwara and Coorg have already made progress in the task of evolving a new Constitution. On the other hand, the Muslim League Party, including in it a majority of the representatives of Bengal, the Punjab and Sind as also the representative of British Baluchistan, have decided not to participate in the Constituent Assembly.

3. It has always been the desire of His Majesty's Government that power should be transferred in accordance with the wishes of the Indian people themselves. This task would have been greatly facilitated if there had been agreement among the Indian political parties. In the absence of such an agreement, the task of devising a method by which the wishes of the Indian people can be ascertained has devolved on His Majesty's Government. After full consultation with political leaders in India, His Majesty's Government have decided to adopt for this purpose the plan set out below. His Majesty's Government wish to make it clear that they have no intention of attempting to frame any ultimate Constitution for India; this is a matter for the Indians themselves. Nor is there anything in this plan to preclude negotiations between communities for a united India.

4. It is not the intention of His Majesty's Government to interrupt the work of the existing Constituent Assembly. Now that provision is made for certain Provinces specified below, His Majesty's Government trust that, as a consequence of this announcement, the Muslim League representatives of those Provinces a majority of whose representatives are already participating in it will now take their due share in its labours. At the same time, it is clear that any Constitution framed by this Assembly cannot apply to those parts of the country which are unwilling to accept it. His Majesty's Government are satisfied that the procedure outlined below embodies the best practical method of ascertaining the wishes of the people of such areas on the issue whether their Constitution is to be framed

(a) in the existing Constituent Assembly; or

(b) in a new and separate Constituent Assembly consisting of the representatives of those areas which decide not to participate in the existing Constituent Assembly When this has been done, it will be possible to determine the authority or authorities to whom power should be transferred.

5. The Provincial Legislative Assemblies of Bengal and the Punjab (excluding the European members) will therefore each be asked to meet in two parts, one representing the Muslim-majority districts and the other the rest of the Province. For the purpose of determining the population of districts, the 1941 census figures will be taken as authoritative. The Muslim-majority districts in these two Provinces are set out in the Appendix to this announcement.

6. The members of the two parts of each Legislative Assembly sitting separately will be empowered to vote whether or not the Province should be partitioned. If a simple majority of either part decides in favour of partition, division will take place and arrangements will be made accordingly.

7. Before the question as to partition is decided, it is desirable that the representatives of each part should know in advance which Constituent Assembly the Province as a whole would join in the event of the two parts subsequently deciding to remain united. Therefore, if any member of

either Legislative Assembly so demands, there shall be held a meeting of all members of the Legislative Assembly (other than Europeans) at which a decision will be taken on the issue as to which Constituent Assembly the Province as a whole would join if it were decided by the two parts to remain united.

8. In the event of partition being decided upon, each part of the Legislative Assembly will, on behalf of the areas they represent, decide which of the alternatives in para 4 above to adopt.

9. For the immediate purpose of deciding on the issue of partition, the members of the Legislative Assemblies of Bengal and the Punjab will sit in two parts according to Muslim-majority districts (as laid down in the Appendix) and non-Muslim-majority districts. This is only a preliminary step of a purely temporary nature as it is evident that for the purposes of a final partition of these provinces a detailed investigation of boundary questions will be needed; and as soon as a decision involving partition has been taken for either Province, a Boundary Commission will be set up by the Governor-General, the membership and terms of reference of which will be settled in consultation with those concerned. It will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. It will also be instructed to take into account other factors. Similar instructions will be given to the Bengal Boundary Commission. Until the report of a Boundary Commision has been put into effect, the provisional boundaries indicated in the Appendix will be used.

10. The Legislative Assembly of Sind (excluding the European members) will, at a special meeting, also take its own decision on the alternatives in para 4 above.

11. The position of the N.-W.F.P. is exceptional. Two of the three representatives of this Province are already perticipating in the existing Constituent Assembly. But it is clear, in view of its geographical situation, and other considerations, that if the whole or any part of the Punjab decides not to join the existing Constituent Assembly, it will be

necessary to give the N.-W.F.P. an opportunity to reconsider its position. Accordingly, in such an event, a referendum will be made to the electors of the present Legislative Assembly in the N.-W.F.P. to choose which of the alternatives mentioned in para 4 above they wish to adopt. The referendum will be held under the aegis of the Governor-General and in consultation with the Provincial Government.

12. British Baluchistan has elected a member but he has not taken his seat in the existing Constituent Assembly. In view of its geographical situation, this Province will also be given an opportunity to reconsider its position and to choose which of the alternatives in para 4 above to adopt. H. E. the Governor-General is examining how this can most appropriately be done.

13. Though Assam is predominantly a non-Muslim Province, the district of Sylhet which is contiguous to Bengal is predominantly Muslim. There has been a demand that, in the event of the partition of Bengal, Sylhet should be amalgamated with the Muslim part of Bengal. Accordingly, if it is decided that Bengal should be partitioned, a referendum will be held in Sylhet district under the aegis of the Governor-General and in consultation with the Assam Provincial Government to decide whether the district of Sylhet should continue to form part of the Assam Province or should be amalgamated with the new Province of Eastern Bengal, if that Province agrees. If the referendum results in favour of amalgamation with Eastern Bengal, a Boundary Commission with terms of reference similar to those for the Punjab and Bengal will be set up to demarcate the Muslim-majority areas of Sylhet district and contiguous Muslim-majority areas of adjoining districts, which will then be transferred to Eastern Bengal. The rest of the Assam Province will in any case continue to participate in the proceedings of the existing Constituent Assembly.

14. If it is decided that Bengal and the Punjab should be partitioned, it will be necessary to hold fresh elections to choose their representatives on the scale of one for every million of population according to the principle contained in the Cabinet Mission's Plan of May 16th, 1946. Similar

elections will also have to be held for Sylhet in the event of its being decided that this district should form part of East Bengal. The number of representatives to which each area would be entitled is as follows:—

Province	*General*	*Muslims*	*Sikhs*	*Total*
Sylhet District ...	1	2	Nil	3
West Bengal ...	15	4	Nil	19
East Bengal ...	12	29	Nil	41
West Punjab ...	3	12	2	17
East Punjab ...	6	4	2	12

'15. In accordance with the mandates given to them, the representatives of the various areas will either join the existing Constituent Assembly or form the new Constituent Assembly.

16. Negotiations will have to be initiated as soon as possible on administrative consequences of any partition that may have been decided upon

(a) Between the representatives of the respective successor authorities about all subjects now dealt with by the Central Government including Defence, Finance and Communications.

(b) Between different successor authorities and His Majesty's Government for treaties in regard to matters arising out of the transfer of power.

(c) In the case of Provinces that may be partitioned, as to administration of all Provincial subjects such as the division of assets and liabilities, the police and other Services, the High Courts, provincial institutions, etc.

17. Agreement with tribes of the North-West Frontier of India will have to be negotiated by the appropriate successor authority.

18. His Majesty's Government wish to make it clear that the decisions announced above relate only to British India and that their policy towards Indian States contained in the Cabinet Mission Memorandum of May 12th, 1946, remains unchanged.

19. In order that the successor authorities may have time to prepare themselves to take over power, it is important that all the above processes should be completed as quickly as possible. To avoid delay, the different Provinces or parts of Provinces will proceed independently as far as practicable within the conditions of this Plan. The existing Constituent Assembly and the new Constituent Assembly (if formed) will proceed to frame Constitutions for their respective territories; they will of course be free to frame their own rules.

20. The major political parties have repeatedly emphasised their desire that there should be the earliest possible transfer of power in India. With this desire His Majesty's Government are in full sympathy, and they are willing to anticipate the date June 1948 for the handing over of power by the setting up of an indepedent Indian Government or Governments at an even earlier date. Accordingly, as the most expeditious, and indeed the only practicable way of meeting this desire, His Majesty's Government propose to introduce legislation during the current session for the transfer of power this year on a Dominion Status basis to one or two successor authorities according to the decisions taken as a result of this announcement. This will be without prejudice to the right of the Indian Constituent Assemblies to decide in due course whether or not the part of India in respect of which they have authority will remain within the British Commonwealth.

21. H. E. the Governor-General will from time to time make such further announcements as may be necessary in regard to procedure or any other matters for carrying out the above arrangements.

APPENDIX

Muslim-majority districts of the Punjab and Bengal according to 1941 census.

1. Punjab.

Lahore Division: Gujranwala, Gurdaspur, Lahore, Sheikhpura, Sialkot.

Rawalpindi Division: Attock, Gujrat, Jhelum, Mianwali, Rawalpindi, Shahpur.

Multan Division: Dera Ghazi Khan, Jhang, Lyallpur, Montgomery, Multan, Muzaffargarh.

2. Bengal.

Chittagong Division: Chittagong, Noakhali, Tipperah.

Dacca Division: Bakarganj, Dacca, Faridpur, Mymensingh.

Presidency Division: Jessore, Murshidabad, Nadia.

Rajshahi Division: Bogra, Dinajpur, Malda, Pabna, Rajshahi, Rangpur.

65. BROADCAST SPEECH OF LORD MOUNTBATTEN,[1] JUNE 3, 1947.

A statement will be read to you to-night giving the final decision of His Majesty's Government as to the method by which power will be transferred from British to Indian hands But before this happens, I want to give a personal message to the people of India, as well as a short account of the discussions which I have held with the leaders of the political parties and which have led to the advice I tendered to His Majesty's Government during my recent visit to London.

Since my arrival in India at the end of March I have spent almost every day in consultation with as many of the leaders and representatives of as many communities and interests as possible.

I wish to say how grateful I am for all the information and helpful advice they have given me.

Nothing I have seen or heard in the past few weeks has shaken my firm opinion that with a reasonable measure of goodwill between the communities a unified India would be by far the best solution of the problem.

For more than a hundred years 400 millions of you have lived together and this country has been administered as a single entity. This has resulted in unified communications, defence, postal services and currency, an absence of tariffs and customs barriers and the basis for an integrated political

[1] Viceroy and Governor-General of India from March to August 14, 1947. Governor-General of Dominion of India from August 15, 1947.

economy. My great hope was that communal differences would not destroy all this.

My first course, in all my discussions, was therefore to urge the political leaders to accept unreservedly the Cabinet Mission Plan of 16th May, 1946. In my opinion that Plan provides the best arrangement that can be devised to meet the interests of all the communities of India. To my great regret it has been impossible to obtain agreement either on the Cabinet Mission Plan, or on any other plan that would preserve the unity of India. But there can be no question of coercing any large areas, in which one community has a majority, to live against their will under a Government in which another community has a majority. And the only alternative to coercion is partition.

But when the Muslim League demanded the partition of India, Congress used the same arguments for demanding, in that event, the partition of certain provinces. To my mind this argument is unassailable. In fact, neither side proved willing to leave a substantial area in which their community have a majority under the Government of the other. I am, of course, just as much opposed to the partition of provinces as I am to the partition of India herself and for the same basic reasons.

For just as I feel there is an Indian consciousness which should transcend communal differences, so I feel there is a Punjabi and Bengali consciousness which has evoked a loyalty to their provinces.

And so I felt it was essential that the people of India themselves should decide this question of partition.

The procedure for enabling them to decide it for themselves, whether they want the British to hand over power to one or two Governments, is set out in the statement which will be read to you. But there are one or two points on which I should like to add a note of explanation.

It was necessary in order to ascertain the will of the people of the Punjab, Bengal and part of Assam to lay down boundaries between the Muslim-majority areas and the remaining areas but I want to make it clear that the ultimate boundaries will be settled by a Boundary Commission and

will almost certainly not be identical with those which have been provisionally adopted.

We have given careful consideration to the position of the Sikhs. This valiant community forms about an eighth of the population of the Punjab, but they are so distributed that any partition of this Province will inevitably divide them. All of us who have the good of the Sikh community at heart are very sorry to think that partition of the Punjab, which they themselves desire, cannot avoid splitting them to a greater or lesser extent. The exact degree of the split will be left to the Boundary Commission on which they will of course be represented.

The whole Plan may not be perfect; but like all plans, its success will depend on the spirit of goodwill with which it is carried out. I have always felt that once it was decided in what way to transfer power the transfer should take place at the earliest possible moment, but the dilemma was that if we waited until a constitutional set-up for all India was agreed, we should have to wait a long time, particularly if partition were decided on, whereas if we handed over power before the Constituent Assemblies had finished their work we should leave the country without a Constitution. The solution to this dilemma, which I put forward, is that His Majesty's Government should transfer power now to one or two Governments of British India, each having Dominion Status as soon as the necessary arrangements can be made. This I hope will be within the next few months. I am glad to announce that His Majesty's Government have accepted this proposal and are already having legislation prepared for introduction in Parliament this session As a result of these decisions the special function of the India Office will no longer have to be carried out, and some other machinery will be set up to conduct future relations between His Majesty's Government and India.

I wish to emphasise that this legislation will not impose any restriction on the power of India as a whole, or of the two States if there is partition, to decide in the future their relationship to each other and to other member States of the British Commonwealth.

Thus the way is now open to an arrangement by which power can be transferred many months earlier than the most optimistic of us thought possible, and at the same time leave it to the people of British India to decide for themselves on their future, which is the declared policy of His Majesty's Government.

I have made no mention of the Indian States, since the new decisions of His Majesty's Government are concerned with the transfer of power in British India.

If the transfer of power is to be effected in a peaceful and orderly manner, every single one of us must bend all his efforts to the task. This is no time for bickering, much less for the continuation in any shape or form of the disorders and lawlessness of the past few months. Do not forget what a narrow margin of food we are all working on. We cannot afford any toleration of violence. All of us are agreed on that.

Whichever way the decision of the Indian people may go, I feel sure any British officials or officers who may be asked to remain for a while will do everything in their power to help implement that decision. His Majesty as well as his Government have asked me to convey to all of you in India their sincere good wishes for your future and the assurance of their continued goodwill.

I have faith in the future of India and am proud to be with you all at this momentous time. May your decisions be wisely guided and may they be carried out in the peaceful and friendly spirit of the Gandhi-Jinnah appeal.

66. BROADCAST SPEECH OF PANDIT NEHRU, JUNE 3, 1947.

Friends and Comrades, nearly nine months ago soon after my assumption of office I spoke to you from this place. I told you then that we are on the march and the goal has still to be reached. There were many difficulties and obstacles on the way and our journey's end might not be near, for that end was not the assumption of office in the Government of

India but the achievement of full independence of India and the establishment of a co-operative commonwealth in which all will be equal sharers in opportunity and in all things that give meaning and value to life.

Nine months have passed, months of sore trial and difficulty, of anxiety and something even of heart break, yet looking back at this period with its suffering and sorrow for our people there is much on the credit side also, for India has advanced nationally and internationally and is respected to-day in the councils of the world.

In the domestic sphere something substantial has been achieved though the burden on the common man still continues to be terribly heavy and millions lack food and cloth and other necessaries of life. Many vast schemes of development are nearly ready and yet it is true that most of our dreams about the brave things we are going to accomplish have still to be realised.

You know well the difficulties which the country had to face, economic, political and communal. These months have been full of tragedy for millions and the burden on those who have the governance of the country in their hands has been great indeed. My mind is heavy with the thought of the sufferings of our people in the areas of disturbance, the thousands who are dead and those, especially our womenfolk, who have suffered agony worse than death. To their families and to the innumerable people who have been uprooted from their homes and rendered destitutes I offer my deepest sympathy and assurance that we shall do all in our power to bring relief. We must see to it that such tragedies do not happen again.

At no time have we lost faith in the great destiny of India which takes shape even though with travail and suffering. My great regret has been that during this period, owing to excess of work, I have been unable to visit the numerous towns and villages of India, as I used to do, to meet my people and to learn about their troubles at first-hand.

To-day I am speaking to you on another historic occasion when a vital change affecting the future of India is proposed.

You have just heard an announcement on behalf of the British Government. This announcement lays down a procedure for self-determination in certain areas of India. It envisages on the one hand the possibility of these areas seceding from India, on the other it promises a big advance towards complete independence. Such a big change must have the full concurrence of the people before effect can be given to it, for it must always be remembered that the future of India can only be decided by the people of India, and not by any outside authority, however friendly.

These proposals will be placed soon before the representative assemblies of the people for consideration. But meanwhile, the sands of time run out and decisions cannot await the normal course of events. So while we must necessarily abide by what the people finally decide we have to come to certain decisions ourselves and to recommend them to the people for acceptance. We have, therefore, decided to accept these proposals and to recommend to our larger committees that they do likewise. It is with no joy in my heart that I commend these proposals to you, though I have no doubt in my mind that it is the right course. For generations we have dreamt and struggled for a free, independent and united India. The proposal to allow certain parts to secede if they so will is painful for any of us to contemplate. Nevertheless I am convinced that our present decision is the right one even from the larger view point. The united India that we have laboured for, was not one of compulsion and of coercion but a free and willing association of a free people. It may be that in this way we shall reach that united India sooner than otherwise and then we shall have a stronger and more secure foundation.

We little men are serving a great cause, but because the cause is great something of that greatness falls upon us also.

Mighty forces are at work in the world to-day and in India and I have no doubt that we are ushering in a period of greatness for India. The India of geography, of history and tradition, the India of mind and heart, cannot change. On this historic occasion each one of us must pray that he

might be granted the right in the services of his motherland and humanity at large.

We stand on a watershed dividing the past from the future. Let us bury that past in so far as it is bad and forget all bitterness and recriminations; let there be moderation in speech and in writing; let there be strength and perseverence in adherence to the cause and the ideals we have at heart. Let us face the future not with easy optimism or any complacency or weakness but with confidence and firm faith in India.

There has been violence, shameful, degrading and revolting violence in various parts of the country. This must end. We are determined to end it. We must make it clear that political ends are not to be achieved by methods of violence, now or in future.

On this eve of great changes in India we have to make a fresh start with clear vision and firm mind, with steadfastness and tolerance and with a stout heart. We shall not wish ill of anyone but think of every Indian as our brother and comrade. The good of four hundred millions of Indians must be our supreme objective. We shall seek to build anew our relations with England on a friendly and co-operative basis forgetting the past which has leaned so heavily on us.

I should like to express on this occasion my deep appreciation of the labours of the Viceroy, Lord Mountbatten, since his arrival here at a critical juncture in our history.

Inevitably on every occasion of crises and difficulties we think of our great leader Mahatma Gandhi who has led us unfalteringly for over a generation through darkness and sorrow to the threshold of our freedom. To him we once again pay our homage. His blessings and wise counsels will happily be with us in the momentous years to come as always. With a firm faith in our future I appeal to you to co-operate in the great task ahead and to march together to the haven of freedom for all in India.

Jai Hind.

67. MR. JINNAH'S BROADCAST SPEECH, JUNE 3, 1947.

I am glad that I am afforded the opportunity to speak to you directly through this radio from Delhi. This is the first time, I believe, that a non-official has been afforded an opportunity to address the peoples through the medium of this powerful instrument, direct to the peoples on political matters. It augurs well. And I hope in the future I shall have greater facilities to enable me to voice my views and opinion which will reach directly to you life-warm rather than in the cold print of the newspapers.

The statement of His Majesty's Government embodying the Plan for transfer of power to the peoples of India has already been broadcast and will be released to the press to be published in India and abroad to-morrow morning. With these outlines of the Plan it is for us to give it our most earnest consideration. We have to examine it coolly, calmly and dispassionately. Let us remember that we have to take momentous decisions and handle grave issues facing us in the solution of the complex political problem of this great sub-continent inhabited by 400 millions of people. The world has no parallel of the most onerous and most difficult task which we have to perform. Great responsibilities lie particularly on the shoulders of Indian leaders. Therefore, we must galvanise and concentrate all our energies to see that transfer of power is effected in peaceful and orderly manner.

I must earnestly appeal to every community and particularly to Muslim India to maintain peace and order.

We must examine the Plan, its letter and spirit and come to our conclusions and take our decisions. I pray to God that at this critical moment He may guide us and enable us to discharge our responsibilities in a wise and statesman-like manner having regard to the sum total of the Plan as a whole.

It is clear that the Plan does not meet in some important respects our point of view and we cannot say or feel that we

are satisfied or agree with some of the matters dealt with by the Plan.

It is for us to consider whether the Plan as presented to us by H. M. G. should be accepted by us as a compromise or a settlement. On this point I do not wish to pre-judge the decisions of the Council of the All-India Muslim League which has been summoned to meet on Monday, June 9.

Final decision can only be taken by that Council according to our constitution, precedents and practice. But so far as I have been able to gather, on the whole I find the reaction in the Muslim League circles in Delhi has been hopeful.

Of course, the Plan has got to be very carefully examined in its pros and cons before a final decision can be taken. But I must say that I feel that the Viceroy has battled against various forces very bravely and the impression that he has left in my mind is that he was actuated by a high sense of fairness and impartiality. It is up to us to make his task less difficult and help him as far as it lies in our power in order that he may fulfil his mission of transferring power to the peoples of India in a peaceful and orderly manner.

Now that the Plan has been broadcast already it makes it clear in paragraph 11 that referendum will be made to the electorates of the present Legislative Assembly in N.-W. F. P. who will choose which of the alternatives in paragraph 4 they wish to adopt. Referendum will be held under the aegis of the Governor-General in consultation with the Provincial Government. Hence it is clear that the verdict and the mandate of the people of the Frontier Province will be obtained as to whether they want to join the Pakistan Constituent Assembly or Hindustan Constituent Assembly.

In these circumstances I request the provincial Muslim League of the Frontier to withdraw the movement of peaceful civil disobedience which they had been forced to resort to and I call upon all the leaders of the Muslim League and Mussalmans generally to organise our people to face this referendum with hope and courage and I feel confident that

the people of the Frontier will give their verdict by a solid vote to join the Pakistan Constituent Assembly.

I cannot but express my appreciation of the sufferings and sacrifices made by all classes of Mussalmans and particularly the great part that the women of the Frontier played in the fight for our civil liberties. Without apportioning blame, and this is hardly the moment to do so, I deeply sympathise with all those who have suffered, those who died, and whose properties were subjected to destruction. I fervently hope that the Frontier will go through this referendum in a peaceful manner and it should be the anxiety of everyone to obtain a fair, free, true verdict of the people. Once again, I most earnestly appeal to all to maintain peace and order.

68. LORD MOUNTBATTEN AT PRESS CONFERENCE[1], NEW DELHI, JUNE 4, 1947.

The Viceroy, at the outset, briefly reviewed the events that led to the announcement last night and said that partition had not yet been effected. It was entirely a matter for the people to decide.

"The Indian States cannot enter separately as Dominions", replied the Viceroy to a question on the future of Indian States. Further elaborating the point, Lord Mountbatten explained that with the lapse of paramountcy the States would be free agents to enter either Constituent Assembly or make such arrangement as might be necessary. If any of the Indian States came to him for having a separate treaty—economic or military—with H. M. G., he would transmit such a request to H. M. G. but the question had not so far arisen.

Replying to further questions in regard to States, Lord Mountbatten said: "There can be no negotiation between H. M. G. and the States. We hand back paramountcy and in the process we offer our services in helping them to make the necessary contact with the Government of India and with the respective Constituent Assemblies to come together

[1] These extracts are taken from newspaper reports.

and make their agreement. But we (meaning H.M.G.) are not actually going to enter into any fresh negotiations; we are coming out of all our commitments. In the process of quitting power in India, we must try and approach it in as legally correct a manner as possible".

The Indian States, the Viceroy said, must be perfectly aware where their interests lay. He, as the Crown Representative during the remaining two months or so to exercise paramountcy, would do everything in his power to help them to negotiate with other parties

Lord Mountbatten said that when he met the representatives of the Princes yesterday he had offered his services and that of the Political Department to speed up all negotiations that could be taken on hand. The States were at liberty to send their duly qualified representatives to the existing Constituent Assembly or, if they so desired, to the other Constituent Assembly envisaged. They were absolutely free to choose but he supposed that geography would play a large part in their decisions.

Asked what H. M. G.'s attitude would be in case of a conflict between the people of a State and an autocratic ruler before June 1948, the Viceroy parried the question by stating that the date of transfer was going to be fairly early, this year, somewhere round about August. "We may be put on boats and pushed out for all that I know", he said.

Lord Mountbatten pointed out that so far as he was aware the Indian States were now progressing and during the last year the States had progressed more rapidly than at any time in the past.

On H. M. G.'s plan the Viceroy said: "I worked hand in glove with the leaders at every stage and step of the development of the Plan. The Plan came as no shock or surprise to them, for, although I did not actually produce a written plan, I continued to make notes of what they said and had asked them if this or the other was the right way until the Plan was constructed. The Plan obviously cannot meet with complete approval of everybody, because, if it did, my services would have been quite unnecessary. Ages ago a solution would have been found

between the leaders themselves. The only service I have given has been to try as fairly and as impartially as possible to reconcile the various opposite points of view and to find to what extent people would change their views to meet the views of others. It would have been a miracle if every party had thought this Plan was perfect. It would have distressed me if they had said so because it would have been an insincere statement not in keeping with the high integrity that the leaders have shown in the past."

Lord Mountbatten, explaining the background to the Plan, said that before he came out to India he had had some preliminary discussion in London and it was settled that he would spend the first six months in becoming acquainted with the problem and then send his recommendations to H. M. G. to enable them in due course to prepare the necessary legislation early in 1948 in Parliament. When he arrived out here, however, he discovered almost at once that the one point on which every community was agreed, on which all the British officials agreed and with which he very soon agreed himself was that a decision at the earliest possible moment on how to transfer power was a prime necessity if they were to arrest the deteriorating communal strife and tension and bring back an era of peace and friendliness without which no progress could possibly be made. So he set to work, seeing as many people as possible, first of all getting background material and asking for their views. His views he had publicly expressed last night on the question of a unified India. He tried his best to get the Cabinet Mission Scheme accepted, a scheme which at one time or other had been accepted by every community and interested party in India. He, however, realised it could be worked only if there was sincerity and goodwill on the part of everyone.

But the moment riots and bloodshed started and there was a feeling of tension and strife, the prospects of making the Cabinet Mission's Plan work were obviously very remote. The Cabinet Mission's Plan was not an enforceable plan. It depended on mutual goodwill and co-operation. So when it became clear that it could not be made to work with the

complete free will of at least one of the major communities he started looking round for alternatives. All the Muslim League leaders with whom he spoke made it absolutely clear that they desired partition. Once that fact was inescapably established in his mind, his next point was to see whether the Congress would agree to abandon the principle of unity to which they had owed allegiance so long. He found that the Congress stuck by the principle of non-coercion and said that any province or area which did not wish to come into the existing Constituent Assembly could go into a separate Assembly. But, they very naturally insisted that no large non-Muslim areas should be brought into the new Constituent Assembly. When he spoke to Mr. Jinnah and other Muslim League leaders on the point, they were distressed as much as Congress leaders were distressed by partition.

Mr. Jinnah then asked whether the same principle would be extended beyond the Punjab and Bengal. The Viceroy accepted that, of course, and so the idea of partition of Assam grew up for Sylhet and possibly certain surrounding areas in which there was a definite Muslim majority.

The next problem was, the Viceroy said, how to ascertain the will of the people. Clearly adult franchise plebiscite would be the democratic ideal. He need not say how utterly impracticable this would be at this moment. Speed was the one thing which everybody desired. Elections were held only last year and the present Legislative Assemblies appeared to him to be the right bodies to come to a quick decision and so they devised a scheme which was announced last night.

Apart from the two main parties, the Congress and the League, there was another community, not numerous but of great importance, namely, the Sikh community, which had of course to be consulted.

He found that mainly at the request of the Sikh community the Congress had put forward a resolution on the partition of the Punjab. He sent for a map with the population of the Sikhs marked and he was astounded to find that the plan which they had produced would divide the community almost to equal halves.

So he spent a great deal of time to find out a solution which would keep the Sikh community together.

He had not been able to see any solution but whatever step was taken was based on the Congress resolution on the subject which, he pointed out, was passed at the insistence of the Sikhs.

The Viceroy hoped that the leaders of the respective communities would appoint a committee to draw up the terms of reference of the Boundary Commission which should have representatives of the interested parties on it. So far as it was humanly possible there would be no interference, let alone dictation, from any British official. "This is your country and it is up to you to decide what to do," he said.

The most gratifying part of the whole plan of procedure was the absolute determination of every responsible leader that whatever solution was finally adopted it was going to be adopted peacefully without further bloodshed and they were going to throw the whole weight into the scale to prevent any further riots, commotion and bloodshed.

Every single member of his Cabinet, individually and collectively, had expressed to him the strongest possible wish that the armed forces of India should be used to ensure that there was no further bloodshed.

After consulting the Home Member Sardar Vallabhbhai aside, the Viceroy revealed that the Interim Government had recently unanimously decided "that we shall not tolerate any more violence or strife."

"There are many times more troops in the troubled areas than before. The Centre is already there intervening in the most effective way possible by adopting a unanimous decision in the Interim Government not to tolerate any more violence."

Uptil now, the Viceroy said, the distribution of the armed forces had been on the normal basis throughout India. Now Government knew where disturbances were going to break out, or were most likely to break out, and so Government were taking the risk of denuding the other parts of India of the armed forces and concentrate them in those particular areas.

The Viceroy said he had been promised by the British Prime Minister the services of two constitutional experts from England. Besides a number of constitutional experts were available in this country for assistance during the transition.

Lord Mountbatten said all the leaders were anxious to assume their full responsibility at the earliest possible moment and he was eager to help them do so, because once the decision had been taken there was no reason to wait. Waiting would only mean that he should be responsible ultimately for law and order and the general conduct of government. In point of fact, however much they might use the Interim Government, it would never be the same thing unless they were legally in control of the responsibility.

How to produce that very quickly was a legal conundrum of the first order. "You cannot transfer power to one or two separate Governments unless these Governments had formulated their constitutions. One of the Governments is not even in being. No one is certain whether it is coming into being."

His search to find an answer had led him to the Government of India Act, 1935, which was regarded as a masterpiece.

This Act, under which India had been governed since 1935, was the Act under which it would be governed until power was transferred when the two respective Governments could make up their minds on the type of constitution they wanted.

The Viceroy referred to his negotiations in London when he asked Prime Minister Attlee how long it would take to get the necessary legislation through Parliament. The immediate answer was it would take six or seven months to frame the necessary Act and introduce legislation and get it accepted. The Viceroy then asked the Premier whether he would kindly introduce legislation through the current session of Parliament within the next two months. The following day the Lord Chancellor had ready a rough outline of the proposed legislation. The only thing that would delay the framing of the Act was the uncertainty of what the Provinces were going to decide and until the people of India had outlined

their own future, the final terms of the Act could not be drawn up. But once this was known, the legislation would be rushed through in record time.

Answering questions, Lord Mountbatten said the position of Mr. Jinnah and the Muslim League with regard to the Plan was that under the League constitution no final decision was taken until the League Council had had an opportunity of discussion in that Council.

Asked what he would do, if the League Council rejected the Plan, Lord Mountbatten said if ever the occasion arose, "Come and see me and I will tell you what I would do."

"I am the person responsible for going ahead with this Plan. If I go ahead it is because I feel it is the right thing to do. I have taken, if you like, a risk in doing so. But I have spent the last five years in what we call taking calculated risks."

In view of the talk in certain quarters that if, when Bengal was partitioned, Calcutta went into the Hindu zone, the city would be reduced to ashes, the Viceroy was asked whether he would not take over the administration of the Province under Section 93. He answered 'No'. He had seen both Mr. Suhrawardy[1] and Mr. Kiran Sankar Roy[2]. Calcutta was the last thing which Mr. Suhrawardy wished destroyed.

Question: " Would it be open to any province to state that it will not join either of the Constituent Assemblies?"

Answer: "After discussing this particular point with the leaders of both parties, I found the leaders did not wish to have any option other than to join one or the other of the Constituent Assemblies for the good and sufficient reason that they did not wish this Plan to encourage what I might call Balkanisation of India."

Question: "In your broadcast yesterday you had said the ultimate boundaries of the partitioned provinces would be 'almost certainly not identical' with those which have been provisionally adopted. Why?"

Answer: "For the simple reason that in the district of Gurudaspur in the Punjab, the population ratio is 50.4 per

[1] Chief Minister and Leader of the Muslim League.
[2] Leader of Opposition (Congress).

cent Muslims and 49.6 per cent non-Muslims. The difference is ·8 per cent. You will see at once it is unlikely the Boundary Commission will place the whole of the district in Muslim-majority area. Similarly, in a district[1] in Bengal, the reverse is the case. It has a very small fraction of non-Muslim majority. I shall be astounded if the Boundary Commission places the whole of that district in the non-Muslim area. The point is we have taken the districts for one purpose only—it was the only simple way by which you can derive the number of members for each of the legislatures. I do not want inhabitants of those districts to assume it as a foregone conclusion that they would be going into an area in which their community is not in a majority."

Question: "Do you foresee any mass transfer of population?"

Answer: "Personally I don't see it. There are many physical, practical difficulties involved. Some measure of transfer will come about in a natural way. That is to say, I have a feeling that people who have just crossed the boundary will transfer themselves. Perhaps Governments will take steps to transfer populations. Once more, this is a matter not so much for the main parties as for the local authorities living in the border areas to decide."

Answering another question the Viceroy said His Majesty's Government could hardly be expected to subscribe to partition on the basis of landed property. "I think the question must be left to the Indians."

The Governors of the Punjab and Bengal had already received instructions to put into effect clause 9 in H. M. G.'s statement providing for notional division. No time would be lost in getting on to this as quickly as possible. The administrative arrangements were really matters for the Legislative Assemblies of these two provinces to fix up in conjunction with their Governors. His personal view was, they could not do better than have coalitions in both the provinces.

The Viceroy said in respect of the N.-W. F. Province

[1] Khulna —Editor.

that the procedure of referendum was adopted because the minorities there had been given more weightage than in any other province. Out of 50 seats in the Provincial Assembly, something like 12 or 13 went to the minorities who were actually less than five or six per cent of the population.

When his attention was drawn to the demand for an independent Pathan State, the Viceroy said that the question was raised as a matter of principle as to whether any province should be allowed to vote for independence or whether they would be obliged to vote for one or other of the two Constituent Assemblies. But it was turned down by the leaders of both the parties on the very admirable plea that they did not wish to encourage Balkanisation.

Question: "Has not the Congress Party supported the demand of the Frontier people for a sovereign State?"

Answer: "Where should we be if we agree to each request by one party? What is the basis of agreement?"

Question: "Are the Frontier people free to select the issue on which they will vote in the referendum?"

Answer: "If they can get the High Commands of the two parties to agree to it, and if they want to vote for independence, I will agree. If, on the other hand, only one wishes it, then we stick to what we agreed on originally".

The Viceroy said he was proposing to select British officers from the Indian Army who spoke the language of the Frontier and who had never had anything to do with politics to go to the Frontier during the referendum. He was trying to get the most impartial men he could find to ensure that the referendum was completely impartial.

Asked whether the future Governors-General would be appointed on the advice of the Dominion Govt. or Govts. of India, and whether there was any bar to Indians being eligible for the appointment, the Viceroy said, the Governor-General in a Dominion was chosen by the Prime Minister of the Govt. of the Dominion concerned who would submit the desired name to the King. The King, being a constitutional monarch primarily, acted on the advice. So far as he knew there could be two States with separate Governors-General

in India, and it could be anybody they liked. The Dominions had complete freedom to decide what they wanted.

He had been asked, the Viceroy went on, what provision His Majesty's Govt. would make for the protection of minorities. H. M. G.'s Plan had not referred to this point. The British Govt's decision to quit was not insincere. Since this was so, they had no legal means to enforce any protection for the minorities, but he had talked to the leaders of the country and was absolutely certain that so long as they were in power, "they personally mean to look after the interests of the minorities as a matter of conscience, honour and fairplay." While he was still here, his services would also be available for this purpose. He had the greatest faith in the future of India and he believed that the minorities were going to have "a decent chance and fairplay."

Answering a question on the defence of the future Dominions, the Viceroy said, basically each State when it got independence was wholly and solely responsible for its own defence. Mechanically, the process of partitioning the forces, if it had to be done without collapse of morale and disintegration, must be done in an orderly, well-disciplined and careful manner. When partition was complete, the two States were absolutely free to decide whether they wanted to get together for the defence of India or whether they wanted to make their own separate arrangements.

The Viceroy concluded on the following note: "I really am sincere in my desire to help India. I really believe that the leaders of both parties are equally sincere to do what they can to help me. In fact, I think that we are going to see a revulsion of feelings; and, whereas before there was mistrust, bitterness and strife, I think we are going to see the leaders come together in a friendly spirit of co-operation."

69. ANNOUNCEMENT OF LORD MOUNTBATTEN, JUNE 10, 1947.

In pursuance of paragraph 21 of the Statement by His Majesty's Government dated the 3rd June, 1947, His Excellency the Governor-General is pleased to direct that the

following procedure shall be followed for the purpose of giving effect to paragraphs 5 to 8 of the Statement:

1. The members of the Bengal Legislative Assembly representing for the time being the constituencies specified in schedules one and two, and the members of the Punjab Legislative Assembly representing for the time being the constituencies specified in schedules three and four, shall form the two parts of the Bengal Legislative Assembly and the Punjab Legislative Assembly, respectively, for the purpose of taking the decisions referred to in paragraphs six and eight of the Statement.

2. The Governor of Bengal shall summon the members forming each such part of the Bengal Legislative Assembly, and the Governor of the Punjab shall summon the members forming each such part of the Punjab Legislative Assembly, to meet on such date, at such time and in such place as he may think fit, for the purpose of taking their decision or decisions in accordance with paragraphs six, seven and eight of the Statement.

3. The Governor shall appoint one of the members of each such body to preside over its meetings, and also one of the members of either body to preside over the meeting referred to in paragraph seven of the Statement in the event of such a meeting being held. Every such person shall have a right to vote on any issue before the meetings presided over by him, but shall not have or exercise a casting vote.

4. Each such body shall have power to act notwithstanding any vacancy in the membership thereof.

5. The President of each such body shall, at the commencement of its meeting, ascertain if any member demands that the joint meeting referred to in paragraph seven of the Statement should be held, and shall forthwith communicate the result to the President of the other body. Should there be such a demand from any member, the joint meeting shall be held forthwith at such place as may have been appointed in this behalf by the Governor. Immediately on the conclusion of such joint meeting, the two bodies shall re-assemble separately for the purpose of taking their decisions referred to in paragraphs six and eight of the Statement.

6. Subject to the provisions of paragraphs three, four and five, each such body shall determine its own procedure.

7. The President of each such body shall communicate its decision or decisions to the Governor.

SCHEDULE 1

Description of constituency and number of members:—

GENERAL URBAN:—

Calcutta North 1.
Calcutta East 1.
Calcutta West 1.
Calcutta Central 1.
Calcutta South-Central 1.
Calcutta South 1.
Hooghly-cum-Howrah Municipal 1.
Burdwan Division North Municipal 1.
24-Parganas Municipal 1.

GENERAL RURAL:—

Burdwan Central 2.
Burdwan North-West 2.
Birbhum 2.
Bankura West 2.
Bankura East 1.
Midnapore Central 2
Jhargram-cum-Ghatal 2.
Midnapore East 1.
Midnapore South-West 1.
Midnapore South-East 1.
Hooghly North-East 2.
Hooghly South-West 1.
Howrah 2.
24-Parganas South-East 2.
24-Parganas North-West 2.
Khulna 3.
Jalpaiguri-cum-Siliguri 3.
Darjeeling 1.

MOHAMMADAN URBAN:—
Calcutta North 1.
Calcutta South 1.
Hooghly-cum-Howrah Municipal 1.
Barrackpore Municipal 1.
24-Parganas Municipal 1.

MOHAMMADAN RURAL:—
Burdwan 1.
Birbhum 1.
Bankura 1.
Midnapore 1.
Hooghly 1.
Howrah 1.
24-Parganas South 1.
24-Parganas Central 1.
24-Parganas North-East 1.
Khulna 1.
Satkhira 1.
Bagerhat 1.
Jalpaiguri-cum-Darjeeling 1.

WOMEN'S GENERAL URBAN:—
Calcutta (General) 1.

WOMEN'S MOHAMMADAN URBAN:—
Calcutta (Mohammadan) 1.

ANGLO-INDIAN:—
Anglo-Indian 4.

INDIAN CHRISTIAN:—
Calcutta-cum-Presidency Division 1.

COMMERCE AND INDUSTRY:—
Bengal National Chamber of Commerce 2.
Indian Chamber of Commerce 1.
Marwari Association 1.
Muslim Chamber of Commerce 1.

LAND-HOLDERS:—
Burdwan Land-holders 1.

LABOUR:—
Railway Trade Union 1.

Calcutta & Suburbs (Registered Factories) 1.
Barrackpore Registered Factories 1.
Howrah (Registered Factories) 1.
Hooghly-cum-Serampore (Regd. Factories) 1.
Colliery (Coal Mines) 1.
Tea Garden Labour (Darjeeling Sadar) 1.

UNIVERSITY:—
Calcutta University 1.

SCHEDULE 2

All Constituencies of the Bengal Legislative Assembly other than the following:—

1. All Constituencies specified in Schedule 1.
2. All European Constituencies.
3. The following Commerce and Industry Constituencies:—

Namely:—Bengal Chamber of Commerce, Calcutta Trades Association, Indian Jute Mills Association, Indian Tea Association, Indian Mining Association.

SCHEDULE 3

GENERAL URBAN:—
Southern Towns 1.
South-Eastern Towns 1.
Eastern Towns 1.
Amritsar City 1.

GENERAL RURAL:—
Hissar South 1.
Hissar North 1.
Hanzi 1.
Rohtak North 1.
Rohtak Central 1.
Jhajjar 1.
North-West Gurgaon 1.
South-East Gurgaon 2.
Karnal South 1.
Karnal North 2.
Ambāla and Simla 2.

Kangra North 1.
Kangra South 1.
Kangra East 1.
Kangra West 1.
Hoshiarpur West 2.
Una 1.
Jullundur 2.
Ludhiana and Ferozepur 2.
Amritsar and Sialkot 1 (The Caste Hindu member).

MOHAMMADAN URBAN: —
Southern Towns 1.
South-Eastern Towns 1.
Eastern Towns 1.
Amritsar City 1.

MOHAMMADAN RURAL:—
Hissar 1.
Rohtak 1.
North-West Gurgaon 1.
South-East Gurgaon 1.
Karnal 1.
Ambala and Simla 1.
Kangra and Eastern Hoshiarpur 1.
Hoshiarpur West 1.
Jullundur South 1.
Jullunder South 1.
Ludhiana 1.
Ferozepur Central 1.
Ferozepur East 1.
Fazilka 1.
Amritsar 1.
Tarn Taran 1.
Ajnala 1.

SIKH URBAN:—
Eastern Towns 1.

SIKH RURAL:—
South-East Punjab 1.
Ambala North 1.
Kangra and Northern Hoshiarpur 1.

Hoshiarpur South 1.
Jullundur West 1.
Jullundur East 1.
Ludhiana East 1.
Ludhiana Central 1.
Jagraon 1.
Ferozepur North 1.
Ferozepur East 1.
Ferozepur West 1.
Ferozepur South 1.
Amritsar North 1.
Amritsar Central 1.
Amritsar South 1.

SIKH WOMEN:—
Amritsar 1.

LAND-HOLDERS:—
East Punjab Land-holders 1.
Central Punjab Land-holders 1.

LABOUR:—
East Punjab (Non-Union Labour) 1.

SCHEDULE 4

All constituencies of the Punjab Legislative Assembly other than the European Constituency and the Constituencies specified in Schedule 3 but including the representative of the scheduled castes from the Amritsar and Sialkot General Rural constituency.

70. RESOLUTION OF THE ALL-INDIA CONGRESS COMMITTEE, JUNE 15, 1947.

The A.-I.C.C. has given careful consideration to the course of events since its last meeting in January last and, in particular, to the statements made on behalf of the British Government on February 20, 1947, and June 3, 1947. The Committee approves and endorses the resolutions passed by the Working Committee during this period.

The Committee welcomes the decision of the British

Government to transfer power completely to the Indian people by next August.

The Congress accepted the British Cabinet Mission's Statement of 16th May, 1946, as well as the subsequent interpretation thereof dated 6th December, 1946, and has been acting in accordance with it in the Constituent Assembly which was constituted in terms of the Cabinet Mission's Plan.

That Assembly has been functioning for over six months and has not only declared its objectives to be the establishment of an independent sovereign republic of India and a just social and economic order, but has also made considerable progress in framing the constitution for the free Indian Union on the basis of fundamental rights guaranteeing freedom and equality of opportunity to all Indians.

In view, however, of the refusal of the Muslim League to accept the Plan of 16th May and to participate in the Constituent Assembly, and further in view of the policy of the Congress that "it cannot think in terms of compelling the people in any territorial unit to remain in an Indian Union against their declared and established will", the A.-I.C.C. accepts the proposals embodied in the announcement of 3rd June, which have laid down a procedure for ascertaining the will of the people concerned.

The Congress has consistently upheld that the unity of India must be maintained. Ever since its inception, more than sixty years ago, the National Congress has laboured for the realization of a free and united India, and millions of our people have suffered in this great cause. Not only the labours and sacrifices of the past two generations but the long course of India's history and tradition bear witness to this essential unity. Geography and the mountains and the seas fashioned India as she is, and no human agency can change that shape or come in the way of her final destiny. Economic circumstances and the insistent demands of international affairs make the unity of India still more necessary. The picture of India we have learnt to cherish will remain in our minds and hearts. The A.-I.C.C. earnestly trusts that when present passions have subsided, India's problems will be viewed in their proper perspective and the false doctrine

of two nations in India will be discredited and discarded by all.

The proposals of June 3, 1947, are likely to lead to the secession of some parts of the country from India. However much this may be regretted, the A.-I.C.C. accepts this possibility, in the circumstances now prevailing.

Though freedom is at hand, the times are difficult, and the situation in India demands vigilance and a united front of all those who care for the independence of India. At this time of crisis and change, when unpatriotic and anti-social forces are trying to injure the cause of India and her people, the A.-I.C.C. appeals to and demands of every Congressman, and the people generally, to forget their petty differences and disputes and to stand by, vigilant, disciplined and prepared to serve the cause of India's freedom and defend it with all their strength from all who seek to do it injury.

71. EXTRACTS[1] FROM PROCEEDINGS OF THE ALL-INDIA CONGRESS COMMITTEE, NEW DELHI, JUNE 14-15, 1947.

I. Speech of Pandit G. B. Pant, June 14, 1947.

Pandit Govind Ballabh Pant[2] moving the resolution[3] accepting H.M.G.'s Plan of June 3, said that this was the only way to achieve freedom and liberty for the country. It would assure an Indian Union with a strong Centre which could ensure progress and help the country take her rightful place in the world. In the Indian Union the two-nation theory would not be tolerated and every citizen would have to give absolute and implicit loyalty to the state. Otherwise he would have no place in this country and would become an alien.

The Congress, Pandit Pant said, had made every possible effort to come to an agreement with the Muslim League. Mahatma Gandhi had tried to negotiate with Mr. Jinnah. The Congress Working Committee in its March Resolution

[1] These extracts are taken from newspaper reports.
[2] Chief Minister, U P
[3] See Document No. 70

invited the League for consultations. The Constituent Assembly on numerous occasions had invited the League Members to take their place in the Assembly and help in the shaping of the future constitution of the country. But the League had ignored all these appeals.

The Congress had worked hard and sacrificed everything for the sake of unity. But there was a limit beyond which it could not go. The choice to-day was between accepting the statement of June 3, or committing suicide.

Commending the resolution Pandit Pant said that since the A.-I.C.C. last met, many eventful developments had taken place. Of these the two most outstanding were H.M.G.'s statement of February 20, and their subsequent statement of June 3. The February 20 statement was the fulfilment of the Congress demand for the British to quit India. This was also a great landmark in the long history of British rule in India. It was felt, however, that June 1948 was too distant and the statement of June 3 took note of the urgency. The British Government had expressed their determination to remove every vestige of their rule over India by August 15. This was indeed a great victory for the Congress and one for which it had striven long and sacrificed much.

Pandit Pant went on to say that it was the declared policy of the Congress not to coerce any unwilling areas to join the Union. This position had been made clear as far back as at the time of the Cripps Mission. The Congress did not like partition and in fact was always opposed to it but in their resolution of March 3 they had stated that conditions in the country necessitated an administrative partition of the Punjab.

Detailing the Congress efforts to placate the Muslim League, Pandit Pant said that the Congress had accepted the principle of parity suggested by Lord Wavell. Later the Congress accepted the Cabinet Mission's Plan with its Groupings and Sections and with its weak Centre. In addition, the Congress also conceded to the League a communal veto. In fact this gave the League a veto on almost all Indian affairs. Nevertheless, the League refused to join the Constituent

Assembly. The only result of these concessions was widespread disorder.

Under these circumstances the Congress had to take a decision in consonance with its principles of non-violence and self-determination. The only democratic and practical solution was to accept the statement of June 3. This would give a strong Indian Union. He wished to make it clear that the use of the words " Hindustan " and " Pakistan " was wrong. All that could happen in accordance with the Statement of June 3 was that certain provinces and parts of provinces could secede. Those who did not want to join the Indian Union—in which the rights of the individual and of minorities were guaranteed and where there would be a Sovereign Republic—could stay out, but he was sure that such people, among whom were the Dewans of certain States[1], would regret their decision to stay out.

Concluding Pandit Pant said that it was better to accept the statement of June 3 rather than fritter away their energies in trying to keep unwilling people in the Union. He urged Congressmen to bear in mind the directive to the country in the resolution to maintain a vigilant and united front when unpatriotic and anti-social forces were trying to injure India and her people. Congressmen should forget their differences and stand united and disciplined to fight such disruptive forces.

II. Speech of Maulana Azad, June 14, 1947.

Maulana Abul Kalam Azad seconding the resolution disagreed with Pandit Pant that the June 3 Statement was superior to the Cabinet Mission's Proposals. He had all along held the view that the May 16 Statement was the best solution of our problem. To that view he continued to adhere.

At his very first meeting with Lord Mountbatten, Maulana Azad said, he was asked if the country could wait for some time so that an agreement could be arrived at. He (Maulana Azad) told the Viceroy that the situation in the country would brook no delay and the question should be

[1] The reference is to Sir C. P Ramaswamy Iyer, Dewan of Travancore, who tried to make his State independent.—Editor.

settled either way at once. He did not think that the present decision was the right decision but the Congress had no alternative. The choice before the Congress was not which Plan to accept and which to reject, but whether the present state of indecision and drift should continue. There was the unfortunate problem of internal disorder and strife and there was the obstinacy of the Muslim League. Taking into consideration all factors the Congress Working Committee came to the decision that an immediate settlement was urgently required and accepted the June 3 statement.

It might be argued, Maulana Azad said, that since the Congress had already accepted the State Paper, they should have stuck to it and declined to do anything further. But such a stand would hardly be the correct one under the present circumstances. The Congress stood by the ideal of a united India but it was also committed to the principle of self-determination and was against coercing any unwilling areas to join the Union.

Maulana Azad pointed out that even at this stage the State Paper had not been shelved. The people of the areas had to decide whether the State Paper Proposals should continue or not. If by a majority they decided not to join the Union, then the Congress could not force them into the Union. Whatever might be the result of the referendum or the decision of the Punjab and Bengal Legislatures, he was sure that those provinces which now sought to cut themselves away from India would, in the very near future, hurry back to the Union. "The division is only of the map of the country and not in the hearts of the people, and I am sure it is going to be a short-lived partition," he said.

Having accepted a defective plan it should be our endeavour now to put it into practice in such a way that its defects were minimised. "Our attitude towards our countrymen", he said, "should not undergo any change by the reason of the fact that certain parts had elected to secede."

III. Speech of Sj. Purshottamdas Tandon[1], June 14, 1947.

Sj. Purshotamdas Tandon, the principal opponent to the

[1] Speaker, U. P. Legislative Assembly

resolution, in an impassioned speech said that the A.-I.C.C. must reject it and that it was not sufficient for acceptance to say that an adverse vote would hurt the prestige of the Working Committee. "The Working Committee is made by you who have been chosen by the people. The Working Committee may make a mistake but you must give your decision. I appeal to you to perform your duty. Compared to the people and to the country the Working Committee is a small thing. Acceptance of the resolution will be abject surrender to the British and to the Muslim League. The Working Committee has failed you, but you have the strength of millions behind you and you must reject this resolution."

The decision of the Working Committee was an admission of weakness. He said that the reasons which even on their own admission had persuaded the Working Committee to propose the resolution were that they were faced with difficulties, difficulties of administration due to the obstructive tactics of the League, to the large scale disturbances that had taken place in the country, and to the fact that no agreement could be reached with the League. But other countries had had to encounter similar obstacles on the road to freedom, particularly in the United States. We would have to face many greater difficulties than had come up hitherto. The Working Committee had accepted the Plan in weakness and out of a sense of desperation. At the same time they expressed the hope that they would later unite. That was dishonest. Those who had fought many a battle for India's freedom were not frightened and they must be strong and resist. Those that were weak deserved no sympathy. They had resisted the British before and they could do so again.

In support of the resolution it has been said that Congress could not go back on its policy of non-coercion. If that was so, what would they say to the States which expressed their intention to remain independent? There would be numerous pockets of Muslims in India who would say they wanted to go to Pakistan What would they say to them?

Concluding his eloquent plea for the rejection of H.M.G's Plan of June 3, Sj. Tandon said the Congress had always

talked of the people and never of Hindus and Muslims as it was doing to-day. But accepting the offer would not benefit either Hindus in Pakistan who would live in fear and Muslims in Hindustan would do the same. The Congress hope of building up a new synthesis of Hindu and Muslim culture would be shattered if the resolution was accepted. He added that he could tolerate the British *Raj* rather than partition.

IV. Speech of Pandit Nehru, June 15, 1947.

The horrible riots in the Punjab, Bengal and elsewhere were no isolated riots. They were planned attacks. It seemed the administration had broken down and there was no authority left in the country to enforce order.

How is it that the British officers who coped with the Civil Disobedience Movements in the past were unable to cope with the present disturbances? Where there are Congress Ministries disturbances were brought under control; but where the British exercised authority there was chaos. In the Punjab, where there was cent per cent British rule[1], despite the efforts of certain senior officers murder and arson continued. The trouble was prevalent the most where there were British officers in charge, and the Divisions under the control of either Hindu or Muslim officers were comparatively quiet. The Interim Government was able to do nothing to protect the people.

Now it would be a futile controversy to go into the merits of Dominion Status versus Independence. The most urgent task at present is to arrest the swift drift towards anarchy and chaos. Disruptive forces are at work and the most important disruptive force is that of the Muslim League. Our first task should be the establishment of a strong Central Government to rule the country firmly and to assure individual's liberty of life, and all other questions are of secondary importance.

There is no question of any surrender to the Muslim

[1] The Punjab was under the Governor's rule under Section 93 of the Act of 1935 when the Hindus and Sikhs were massacred.—Editor.

League, and what myself and my colleagues have agreed to is that the issue of partition should be referred to the people for a verdict. There is nothing novel in the plan for partition. The House will remember Rajaji's formula on the basis of which Mahatma Gandhi carried on negotiations with Mr. Jinnah. At that time we were in Ahmednagar Fort. We discussed the question in prison. While we disagreed with the approach to the whole question, there was no disagreement on the fundamentals of the formula.

It must be realised that it is not possible to coerce even with swords unwilling parts to remain under the Indian Dominion. If they are forced to stay in the Union no progress and planning will be possible. We must take the warning from China. Continued internal strife and turmoils will bring progress of a nation to a standstill. In arriving at a decision we must look at the international context as well. The picture of the world to-day is one of destruction. . . .

The Congress cannot act in an irresponsible manner by passing high-sounding resolutions. A responsible body must not think in terms of to-day only, but there is a to-morrow and a day after that. It will be ridiculous to suggest that the British would do everything before they quit. The June 3 Statement could not have come about had there been no agreement. Circumstances were such that the Congress agreed to it. It is not like one of those old decisions of the British Government which they could accept or reject. The acceptance, for which I am wholly responsible, does not mean that I agree to every word in the statement, but I agree to the fundamental principles therein.

The riots in Rawalpindi, Multan, Amritsar, Calcutta, Noakhali, Bihar and elsewhere presented the situation in a different light. To suggest that the Congress Working Committee took fright, and therefore "surrendered," is wrong. But it is correct to say that they are very much disturbed at the prevailing madness. Homesteads burnt, women and children murdered,—and why, I ask, are all these tragic and brutal things happening?

We could have checked them by resorting to the sword and the lathi, but would that solve the problem? Some

people from the Punjab said that the Congress had let them down. What did they want me to do? Should I send an army? I am sad and bitter and India's heart is broken. The wound must be healed. With whatever we are able to salvage we must plan out a programme on the basis of partition.

It is sufficient for the House to compare what happened in Noakhali and Calcutta and again what happened in Bihar. By supreme efforts the Congress was able to control the situation in Bihar but they could do nothing in the Punjab. Why did such things happen in the Punjab and why was the Khizr Ministry broken and how was it that no one seemed to be capable of controlling the Punjab disturbances? The answer is patent.

The Congress Working Committee passed a resolution in favour of the partition of the Punjab into two administrative provinces. Partition is better than murder of innocent citizens. After the resolution was passed the Committee received numerous complaints from Bengal that Bengal also should be divided. The underlying principle in the case of the Punjab and Bengal is one and the same. It is wrong to suggest that I and two others decided the fate of millions. The Bengal Provincial Congress Committee and other responsible organisations in the Province strongly supported the partition proposal.

The next question that arose was, having divided the Punjab and Bengal, has the Congress abandoned the Sikhs and the Hindus? An answer should be found. By high-sounding resolutions the Congress will not be able to help them. Even when the Punjab was one they were not able to help the people. An answer to this problem will no doubt be found. However, there is no reason why the minorities there should be tyrannised and persecuted. There may be individual cases of rioting, but there is not much room in future for organised attacks on the minorities. I have nothing much to say about Sind and so far as Sylhet is concerned, there is to be a referendum and I cannot forecast the result. I am much worried about the N.-W.F.P. If Bengal and the Punjab went out, the Frontier would be

isolated. The question is now the subject of consultation between the Committee and the Frontier leaders. Governmental authority has almost collapsed. The British are no longer interested because they are leaving. This probably explains why some officers asked the victims to go to me or Sardar Patel for help. They are not desirous of shouldering any further responsibility and many have become callous.

Any controversy over the question of Dominion Status versus Independence is meaningless, I said. What the Congress demanded was that the Government should function as a Dominion Government and conventions must be established. The acceptance of Dominion Status is without prejudice to the Republic resolution adopted by the Constituent Assembly. But the composition of the present Government is such that no agreement can work and no convention can be established, and the Viceroy, therefore, suggested the June 3 Statement and the Congress accepted it.

All talk of Pakistan and Hindustan is due to a misunderstanding. Both from political and legal point of view India as an entity continues to exist except that certain provinces and parts of certain provinces now seek to secede. The seceding areas are free to have any relations they like with foreign Powers. The Government of India is intact and there should be no further confusion of Hindustan and Pakistan and people should not allow such ideas to grow.

V. Speech of Sardar Patel, June 15, 1947.

Following Pandit Nehru, Sardar Vallabhbhai Patel in a vigorous speech at the A.-I.C C. extended his full support to H.M.G.'s statement of June 3. Looking at the Cabinet Mission's Proposals to-day in the light of his experience in the Interim Government during the last nine months, he was not at all sorry that the State Paper had gone. Had they accepted the State Paper the whole of India would have gone the Pakistan way. To-day they had 75 to 80 per cent of India which they could develop according to their genius and make it strong. The League could develop the rest of the country.

The League Council which met in camera evidently nursed the ambition to capture the whole of India after August 15. It was the duty of every Congressman to work unitedly to make India strong, to build up an efficient army and strengthen her economic position.

The House had listened to their leader, Pandit Nehru. Never in the history of the Congress before had the A.-I.C.C. had to take a decision on such an important issue. He fully appreciated the apprehensions of his brothers from Sind and the Punjab. Nobody liked the division of India and his heart was heavy. But there were stark realities of which they should take notice. The choice was whether there should be just one division or many divisions. The fight to-day was not against the British. The British have no desire to stay on in India and if they wished to stay they desired to do so only with India's consent. And definitely they had no desire to govern this country.

The May 16 Plan, Sardar Patel said, no doubt gave them a united India. The Congress agreed to it in spite of its shortcomings. But there was a snag in it. The Plan could not be executed if one or the other party withheld co-operation. Thus the State Paper was in the nature of an imposed award. But the position to-day was different. The Congress must face facts. It could not give way to emotionalism and sentimentality. They must coolly assess the pros and cons and arrive at a deliberate decision.

Sardar Patel denied that the Working Committee accepted the Plan out of fear. We had never known fear. He deeply regretted the many massacres. In one family of thirty there were two survivors. Many were maimed and disabled for life. They had gone through all that. But he was afraid of one thing and that was that all their toils and hard work these many years should not go waste or prove unfruitful. They worked for independence and they should see as large a part of this country as possible become free and strong. Otherwise there would be neither 'Akhand Hindustan' nor Pakistan. Further, taking any other course other than the one which the Working Committee had suggested, would not only be injurious but would also make the Congress the

laughing stock of the world. Here was a chance for India to attain her independence. Was she going to throw it away? It would be incorrect to say—first let the British go away, then all questions could be solved. How were they to be solved and what would happen afterwards?

His nine months in office, Sardar Patel said, had completely disillusioned him of the supposed merits of the State Paper. He had noticed that Muslim officials right from the top down to the 'chaprasis', except for a few honourable exceptions, were all for the Muslim League. There should be no mistake about it. Mutual recriminations and allegations were the order of the day. He had watched it for nine months. What could he do or what could he say under the circumstances?

The May 16 Plan was gone and he was glad. That Plan left much room for conflict and bickerings. The Congress was opposed to Pakistan but yet the resolution before the House accepted partition. Whether the A.-I.C.C. liked it or not, there was already Pakistan in action both in the Punjab and in Bengal. Under the circumstances he would prefer real Pakistan because then they would have some sense of responsibility.

Under the State Paper Plan the whole of India would have been subjected to an intolerable situation. The communal veto which was given to the League would have arrested our progress at every stage. The majority would have to stand and look on and they would have been able to do nothing in the administration. But now they had a chance. They could eradicate the plague of communalism, weightage, etc., which existed in no other constitution in the world. Now no more weightages. They (League) said that they required corridor and there was an outcry elsewhere. By shouting back, no problem could be solved. What was required was silent and hard work.

Sardar Patel sympathised with the minority in Sind. But mere sympathy without power was no good. They must build up strength.

"We would appeal to Congressmen in general to be pre-

pared to shoulder responsibilities. Internal wranglings would weaken the country".

At first the British said that they would withdraw by June 1948. It was felt that the intervening period was too long. Now they were going away on August 15 and even this intervening period was too long. The continuance of the present situation each day injured the country.

There should be complete unity and there was no room for groups in the Congress. He would invite the opposing groups to join them and share the responsibility for the good governance and progress of their country. Always sitting in the opposition and disagreeing led to dangerous habits.

Sardar Patel said that they had now a great opportunity to develop over three-fourths of India. They had not much time to waste. There was food shortage. There was labour unrest. He had been told that for another four years we could not expect any import of textiles and if so even the small ration of twelve yards per head could not be kept up. Conditions were such that everyone should apply himself to his work energetically. He had heard many complaints against the Congress. The criticism should be met.

Freedom was coming. Congressmen should work hard to make that freedom a living thing and to make India strong. They might have a five-year plan and work to schedule. They must build up industries. They must build up the army, make it strong and efficient. It would serve no purpose indulging in vague criticism of the Congress. Nor would it do as was the case with the Communists, who alternately backed the British and then the League, to denounce the Congress. The Working Committee had not placed the resolution before the A.-I.C.C. in a light-hearted manner but did so with a clear conscience.

On the question of Indian States Sardar Patel referred to Travancore and said he would like to know how that state could become a sovereign state. Probably the statesmen who made declarations of independence and sovereignty did not understand the implications of those terms. So long as the

Congress continued to have a foothold in Travancore there was no question of " independence and sovereignty."

72. THE ALL-INDIA CONGRESS COMMITTEE ON THE INDIAN STATES, JUNE 15, 1947.

The A.-I.C.C. welcomes the association of many Indian States in the work of the Constituent Assembly. The Committee hopes that the remaining States will also co-operate in this building up of the constitutional structure of Free India in which the State units will be equal and autonomous sharers with the other units of the Federation.

The position of the States in the constitutional changes that are taking place was defined in the Memorandum presented by the Cabinet Mission on the 12th May, 1946, and the Statement of the 16th May, 1946. The recent Statement of the 3rd June, 1947, has not added to these in any way. The position according to these Papers was that the Indian Union would consist of the provinces and the States, that paramountcy would lapse on the transfer of power, and that in the event of any State not entering into a federal relationship with the Union, it will enter into other political arrangement with it. In the Memorandum it was further stated that the British Government had been informed by the Indian States that they desired in their own interests and in the interests of India as a whole, both to make their contribution to the framing of the structure and to take their due place in it when it is completed. A hope was also expressed that the various State Governments which had not already done so would take active steps to place themselves in close and constant touch with public opinion in their States by means of representative institutions It was suggested that existing arrangements as between the States and the Government of India should continue in regard to matters of common concern until new agreements were completed.

While recognising that some progress has been made in some States towards representative institutions, the A.-I.C.C. regrets that during this past critical year, since

the Memorandum of the Cabinet Mission, this progress has been very limited both in its extent and quality. In view of the basic changes that are going to take place in India within the next two months, resulting from the complete transfer of power to Indian hands, it is of vital importance that progress leading to responsible government should take place rapidly in the States. The A.-I.C.C. trusts that all the States will initiate these changes so as to keep in line with the fast-changing situation in India and at the same time produce contentment and self-reliance in their people.

The arrangements made under paramountcy in the past dealt, *inter alia*, with the security of India as a whole. In the interest of that security, various arrangements were agreed to, limiting the power of the States' authorities and at the same time granting them protection. The question of the security of India as well as other matters are as important to-day as at any time previously and cannot be ignored in deciding the future of the States.

The A.-I.C.C. cannot admit the right of any State in India to declare its independence and to live in isolation from the rest of India. That would be a denial of the course of Indian history and of the objectives of the Indian people to-day.

The A.-I.C.C. trusts that the rulers of the States will appreciate fully the situation as it exists to-day and will in full co-operation with their people enter as democratic units in the Indian Union, thereby serving the cause of their own people as well as of India as a whole.

The Committee does not agree with the theory of paramountcy as enunciated and interpreted by the British Government; but even if that is accepted the consequences that follow from the lapse of that paramountcy are limited in extent. The privileges and obligations as well as the subsisting rights as between the States and the Government of India cannot be adversely affected by the lapse of paramountcy. These rights and obligations have to be considered separately and renewed or changed by mutual agreement. The relationship between the Government of India and the States would not be exhausted by the lapse of paramountcy. The lapse does not lead to the independence of the States.

Both from the point of view of the spirit underlying the Memorandum of 12th May and the Statement of 16th May, 1946, as well as the acknowledged rights of the people all over the world to-day it is clear that the people of the States must have a dominating voice in any decisions regarding them. Sovereignty, it is admitted, resides with the people, and if paramountcy lapses resulting in the ending of the relationship of the States to the Crown, the inherent rights of the people are not affected thereby for the worse.

73. PANDIT NEHRU ON PARAMOUNTCY, JUNE 15, 1947.

(Speech at the All-India Congress Committee, New Delhi).

There is a great deal of talk about independence, paramountcy, etc. Independence does not depend on a mere declaration by anybody but on various factors—Foreign Relations, Defence, etc. It fundamentally depends on acknowledgement by other parties of that independence.

. . . . If the paramountcy of the British Crown is withdrawn, as they say it is going to be withdrawn, what follows? So far as we are concerned, we do not agree with the doctrine of paramountcy as it has been declared, especially during the last dozen years, by the British Government. You will remember that this business of a Crown Representative came into existence only a dozen years ago. Paramountcy has been exercised ever since the British became a leading power in India, first by the East India Company and then later by the Government of India that succeeded it. No doubt the Crown was behind it. There was no division in the Government of India, as between that part which dealt with the Indian States and that part which dealt with the rest. The whole of the Government of India dealt with the Indian States. The distinction came in only a dozen years ago with the Act of 1935.

When there was some talk of a Federation in India, the Butler Committee and others began to talk of paramountcy

vesting in the Crown, so that it was a new thing. We did not agree with that but I am not going into that question now.

As paramountcy vests in the British Crown, the British Crown ceases to exercise it; it lapses, or if you like, it returns to the States. But there is a certain inherent paramountcy in the Government of India which cannot lapse—an inherent paramountcy in the dominant state in India which must remain because of the very reasons of geography, history, defence, etc., which gave rise to it when the British became the dominant power in India. If anybody thinks that it lapses, then those very reasons will give rise to it again.

It must exist, or the only alternative to it is that the various States in India should in groups, or otherwise, join the Federation or the Indian Union. Then, of course, there is no paramountcy, because presumably they join as autonomous and equal units in that Union and they share equally in the Union Legislature and the Union Executive. Presuming, of course, that those units are proper units, economic units, big enough units of the Federation, they have the same position in the Federation as any other unit like a province. Probably in the independent Indian Union there will be no distinction between a province as such and an Indian State as such, but all will be States of the Union or whatever name may be given to them, so that over all those who are equal members of the Union no question of paramountcy arises.

For those who do not join, the question of paramountcy inevitably arises, because they cannot live in a void. In the declaration of May 16 it was clearly laid down that the Indian Union would consist of the provinces and the States. It was not envisaged that any State could remain outside the Union, though it is true that a State was given a certain power, if you like, a certain freedom, to decide how to come in. But it was not envisaged that it could keep out ultimately. In the Memorandum of May 12 it was stated clearly that the States should either join the Indian Union—that was the primary thing, or, if they did not do so, they must come to some other arrangement with the Union. There is no third way out of the situation, third way meaning independence or special relation with a Foreign Power.

If a State do not join the Union, there will have to be some relationship with the Union and its relationship will be not one of equality but slightly lower. The relationship between the two will be that of a certain suzerain power exercising a certain measure of paramountcy and a certain other State having autonomy but within the limitations of paramountcy and suzerainty.

We desire no suzerainty or paramountcy. We want freedom for all the people of India but it may be that for a particular period, the interim period, before other arrangements can be made and before some of the States can come into the Union, we may carry on negotiations with them on a more or less stand still basis, all the existing arrangements continuing because if the arrangements do not continue, then there is chaos. Of course they will not continue if the States themselves take up any aggressive attitude, going beyond those arrangements.

These arrangements cannot possibly admit of the right of a State to any contact with any Foreign State or in regard to the right of any independent authority to do what it would. All that is not because we wish to interfere with the States—of course we wish the people of the States well —but for another fundamental reason, that these matters affect the security of India. And we cannot permit anything to happen in India in any State which affects fundamentally the security of India, either in relation to defence arrangements or in relation to contact with Foreign Powers. Therefore I want this not only to be realised by the States but I want other countries and powers to realise and appreciate the situation.

. . . . . I should like to say and other countries to know that we will not recognise any independence of any State in India; further, that any recognition of any such independence by any Foreign Power, whichever it may be and wherever it may be, will be considered an unfriendly act.

The considerations of security and other interests which the Indian Union must have in every State in India cannot be overridden by any unilateral declaration of a State, and therefore, any Foreign Power which takes an action on the basis

of that unilateral declaration will be ignoring our special interests and doing an unfriendly act to us. I am quite sure that any Government of India that comes into existence two months later will feel that way and will act that way.

74. ANNOUNCEMENT OF LORD MOUNTBATTEN, JUNE 16, 1947.

In pursuance of Paragraph 21 of the statement by His Majesty's Government dated the 3rd June, 1947, His Excellency the Governor-General is pleased to direct that the following procedure shall be followed for the purpose of giving effect to paragraph 13 of the statement:

(1) If in accordance with the procedure laid down in the announcement, dated the 10th June, 1947, it is decided that Bengal should be partitioned, the members of the Bengal Legislative Assembly, representing for the time being the constituencies specified in schedule to that announcement, shall forthwith proceed to decide the following question, namely:

Whether, if referendum to be held in Sylhet district in accordance with Paragraph 13 of the statement by His Majesty's Government dated the 3rd June, 1947, results in favour of the amalgamation of the district of Sylhet with the new province of Eastern Bengal, that province should agree to such amalgamation.

(2) The member of the above body appointed by the Governor under Paragraph 3 of the announcement dated the 10th June, 1947, to preside over its meetings shall preside over the meeting of that body held for the purpose of deciding the above question, and shall in due course communicate its decision to the Governor of Bengal.

(3) The Governor of Bengal shall communicate the terms of this announcement to all members of the above body.

75. STATEMENT OF DR. AMBEDKAR ON THE INDIAN STATES, JUNE 17, 1947.

The announcement by Travancore and Hyderabad that they will declare themselves independent sovereign States on

15th August, 1947, when India becomes a Dominion, and the inclination shown by other States to follow their example has created a new problem which may turn out to be worse than the Hindu-Muslim problem as it is sure to result in the further Balkanization of India. Such a crucial problem requires to be seriously considered by all so that the right solution may be found. It is in that spirit that I wish to state what I think about the Indian States declaring themselves independent instead of joining the Indian Union. There are obviously two aspects to the question. Can the States declare themselves independent? Should they declare themselves independent? For the sake of avoiding confusion it is better to deal with the two aspects of the question separately.

To begin with the first. The basis of the claim made by the States for a right to declare themselves independent lies in the Statement of 12th May, 1946, issued by the Cabinet Mission in which they say that the British Government could not and will not in any circumstances transfer paramountcy to an Indian Government, which means that the rights of the States which follow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the Paramount Power will return to the States. The statement of the Cabinet Mission that the Crown could not transfer paramountcy is obviously not a statement of political policy. It is a statement of law. The question is · is this a correct statement of law as it applies to the States?

There is nothing original in the proposition set out by the Cabinet Mission. It is a mere repetition of the view propounded by the Butler Committee appointed in 1929 to examine the relationship between the Crown and the Indian States.

As students of the subject know, the Princes in the stand they took before the Butler Committee contended for two propositions:

(1) That paramountcy could not override the terms and conditions contained in the treaties between the Princes and the States but was limited by them.

(2) That the relations embodied in paramountcy were of a personal nature between the Crown and the Princes and

could not, therefore, be transferred by the Crown to an Indian Government without the consent of the Princes.

The Butler Committee without much ceremony repudiated the first of these two contentions. It put the matter in most ruthless language by declaring that paramountcy was paramount and was not limited by any terms contained in the treaties. As regards the second contention, strangely enough it was upheld by the Butler Committee. Whether the Butler Committee did it in order to appease the Princes who were annoyed with the Committee for turning down their contention regarding paramountcy it is no use speculating. The fact however remains that it gave immense satisfaction to the Political Department of the Government of India and to the Princes.

The doctrine that paramountcy cannot be transferred to an Indian Government is a most mischievous doctrine and is based upon an utter misunderstanding of the issues involved. The doctrine is so unnatural that the late Prof. Holdsworth, author of *History of English Law*, had to exercise a great deal of ingenuity in defending it in the pages of *Law Quarterly Review* for October, 1930. Unfortunately, no Indian student of constitutional law has ever bothered to controvert his views with the result that they have remained as the last and final word on the subject. No wonder the Cabinet Mission adopted them as valid and acted upon them in settling the issue of British India *vs.* Indian States. It is equally a matter for pity that the Congress Working Committee which was negotiating with the Cabinet Mission for a settlement did not challenge the proposition enunciated by the Mission in regard to paramountcy. But these circumstances cannot take away the right of Indians to examine the matter *de novo* and come to their own independent judgment and stand for it if they are convinced that their view is the right view, no matter what the Cabinet Mission have said.

The case against the position taken by the Cabinet Mission in regard to paramountcy can be stated in the following propositions:

(1) Much of the mystery which surrounds paramountcy

is due to the fact that most people do not understand what it stands for. Paramountcy is merely another name for what is called the prerogative of the Crown. It is true that paramountcy as a prerogative of the Crown differs from the ordinary prerogative of the Crown in two respects.

(*A*) The basis of the ordinary prerogative of the Crown lies in common law as distinguished from statute law, while the basis of the prerogative arising from paramountcy lies in treaties supplemented by usage.

(*B*) The common law prerogative of the Crown extends to all the subjects of the Crown resident in the King's dominions, and over aliens temporarily resident therein, while paramountcy as a prerogative extends only over the Indian States. Paramountcy is no doubt a distinct part of the prerogative of the Crown. Notwithstanding these differences the fact remains that paramountcy is a prerogative of the Crown.

(2) Paramountcy being the prerogative of the King, the exercise of paramountcy is, contrary to the general opinion, not subject to the rules of international law but is subject to that part of the municipal law of the British Empire which is called the law of the constitution.

(3) According to the principle of the constitutional law of the British Empire, while the prerogative vests in the King, the King has no discretion in the exercise of his prerogative. The King cannot exercise it independently of the advice of his Ministers. He can exercise it only in accordance with the advice given to him by the Ministers.

The last proposition enunciated above requires further elaboration. For it may be asked, on the advice of which Ministry is the Crown to act? The answer is, on the advice of the Ministry of the Dominion concerned. Before the Statute of Westminster the British Empire constituted one single dominion. Consequently in the matter of the exercise of its prerogative rights the Crown acted on the advice of the British Cabinet. After the passing of the Statute of Westminster which carved out Canada, Australia, South Africa and Ireland as separate Dominions, the Crown in the exercise of its prerogative rights acts on the advice of the Cabinet of

the Dominion concerned. It is bound to do so. It cannot do otherwise. It follows when India becomes a Dominion the Crown will be bound to act in the exercise of its prerogative rights, *i.e.*, paramountcy on the advice of the Indian Cabinet.

The protagonists of the theory that paramountcy cannot be transferred to the Government of India rely on the omission from the Government of India Act, 1935, of the provisions of Section 39 of the Government of India Act, 1833 (they were reproduced in Section 33 of the Government of India Act, 1915-19) according to which the civil and military government of India (as distinguished from the civil and military government of British India) is vested in the Governor-General-in-Council and argue that the omission is evidence in support of the conclusion that paramountcy could not be transferred to an Indian Government. To say the least, the argument is puerile. The existence or non-existence of such a provision in the Government of India Act is quite beside the point and proves nothing. The non-existence of the clause does not prove that India can under no circumstances claim the right to advise the Crown in regard to the exercise of paramountcy. Its existence in the Government of India Act does not mean that such a power was vested in it during 1833 to 1935 when it formed part of the Act. For that very clause contained the proviso whereby the Governor-General-in-Council was required to pay due obedience to all such orders as may be issued from the Secretary of State which means even during 1833 to 1935 the ultimate authority to advise the Crown in the matter of the exercise of the prerogative was the Secretary of State for India, *i.e.*, British Cabinet of which he is a member.

The different methods of disposing of paramountcy adopted in the various Acts passed by Parliament relating to the Government of India between 1833 and 1935 do not and cannot in any way affect the claim of the Indian people to advise the Crown in the exercise of paramountcy. Under the constitutional law of the Empire, it is only when a country has become a Dominion that it can claim the right to advise the Crown and the fact that before it became a Dominion the

Crown was differently advised is no bar to its claim. Under the 1935 Act India was not granted responsible government. But even if India was granted responsible government India could not have claimed to advise the Crown in regard to the exercise of its prerogative rights regarding Indian States. This is because the constitutional law of the British Empire makes an important difference between responsible government and Dominion Status. In responsible government the right of the Cabinet to advise the Crown and the obligation of the Crown to accept it are confined to cases of the exercise of the prerogative arising out of the internal affairs of the country. As to external affairs, the British Cabinet retained the right to advise the Crown. But in the case of a Dominion, the Crown is bound to accept the advice of the Ministry with regard to all cases of the exercise of the prerogative, whether they relate to internal affairs or external affairs.

That is why a Dominion can make a treaty with a foreign country without the intervention of the British Cabinet. The fact that the Government of India was not in the past permitted to advise the Crown in the exercise of its rights of paramountcy does not mean that there is any inherent constitutional incapacity which disentitles her from claiming the right to advise. The moment India gets the status of a Dominion it automatically acquires the capacity to advise the Crown on paramountcy.

What has been stated above is no more than a summary of the constitutional law of the British Empire and the process of its evolution, showing how a part of the Empire which acquires the status of a Dominion becomes vested with the exclusive right to advise the Crown in the exercise of its prerogative affecting that Dominion. Why should this right be denied to India when she becomes a Dominion, it is difficult to understand. On parity of reasoning India should get the right to advise the Crown in the exercise of its prerogative as did Canada, Australia, South Africa and Ireland when they became Dominions. That Prof. Holdsworth came to a different conclusion is due not to any difference in the fundamental propositions of the constitutional law

stated above. Indeed, he accepts them in toto. The reason is that he posed quite a different question for argument. The question posed by Prof. Holdsworth was whether the Crown could cede or transfer paramountcy to an Indian Government. This is not the real issue. The real issue is whether the Indian Dominion can claim the right to advise the Crown in the exercise of paramountcy. In other words, we are not concerned with the question whether paramountcy could be transferred. The issue with which we are concerned is how paramountcy can be exercised. I am sure that if Prof. Holdsworth had realised what the real issue was he could not come to a different conclusion.

So far I have dealt with one part of the Cabinet Mission's Statement where they say that the Crown could not transfer paramountcy to an Indian Government. There remains for consideration the other part of their statement in which they say that the Crown will not transfer paramountcy to an Indian Government. According to the Cabinet Mission, paramountcy will lapse. This is a most astounding statement and runs contrary to another well-established principle of constitutional law. According to this principle, the King cannot surrender or abandon his prerogative rights. If the Crown cannot transfer paramountcy the Crown cannot also abandon it. The validity of this principle was admitted by the Privy Council in *The Queen vs Edulji Byramji* decided in 1840 and reported in *5 Moore's Privy Council Cases*, p. 276, wherein they said (p. 294) that the Crown could not even by charter part with its prerogative. It is therefore obvious that the statement made by the Cabinet Mission that the Crown will not exercise paramountcy is contrary to the constitutional law by which the Empire is governed. The Crown must continue to exercise paramountcy. It is of course true that the Crown can surrender its prerogative if permitted to do so by express statutory authority. The question is whether it could be legal and proper for the British Parliament to make a law permitting the abandonment of paramountcy. It would be open, I am sure, for Indians to argue that such a step by the British Parliament would neither be proper nor legal. It would not

be legal for the simple reason that after India becomes a Dominion the statute abrogating paramountcy can be pas ed by the Dominion Parliament of India and the British Parliament would have no jurisdiction in this matter at all. Again, a statute passed by the Parliament of the Great Britain abrogating paramountcy would be improper. The reason is obvious. The army is the ultimate sanction for paramountcy. This army has been the Indian Army for which British India has paid all along. Without the aid of this powerful army maintained by British India and placed at the disposal of the Crown through his agent the Viceroy and Governor-General of India, the Crown would never have been able to build up and conserve the powers of paramountcy. These powers are of the nature of a trust held by the Crown for the benefit of the people of India and it would be a gross abuse of power on the part of the British Parliament to pass a statute destroying that trust.

A question may be asked: What happens when India becomes independent? The Crown disappears and the question of advising the Crown does not remain. Can independent India claim to inherit the prerogative rights of the Crown? For an answer to this question, one must look to the provisions of international law relating to succession among states. Oppenheim admits that a succeeding state can inherit certain rights of the preceding state. From Hall's *International Law*, it would appear that among other things India may claim property and advantages which are secured to it by treaty with the princes. Independent India can therefore make a valid claim for the inheritance of paramountcy.

The conclusion is that the Indian States will continue to be in the same position when India becomes independent as they are now. They will be sovereign States to the extent they are but they cannot be independent States so long as they remain under the suzerainty—as they must be either of the Crown if India remains a Dominion or of the succession state if India becomes independent. While the suzerainty remains they can never be independent. The States may declare themselves independent. But they must realize that

while the suzerainty lasts it must continue even when India becomes independent—India will not recognize their independence nor can a foreign State accord them the status of an independent State.

The only way by which the Indian States can free themselves from paramountcy would be to bring about a merger of sovereignty or suzerainty. That can happen only when the States join the Indian Union as constituent units thereof. The States' spokesmen ought to know this. But as they seem to have forgotten it is necessary to remind them of what happened at the Round Table Conference. In the beginning, the States were not prepared to join the Federation. They agreed to join the Federation when they came to know that they could not escape from the clutches of paramountcy by reason of the Butler Committee's view that paramountcy was paramount. This change of attitude was due to the realization that to the extent the powers comprised in paramountcy were handed over to the Federation, to that extent paramountcy would vanish. In fact, as most of us know, the Princes did raise the question with the then Secretary of State for India and asked him that the scope of paramountcy should be dissolved to the extent of the subjects included in list No. 1. The then Secretary of State had no answer to give and silenced the Princes by frowning upon them.

Apart from the attitude of the then Secretary of State, the fact remains that the princes had seen the point that the only way for the dissolution of paramountcy lay in joining the Federation. The point remains as valid now as it was then. It would be wise on the part of the Indian States to follow that line and not to pursue the mirage of independence. The States should realise that their existence as sovereign independent States will not be worth five years' purchase. It is in the interest of princes themselves that they should join the Indian Union and become constitutional monarchs. Any Dewan[1] who advises his Prince not to join the Union is really acting as the enemy of Princes. The

[1] The reference is to Sir C P. Ramaswamy Iyer, Dewan of Travancore —Editor.

joining of the Federation will no doubt involve the introduction of responsible government but it has this advantage, *viz.*, that the Union will guarantee to the Princes the rights relating to dynastic succession which is the most that a Prince can expect in these days. To be independent and to hope to get recognition and protection from the U. N. O. is to live in one's own paradise. It is doubtful if the U. N. O. will give recognition to Indian States ignoring the claim by India of suzerainty over them. But even if that happens the U. N. O. will never grant any assistance to an Indian State against external aggression or internal commotion without insisting upon the State first introducing responsible government within its area. All these things are writ large on the wall. He who runs may read them. The Dewan who refuses to read them will no doubt share the fate which befalls all those who are blinded by their self-interest.

Whatever the choice the Indian States may make the duty of the people is clear. On their behalf, I would ask the Interim Government at the Centre to take the following steps:—

(1) To notify to H. M. G. that the British Parliament has no right to pass any law abrogating paramountcy and that any clause to that effect in the forthcoming legislation conferring Dominion Status on India would be treated by the people of India as repugnant to their sovereignty and therefore null and void.

(2) To declare that the Government of India will never recognize any Indian State as sovereign independent state.

(3) To inform the U. N. O. that admitting an Indian State which declares itself as sovereign independent state to the membership of the U. N. O. would meet with the strongest objection from the people of India as a violation of the sovereign rights of the Union of India.

Of these the first is the most important and most urgent. If Great Britain abrogates paramountcy she will be ultimately committed to guaranteeing recognition to Indian States

as sovereign independent states. It is, therefore, obvious that no time must be lost by the Interim Government in issuing a warning to H. M. G. against the course they intend to pursue in regard to paramountcy.

76. THE INDIAN INDEPENDENCE ACT, 1947.

An Act to make provision for the setting up in India of two independent Dominions, to substitute other provisions for certain provisions of the Government of India Act, 1935, which apply outside those Dominions, and to provide for other matters consequential on or connected with the setting up of those Dominions.

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The New Dominions.

(1) As from August 15, 1947, two independent Dominions shall be set up in India, to be known respectively as India and Pakistan.

(2) The said Dominions are hereafter in this Act referred to as "the new Dominions" and the said 15th day of August is hereafter in this Act referred to as "the appointed day."

2. Territories of the New Dominions.

(1) Subject to the provisions of sub-sections (3) and (4) of this section, the territories of India shall be the territories under the sovereignty of His Majesty which, immediately before the appointed day, were included in British India except the territories which under sub-section (2) of this section are to be the territories of Pakistan.

(2) Subject to the provisions of sub-sections (3) and (4) of this section the territories of Pakistan shall be (a) the territories which, on the appointed day, are included in the Provinces of East Bengal and West Punjab as constituted

under the two following sections; (b) the territories which, at the date of the passing of this Act, are included in the Province of Sind and the Chief Commissioner's Province of British Baluchistan; and (c) if, whether before or after the passing of this Act but before the appointed day, the Governor-General declares that the majority of the valid votes cast in the referendum which, at the date of the passing of this Act, is being or has recently been held in that behalf under his authority in the North-West Frontier Province are in favour of representatives of that Province taking part in the Constituent Assembly of Pakistan, the territories which, at the date of the passing of this Act, are included in that Province.

(3) Nothing in this section shall prevent any area being at any time included in or excluded from either of the new Dominions, so, however, that—(a) no area, not forming part of the territories specified in sub-section (1) or, as the case may be, sub-section (2), of this section shall be included in either Dominion without the consent of that Dominion; and (b) no area which forms part of the territories specified in the said sub-section (1) or, as the case may be, the said sub-section (2), or which has after the appointed day been included in either Dominion, shall be excluded from that Dominion without the consent of that Dominion.

(4) Without prejudice to the generality of the provisions of sub-section (3) of this section, nothing in this section shall be construed as preventing the accession of Indian States to either of the new Dominions.

3. Bengal and Assam.

(1) As from the appointed day—(a) the Province of Bengal, as constituted under the Government of India Act, 1935, shall cease to exist; and (b) there shall be constituted in lieu thereof two new Provinces, to be known respectively as East Bengal and West Bengal.

(2) If, whether before or after the passing of this Act, but before the appointed day, the Governor-General declares that the majority of the valid votes cast in the referendum which, at the date of the passing of this Act,

is being or has recently been held in that behalf under his authority in the district of Sylhet are in favour of that district forming part of the new Province of East Bengal, then, as from that day, a part of the Province of Assam shall, in accordance with the provisions of sub-section (3) of this section, form part of the new Province of East Bengal.

(3) The boundaries of the new Provinces aforesaid and, in the event mentioned in sub-section (2) of this section, the boundaries after the appointed day of the Province of Assam, shall be such as may be determined, whether before or after the appointed day, by the award of a Boundary Commission appointed or to be appointed by the Governor-General in that behalf, but until the boundaries are so determined—

(a) the Bengal districts specified in the First Schedule to this Act, together with, in the event mentioned in sub-section (2) of this section, the Assam district of Sylhet, shall be treated as the territories which are to be comprised in the new Province of East Bengal; (b) the remainder of the territories comprised at the date of the passing of this Act in the Province of Bengal shall be treated as the territories which are to be comprised in the new Province of West Bengal; and (c) in the event mentioned in sub-section (2) of this section the district of Sylhet shall be excluded from the Province of Assam.

(4) In this section, the expression "award" means, in relation to a Boundary Commission, the decision of the Chairman of that Commission contained in his report to the Governor-General at the conclusion of the Commission's proceedings

4. *The Punjab.*

(1) As from the appointed day— (a) the Province of the Punjab, as constituted under the Government of India Act, 1935, shall cease to exist; and (b) there shall be constituted two new Provinces, to be known respectively as West Punjab and East Punjab.

(2) The boundaries of the said new Provinces shall be such as may be determined, whether before or after the

appointed day, by the award of a Boundary Commission appointed or to be appointed by the Governor-General in that behalf, but until the boundaries are so determined—(a) the districts specified in the Second Schedule to this Act shall be treated as the territories to be comprised in the new Province of West Punjab; and (b) the remainder of the territories comprised at the date of the passing of this Act in the Province of the Punjab shall be treated as the territories which are to be comprised in the new Province of East Punjab.

(3) In this section, the expression "award" means, in relation to a Boundary Commission, the decision of the Chairman of that Commission contained in his report to the Governor-General at the conclusion of the Commission's proceedings.

5. The Governor-General of the new Dominions.

For each of the new Dominions, there shall be a Governor-General who shall be appointed by His Majesty and shall represent His Majesty for the purposes of the government of the Dominion:

Provided that, unless and until provision to the contrary is made by a law of the Legislature of either of the new Dominions, the same person may be Governor-General of both the new Dominions.

6. Legislation for the new Dominions.

(1) The Legislature of each of the new Dominions shall have full power to make laws for that Dominion, including laws having extra-territorial operation.

(2) No law and no provision of any law made by the Legislature of either of the new Dominions shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of this or any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Legislature of each Dominion include

the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of the Dominion.

(3) The Governor-General of each of the new Dominions shall have full power to assent in His Majesty's name to any law of the Legislature of that Dominion and so much of any Act as relates to the dis-allowance of laws by His Majesty or the reservation of laws for the signification of His Majesty's pleasure thereon or the suspension of the operation of laws until the signification of His Majesty's pleasure thereon shall not apply to laws of the Legislature of either of the new Dominions.

(4) No Act of Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to either of the new Dominions as part of the law of that Dominion unless it is extended thereto by a law of the Legislature of the Dominion.

(5) No order in Council made on or after the appointed day under any Act passed before the appointed day, and no order, rule or other instrument made on or after the appointed day under any such Act by any United Kingdom Minister or other authority, shall extend, or be deemed to extend, to either of the new Dominions as part of the law of that Dominion.

(6) The power referred to in sub-section (1) of this section extends to the making of laws limiting for the future the powers of the Legislature of the Dominion.

7. *Consequences of the setting up of the new Dominions.*

(1) As from the appointed day—(a) His Majesty's Government in the United Kingdom have no responsibility as respects the government of any of the territories which, immediately before that day, were included in British India;

(b) the suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date towards

Indian States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise; and

(c) there lapse also any treaties or agreements in force at the date of the passing of this Act between His Majesty and any persons having authority in the tribal areas, any obligations of His Majesty existing at that date to any such persons or with respect to the tribal areas, and all powers, rights, authority or jurisdiction exercisable at that date by His Majesty in or in relation to the tribal areas by treaty, grant, usage, sufferance or otherwise:

Provided that, notwithstanding anything in paragraph (b) or paragraph (c) of this sub-section, effect shall, as nearly as may be, continue to be given to the provisions of any such agreement as is therein referred to which relate to customs, transit and communications, posts and telegraphs, or other like matters, until the provisions in question are denounced by the ruler of the Indian State or person having authority in the tribal areas on the one hand, or by the Dominion or Province or other part thereof concerned on the other hand, or are superseded by subsequent agreements.

(2) The assent of the Parliament of the United Kingdom is hereby given to the omission from the Royal Style and Titles of the words "Indiae Imperator" and the words "Emperor of India" and to the issue by His Majesty for that purpose of His Royal Proclamation under the Great Seal of the Realm.

8. Temporary provision as to government of each of the new Dominions.

(1) In the case of each of the new Dominions, the powers of the Legislature of the Dominion shall, for the purpose of making provision as to the constitution of the Dominion, be exercisable in the first instance by the Constituent Assembly of that Dominion, and references in this Act to the Legislature of the Dominion shall be construed accordingly.

(2) Except in so far as other provision is made by or in accordance with a law made by the Constituent Assembly of the Dominion under sub-section (1) of this section, each of the new Dominions and all Provinces and other parts thereof shall be governed as nearly as may be in accordance with the Government of India Act, 1935; and the provisions of that Act, and of the Orders-in-Council, rules and other instruments made thereunder, shall, so far as applicable, and subject to any express provisions of this Act, and with such omissions, additions, adaptations and modifications as may be specified in orders of the Governor-General under the next succeeding section, have effect accordingly:

Provided that—(a) the said provisions shall apply in relation to each of the new Dominions and nothing in this sub-section shall be construed as continuing on or after the appointed day any Central Government or Legislature common to both the new Dominions; (b) nothing in this sub-section shall be construed as continuing in force on or after the appointed day any form of control by His Majesty's Government in the United Kingdom over the affairs of the new Dominions or of any Province or other part thereof; (c) so much of the said provisions as requires the Governor-General or any Governor to act in his discretion or exercise his individual judgement as respects any matter shall cease to have effect as from the appointed day; (d) as from the appointed day, no Provincial Bill shall be reserved under the Government of India Act, 1935, for the signification of His Majesty's pleasure, and no Provincial Act shall be disallowed by His Majesty thereunder; and (e) the powers of the Federal Legislature or Indian Legislature under that Act, as in force in relation to each Dominion, shall, in the first instance, be exercisable by the Constituent Assembly of the Dominion, in addition to the powers exercisable by that Assembly under sub-section (1) of this section.

(3) Any provision of the Government of India Act, 1935, which, as applied to either of the new Dominions by sub-section (2) of this section and the orders therein referred to, operates to limit the power of the Legislature of that

Dominion shall, unless and until other provision is made by or in accordance with a law made by the Constituent Assembly of the Dominion in accordance with the provisions of sub-section (1) of this section, have the like effect as a law of the Legislature of the Dominion limiting for the future the powers of that Legislature.

9. Orders for bringing this Act into force.

(1) The Governor-General shall by order make such provision as appears to him to be necessary or expedient—(a) for bringing the provisions of this Act into effective operation; (b) for dividing between the new Dominions, and between the new Provinces, to be constituted under this Act, the powers, rights, property, duties and liabilities of the Governor-General-in-Council or, as the case may be, of the relevant Provinces which, under this Act, are to cease to exist; (c) for making omissions from, additions to, and adaptations and modifications of, the Government of India Act, 1935, and the Orders-in-Council, rules and other instruments made thereunder, in their application to the separate new Dominions; (d) for removing difficulties arising in connection with the transition to the provisions of this Act; (e) for authorising the carrying on of the business of the Governor-General-in-Council between the passing of this Act and the appointed day otherwise than in accordance with the provisions in that behalf of the Ninth Schedule to the Government of India Act, 1935; (f) for enabling agreements to be entered into, and other acts done, on behalf of either of the new Dominions before the appointed day; (g) for authorising the continued carrying on for the time being on behalf of the new Dominions, or on behalf of any two or more of the said new Provinces, of services and activities previously carried on on behalf of British India as a whole or on behalf of the former Provinces which those new Provinces represent; (h) for regulating the monetary system and any matters pertaining to the Reserve Bank of India; and (i) so far as it appears necessary or expedient in connection with any of the matters aforesaid, for varying the constitution, powers or jurisdiction

of any legislature, court or other authority in the new Dominions and creating new legislatures, courts or other authorities therein.

(2) The powers conferred by this section on the Governor-General shall, in relation to their respective Provinces, be exercisable also by the Governors of the Provinces which under this Act are to cease to exist; and those powers shall, for the purposes of the Government of India Act, 1935, be deemed to be matters as respects which the Governors are, under that Act, to exercise their individual judgment.

(3) This section shall be deemed to have had effect as from the third day of June, 1947, and any order of the Governor-General or any Governor made on or after that date as to any matter shall have effect accordingly, and any order made under this section may be made so as to be retrospective to any date not earlier than the said third day of June:

Provided that no person shall be deemed to be guilty of an offence by reason of so much of any such order as makes any provision thereof retrospective to any date before the making thereof.

(4) Any orders made under this section, whether before or after the appointed day, shall have effect (a) up to the appointed day, in British India; (b) on and after the appointed day, in the new Dominion or Dominions concerned; and (c) outside British India, or as the case may be, outside the new Dominion or Dominions concerned, to such extent, whether before, on or after the appointed day, as a law of the Legislature of the Dominion or Dominions concerned would have on or after the appointed day, but shall, in the case of each of the Dominions, be subject to the same powers of repeal and amendment as laws of the Legislature of that Dominion.

(5) No order shall be made under this section, by the Governor of any Province, after the appointed day, or, by the Governor-General, after the 31st day of March, 1948, or such earlier date as may be determined, in the case

of either Dominion, by any law of the Legislature of that Dominion.

(6) If it appears that a part of the Province of Assam is, on the appointed day, to become part of the new Province of East Bengal, the preceding provisions of this section shall have effect as if under this Act the Province of Assam was to cease to exist on the appointed day and be reconstituted on that day as a new Province.

10. Secretary of State's Services, etc.

(1) The provisions of this Act keeping in force provisions of the Government of India Act, 1935, shall not continue in force the provisions of that Act relating to appointments to the Civil Services of, and civil posts under, the Crown in India by the Secretary of State, or the provisions of that Act relating to the reservation of posts.

(2) Every person who—(a) having been appointed by the Secretary of State or Secretary of State in Council to a Civil Service of the Crown in India continues on and after the appointed day to serve under the Government of either of the new Dominions or of any Province or part thereof; or (b) having been appointed by His Majesty before the appointed day to be a judge of the Federal Court or of any court which is a High Court within the meaning of the Government of India Act, 1935, continues on and after the appointed day to serve as a judge in either of the new Dominions, shall be entitled to receive from the Governments of the Dominions and Provinces or parts which he is from time to time serving, or, as the case may be, which are served by the courts in which he is from time to time a judge, the same conditions of service as respects remuneration, leave and pension, and the same rights as respects disciplinary matters or, as the case may be, as respects the tenure of his office, or rights as similar thereto as changed circumstances may permit, as that person was entitled to immediately before the appointed day.

(3) Nothing in this Act shall be construed as enabling the rights and liabilities of any person with respect to the family pension funds vested in Commissioners

under section 273 of the Government of India Act, 1935, to be governed otherwise than by Orders-in-Council made (whether before or after the passing of this Act or the appointed day) by His Majesty-in-Council and rules made (whether before or after the passing of this Act or the appointed day) by a Secretary of State or such other Minister of the Crown as may be designated in that behalf by Order-in-Council under the Ministers of the Crown (Transfer of Functions) Act, 1946.

11. Indian armed forces.

(1) The orders to be made by the Governor-General under the preceding provisions of this Act shall make provision for the division of the Indian armed forces of His Majesty between the new Dominions, and for the command and governance of those forces until the division is completed.

(2) As from the appointed day, while any member of His Majesty's forces, other than His Majesty's Indian forces, is attached to or serving with any of His Majesty's Indian forces—(a) he shall, subject to any provision to the contrary made by a law of the Legislature of the Dominion or Dominions concerned or by any order of the Governor-General under the preceding provisions of this Act, have, in relation to the Indian forces in question, the powers of command and punishment appropriate to his rank and functions; but (b) nothing in any enactment in force at the date of the passing of this Act shall render him subject in any way to the law governing the Indian forces in question.

12. British Forces in India.

(1) Nothing in this Act affects the jurisdiction or authority of His Majesty's Government in the United Kingdom, or of the Admiralty, the Army Council, or the Air Council or of any other United Kingdom authority, in relation to any of His Majesty's forces which may, on or after the appointed day, be in either of the new Dominions or elsewhere in the territories which, before the appointed day, were included in India, not being Indian forces.

(2) In its application in relation to His Majesty's military forces, other than Indian forces, the Army Act shall have effect on or after the appointed day—(a) as if His Majesty's Indian forces were not included in the expressions "The forces", "His Majesty's forces" and "The regular forces"; and (b) subject to the further modifications specified in Parts (I) and (II) of the Third Schedule to this Act.

(3) Subject to the provisions of sub-section (2) of this section, and to any provisions of any law of the Legislature of the Dominion concerned, all civil authorities in the new Dominions, and, subject as aforesaid and subject also to the provisions of the last preceding section, all service authorities in the new Dominions, shall, in those Dominions and in the other territories which were included in India before the appointed day, perform in relation to His Majesty's military forces, not being Indian forces, the same functions as were, before the appointed day, performed by them, or by the authorities corresponding to them, whether by virtue of the Army Act or otherwise, and the matters for which provision is to be made by orders of the Governor-General under the preceding provisions of this Act shall include the facilitating of the withdrawal from the new Dominions and other territories aforesaid of His Majesty's military forces, not being Indian forces.

(4) The provisions of sub-sections (2) and (3) of this section shall apply in relation to the air forces of His Majesty, not being Indian air forces, as they apply in relation to His Majesty's military forces, subject, however, to the necessary adaptations, and, in particular, as if—(a) for the references to the Army Act there were substituted references to the Air Force Act; and (b) for the reference to Part (II) of the Third Schedule to this Act there were substituted a reference to Part (III) of that Schedule.

13. Naval Forces.

(1) In the application of the Naval Discipline Act to His Majesty's Naval Forces, other than Indian Naval Forces,

references to His Majesty's Navy and His Majesty's ships shall not, as from the appointed day, include references to His Majesty's Indian Navy or the ships thereof.

(2) In the application of the Naval Discipline Act by virtue of any law made in India before the appointed day to Indian Naval Forces, references to His Majesty's Navy and His Majesty's ships shall, as from the appointed day, be deemed to be, and to be only, references to His Majesty's Indian Navy and the ships thereof.

(3) In Section 90 (B) of the Naval Discipline Act (which, in certain cases, subjects officers and men of the Royal Navy and Royal Marines to the law and customs of the ships and naval forces of other parts of His Majesty's dominions) the words "or of India" shall be repealed as from the appointed day, wherever those words occur.

14. Provisions as to the Secretary of State and the Auditor of Indian Home Accounts.

(1) A Secretary of State, or such other Minister of the Crown as may be designated in that behalf by Order-in-Council under the Ministers of the Crown (Transfer of Functions) Act, 1946, is hereby authorised to continue for the time being the performance, on behalf of whatever Government or Governments may be concerned, of functions as to the making of payments and other matters similar to the functions which, up to the appointed day, the Secretary of State was performing on behalf of Governments constituted or continued under the Government of India Act, 1935.

(2) The functions referred to in sub-section (1) of this section include functions as respects the management of, and the making of payments in respect of, Government debt, and any enactments relating to such debt shall have effect accordingly:

Provided that nothing in this sub-section shall be construed as continuing in force so much of any enactment as empowers the Secretary of State to contract sterling loans on behalf of any such Government as aforesaid or as applying to the Government of either of the new Dominions the

prohibition imposed on the Governor-General-in-Council by section 315 of the Government of India Act, 1935, as respects the contracting of sterling loans.

(3) As from the appointed day, there shall not be any such Advisers of the Secretary of State as are provided for by section 278 of the Government of India Act. 1935, and that section, and any provisions of that Act which require the Secretary of State to obtain the concurrence of his Advisers, are hereby repealed as from that day.

(4) The Auditor of Indian Home Accounts is hereby authorised to continue for the time being to exercise his functions as respects the accounts of the Secretary of State or any such other Minister of the Crown as is mentioned in sub-section (1) of this section, both in respect of activities before, and in respect of activities after, the appointed day, in the same manner as nearly as may be as he would have done if this Act had not passed.

15. Legal proceedings by and against the Secretary of State.

(1) Notwithstanding any thing in this Act, and in particular, notwithstanding any of the provisions of the last preceding section, any provision of any enactment which, but for the passing of this Act, would authorise legal proceedings to be taken, in India or elsewhere, by or against the Secretary of State in respect of any right or liability of India or any part of India shall cease to have effect on the appointed day, and any legal proceedings pending by virtue of any such provision on the appointed day shall, by virtue of this Act, abate on the appointed day, so far as the Secretary of State is concerned.

(2) Subject to the provisions of this sub-section, any legal proceedings which, but for the passing of this Act, could have been brought by or against the Secretary of State in respect of any right or liability of India, or any part of India, shall instead be brought—(*a*) in the case of proceedings in the United Kingdom, by or against the High Commissioner; (b) in the case of other proceedings, by or against such person as may be designated by order of the

Governor-General under the preceding provisions of this Act or otherwise by the law of the new Dominion concerned, and any legal proceedings by or against the Secretary of State in respect of any such right or liability as aforesaid which are pending immediately before the appointed day shall be continued by or against the High Commissioner or, as the case may be, the person designated as aforesaid:

Provided that, at any time after the appointed day, the right conferred by this sub-section to bring or continue proceedings may, whether the proceedings are by, or are against, the High Commissioner or person designated as aforesaid, be withdrawn by a law of the Legislature of either of the new Dominions so far as that Dominion is concerned, and any such law may operate as respects proceedings pending at the date of the passing of the law.

(3) In this section, the expression "The High Commissioner" means, in relation to each of the new Dominions, any such officer as may for the time being be authorised to perform in the United Kingdom, in relation to that Dominion, functions similar to those performed before the appointed day, in relation to the Governor-General-in-Council, by the High Commissioner referred to in section 302 of the Government of India Act, 1935; and any legal proceedings which, immediately before the appointed day, are the subject of an appeal to His Majesty-in-Council, or of a petition for special leave to appeal to His Majesty-in-Council, shall be treated for the purposes of this section as legal proceedings pending in the United Kingdom.

16. Aden.

(1) Sub-sections 2 to 4 of section 288 of the Government of India Act, 1935 (which confer on His Majesty power to make by Order-in-Council provision for the government of Aden) shall cease to have effect and the British Settlements Acts, 1887 and 1945, (which authorise His Majesty to make laws and establish institutions for British settlements as defined in those Acts) shall apply in relation to Aden as if it were a British settlement as so defined.

(2) Notwithstanding the repeal of the said sub-sections 2 to 4, the Orders-in-Council in force thereunder at the date of the passing of this Act shall continue in force, but the said Orders-in-Council, any other Orders-in-Council made under the Government of India Act, 1935, in so far as they apply to Aden, and any enactments applied to Aden or amended in relation to Aden by any such Orders-in-Council as aforesaid, may be repealed, revoked or amended under the powers of the British Settlements Acts, 1887 and 1945.

(3) Unless and until provision to the contrary is made as respects Aden under the powers of the British Settlements Acts, 1887 and 1945, or, as respects the new Dominion in question, by a law of the Legislature of that Dominion, the provisions of the said Orders-in-Council and enactments relating to appeals from any courts in Aden to any courts which will, after the appointed day, be in either of the new Dominions, shall continue in force in their application both to Aden and to the Dominion in question, and the last-mentioned courts shall exercise their jurisdiction accordingly.

17. Divorce Jurisdiction.

(1) No court in either of the new Dominions shall, by virtue of the Indian and Colonial Divorce Jurisdiction Acts, 1926 and 1940, have jurisdiction in or in relation to any proceedings for a decree for the dissolution of a marriage, unless those proceedings were instituted before the appointed day, but, save as aforesaid and subject to any provision to the contrary which may hereafter be made by any Act of the Parliament of the United Kingdom or by any law of the Legislature of the new Dominion concerned, all courts in the new Dominions shall have the same jurisdiction under the said Acts as they would have had if this Act had not been passed.

(2) Any rules made on or after the appointed day under sub-section 4 of section 1 of the Indian and Colonial Divorce Jurisdiction Act, 1926, for a court in either of the new Dominions shall, instead of being made by the Secretary of State with the concurrence of the Lord Chancellor, be

made by such authority as may be determined by the law of the Dominion concerned, and so much of the said sub-section and of any rules in force thereunder immediately before the appointed day as require the approval of the Lord Chancellor to the nomination for any purpose of any judges of any such court shall cease to have effect.

(3) The reference in sub-section (1) of this section to proceedings for a decree for the dissolution of a marriage includes reference to proceedings for such a decree of presumption of death and dissolution of a marriage as is authorised by section 8 of the Matrimonial Causes Act, 1937.

(4) Nothing in this section affects any court outside the new Dominions, and the power conferred by section 2 of the Indian and Colonial Divorce Jurisdiction Act, 1926, to apply certain provisions of that Act to other parts of His Majesty's dominions as they apply to India shall be deemed to be power to apply those provisions as they would have applied to India if this Act had not passed.

18. Provisions as to existing laws, etc.

(1) In so far as any Act of Parliament, Order in Council, order, rule, regulation or other instrument passed or made before the appointed day operates otherwise than as part of the law of British India or the new Dominions, references therein to India or British India, however worded and whether by name or not, shall, in so far as the context permits and except so far as Parliament may hereafter otherwise provide, be construed as, or as including, references to the new Dominions, taken together, or taken separately, according as the circumstances and subject matter may require:

Provided that nothing in this sub-section shall be construed as continuing in operation any provision in so far as the continuance thereof as adapted by this sub-section is inconsintent with any of the provisions of this Act other than this section.

(2) Subject to the provisions of sub-section (1) of this section and to any other express provision of this Act, the Orders-in-Council made under sub-section (5) of

section 311 of the Government of India Act, 1935, for adapting and modifying Acts of Parliament shall, except so far as Parliament may hereafter otherwise provide, continue in force in relation to all Acts in so far as they operate otherwise than as part of the law of British India or the new Dominions.

(3) Save as otherwise expressly provided in this Act, the law of British India and of the several parts thereof existing immediately before the appointed day shall, so far as applicable and with the necessary adaptations, continue as the law of each of the new Dominions and the several parts thereof until other provision is made by laws of the Legislature of the Dominion in question or by any other Legislature or other authority having power in that behalf.

(4) It is hereby declared that the Instruments of Instructions issued before the passing of this Act by His Majesty to the Governor-General and the Governors of Provinces lapse as from the appointed day, and nothing in this Act shall be construed as continuing in force any provision of the Government of India Act, 1935, relating to such Instruments of Instructions.

(5) As from the appointed day, so much of any enactment as requires the approval of His Majesty in Council to any rules of court shall not apply to any court in either of the new Dominions.

19. Interpretation, etc.

(1) References in this Act to the Governor-General shall, in relation to any order to be made or other act done on or after the appointed day, be construed—(a) where the order or other act concerns one only of the new Dominions, as references to the Governor-General of that Dominion; (b) where the order or other act concerns both of the new Dominions and the same person is the Governor-General of both those Dominions, as references to that person; and (c) in any other case, as references to the Governors-General of the new Dominions, acting jointly.

(2) References in this Act to the Governor-General shall, in relation to any order to be made or other act

done before the appointed day, be construed as references to the Governor-General of India within the meaning of the Government of India Act, 1935, and so much of that or any other Act as requires references to the Governor-General to be construed as references to the Governor-General-in-Council shall not apply to references to the Governor-General in this Act.

(3) References in this Act to the Constituent Assembly of a Dominion shall be construed as references—(a) in relation to India, to the Constituent Assembly, the first sitting whereof was held on the 9th day of December, 1946, modified—(i) by the exclusion of the members representing Bengal, the Punjab, Sind and British Baluchistan; and (ii) should it appear that the North-West Frontier Province will form part of Pakistan, by the exclusion of the members representing that Province; and (iii) by the inclusion of members representing West Bengal and East Punjab; and (iv) should it appear that, on the appointed day, a part of the Province of Assam is to form part of the new Province of East Bengal, by the exclusion of the members theretofore representing the Province of Assam and the inclusion of members chosen to represent the remainder of that province; (b) in relation to Pakistan, to the Assembly set up or about to be set up at the date of the passing of this Act under the authority of the Governor-General as the Constituent Assembly for Pakistan:

Provided that nothing in this sub-section shall be construed as affecting the extent to which representatives of the Indian States take part in either of the said assemblies, or as preventing the filling of casual vacancies in the said assemblies, or as preventing the participation in either of the said assemblies, in accordance with such arrangements as may be made in that behalf, of representatives of the tribal areas on the borders of the Dominion for which that Assembly sits, and the powers of the said Assemblies shall extend, and be deemed always to have extended, to the making of provisions for the matters specified in this proviso.

(4) In this Act, except so far as the context otherwise requires—references to the Government of India

Act, 1935, include references to any enactments amending or supplementing that Act, and, in particular, references to the India (Central Government and Legislature) Act, 1946; "India", where the reference is to a state of affairs existing before the appointed day or which would have existed but for the passing of this Act, has the meaning assigned to it by section 311 of the Government of India Act, 1935; "Indian forces" includes all His Majesty's Indian forces existing before the appointed day and also any forces of either of the new Dominions; "pension" means, in relation to any person, a pension, whether contributory or not, of any kind whatsoever payable to or in respect of that person, and includes retired pay so payable, a gratuity so payable and any sum or sums so payable by way of the return, with or without interest thereon or other additions thereto, of subscriptions to a provident fund; "province" means a Governor's province; "remuneration" includes leave pay, allowances and the cost of any privileges or facilities provided in kind.

(5) Any power conferred by this Act to make any order includes power to revoke or vary any order previously made in the exercise of that power.

20. Short Title.

This Act may be cited as the Indian Independence Act, 1947.

First Schedule (Section 3)

Bengal districts provisionally included in the new Province of East Bengal. In the Chittagong Division, the districts of Chittagong, Noakhali and Tippera. In the Dacca Division, the districts of Bakarganj, Dacca, Faridpur and Mymensingh. In the Presidency Division, the districts of Jessore, Murshidabad and Nadia. In the Rajshahi division, the districts of Bogra, Dinajpur, Malda, Pabna, Rajshahi and Rangpur.

Second Schedule (Section 4)

Districts provisionally included in the new Province of West Punjab. In the Lahore Division, the districts of

Gujranwala, Gurdaspur, Lahore, Sheikhupura and Sialkot. In the Rawalpindi Division, the districts of Attock, Gujrat, Jhelum, Mianwali, Rawalpindi and Shahpur. In the Multan Division, the districts of Dera Ghazi Khan, Jhang, Lyallpur, Montgomery, Multan and Muzaffargarh.

Third Schedule (Section 12)

Modifications of Army Act and Air Force Act in relation to British forces.

Part 1—Modifications of Army Act applicable also to Air Force Act.

(1) The proviso to section 41 (which limits the jurisdiction of courts martial) shall not apply to offences committed in either of the new Dominions or in any of the other territories which were included in India before the appointed day.

(2) In section 43 (which relates to complaints), the words "with the approval of the Governor-General of India in Council" shall be omitted.

(3) In sub-sections 8 and 9 of section 54 (which, amongst other things, require certain sentences to be confirmed by the Governor-General-in-Council) the words " India or", the words "by the Governor-General, or, as the case may be " and the words " in India, by the Governor-General, or, if he has been tried " shall be omitted.

(4) In sub-section 3 of section 73 (which provides for the nomination of officers with power to dispense with courts martial for desertion and fraudulent enlistment) the words " with the approval of the Governor-General " shall be omitted.

(5) The powers conferred by sub-section 5 of section 130 (which provides for the removal of insane persons) shall not be exercised except with the consent of the officer commanding the forces in the new Dominions.

(6) In sub-section 2 of section 132 (which relates to rules regulating service prisons and detention barracks) the words " and in India for the Governor-General " and the words " the Governor-General " shall be omitted except as respects rules made before the appointed day.

(7) In the cases specified in sub-section 1 of section 134, inquest shall be held in all cases in accordance with the provisions of sub-section 3 of that section.

(8) In section 136 (which relates to deductions from pay), in sub-section 1 the words " India or " and the words " being in the case of India a law of the Indian Legislature", and the whole of sub-section 2 shall be omitted.

(9) In paragraph 4 of section 137 (which relates to penal stoppages from the ordinary pay of officers), the words " or in the case of officers serving in India the Governor-General ", the words " India or " and the words " for India or, as the case may be " shall be omitted.

(10) In paragraph 12 of section 175 and paragraph 11 of section 176 (which apply the Act to certain members of His Majesty's Indian forces and to certain other persons) the word " India " shall be omitted wherever it occurs.

(11) In sub-section 1 of section 180 (which provides for the punishment of misconduct by civilians in relation to courts martial) the words " India or " shall be omitted wherever they occur.

(12) In the provisions of section 183 relating to the reduction in rank of non-commissioned officers, the words " with the approval of the Governor-General " shall be omitted in both places where they occur.

Part II.—Modifications of Army Act.

Section 184 (b) (which regulates relations with the Indian air force) shall be omitted.

Part III—Modifications of Air Force Act.

(1) In section 179(d) (which relates to the attachment of officers and airmen to Indian and Burma air forces), the words " by the Air Council and the Governor-General of India, or, as the case may be" and the words "India or", wherever those words occur, shall be omitted.

(2) In section 184(b) (which regulates relations with Indian and Burma air forces) the words " India or " and the words " by the Air Council and the Governor-General of India, or, as the case may be" shall be omitted.

(3) Sub-Paragraph (e) of paragraph 4 of section 190 (which provides that officers of His Majesty's Indian Air

Force are to be officers within the meaning of the Act) shall be omitted.

77. EXPLANATION[1] OF INDIAN INDEPENDENCE BILL, JULY 5, 1947.

Sardar Vallabhbhai Patel, Member for Information and Broadcasting,presiding over a Press Conference at which Mr. V. P. Menon, Reforms Commissioner, explained the implications of the Indian Independence Bill, said, "This is a Bill the object of which is to transfer power as quickly as possible. It is not that on all points everybody can be satisfied. There may be some lacuna, some gaps, some difficulties and some doubts but all constitutions are like that. Constitutions are amended by exigencies of circumstances and in this country there are many circumstances which will create difficulties. No bill or constitution can deal with all these difficulties. On the whole, one thing is certain, that is that on August 15 India is completely free. And that is the greatest achievement of India and, one may say, it is one of the greatest acts done in history by any Power."

Sardar Patel said that in the history of the British Parliament, there was hardly any other instance in which a bill had been introduced and was expected to be passed so quickly as the present Bill.

Mr. Menon, he added, had made no mean contribution in the making of this draft so far as the Government of India's point of view was concerned.

Intervening in the course of the conference, Sardar Patel revealed that it had been agreed to by the parties concerned to refer to a judicial tribunal all points of dispute arising out of division of assets and liabilities.

Mr. V. P. Menon stated that the Press Conference was convened at the instance of the Viceroy who personally asked Sardar Patel to preside and that he was grateful that Sardar Patel had been able to accept. Mr. Menon added that the views he would put forward in the course of the conference would be his personal views but on one point they would

[1] These extracts are quoted from newspaper reports.

represent the authoritative views of the Viceroy and His Majesty's Government. This point was Clause 6 of the Bill.

Mr. Menon said that Clause 6 was the pivotal provision in the Bill establishing beyond doubt or dispute the sovereign character of the Legislature of each of the new Dominions and giving them the fullest measure of Independence.

Sub-clauses (2), (4) and (5) removed every possible element of subordination to, or dependence on, the Parliament of the United Kingdom. In particular, the power to amend or repeal "this or any existing or future Act of Parliament", in so far as it affected the Dominion, constituted a complete and unreserved transfer of sovereign power.

Sub-clause (6) was inserted to show that the Constituent Assembly for each Dominion could constitute a Federation by voluntarily limiting each other's plenary power as the Legislature for the Dominion and giving autonomy to Provincial Legislatures in respect of particular subjects.

Mr. Menon said that though in size it was a short Bill and its provisions might appear quite simple, the amount of work which had been put in on it during the brief period of its production was quite incredible. In the final stages of its birthpangs, it kept India Office and Viceroy's House practically sleepless for two nights. For instance, the draft in what might be called its provisionally final form was presented to the leaders on the morning of July 2 and their comments were received and communicated to the Secretary of State in the afternoon of July 3. In the evening these comments were considered by the Viceroy and his staff and H.E.'s views were communicated to London late that night. The Parliamentary draftsmen then had to prepare amendments, which were rather extensive, and then these amendments had to be considered by the Cabinet before its introduction on July 4. Mr. Menon said the names of the two Dominions were as desired by the Congress and Muslim League respectively.

Asked whether Section 1 prevented the British Parliament from recognising subsequently any more Dominions other than the two in India, Mr. Menon said that on the face of it, it did not, but there were other difficulties.

Sardar Patel: "The jurisdiction of Parliament over India has ended with this Bill. It has nothing to do with India hereafter".

"Supposing Hyderabad applied for Dominion Status in the British Commonwealth, what will be the position?"

Mr. Menon: "Hyderabad can certainly apply for Dominion Status but whether the British Government will agree is another matter".

"Is there any understanding that the British Government will not recognise any other Dominion in India?"

Mr. Menon: "I think it is very difficult for H. M. G. to recognise a Dominion other than these two behind their back".

Referring to the status of Berar, Mr. Menon said that Berar was not included in the Indian Dominion under this Bill.

"Does this mean that unless the Nizam agrees to continue the present status, Berar automatically goes to Hyderabad?"

Mr. Menon: "It does not go, physically Berar is part of the C. P. now".

Replying to further questions, Mr. Menon said that legally it would be correct to say that representatives of Berar would not be entitled to sit in the Constituent Assembly but the actual position was different. Berar continued to be a part of the Central Provinces physically. The whole question of Berar was a matter for negotiation, not interpretation, and he did not think that the Nizam would be unreasonable in this regard.

The constitutional position was, Mr. Menon said, if there was no agreement between the Nizam and the Indian Union before August 15, " I prefer to wait and see."[1]

Mr. Menon explained that the Andamans would continue to be part of the Indian Dominion.

Referring to the international status of the two Dominions, Mr. Menon said that the question could not be finally decided by Parliamentary legislation; it was a matter for international authorities like the U.N.O. and other countries. To-day India had sent accredited representatives. The inference could legitimately be drawn that the new Dominion of India

would continue the existing international personality of British India and Pakistan would be regarded as a new entity.

"India minus Pakistan is still India?"

Mr. Menon. "Yes".

Replying to a question about the Boundary Commissions, Mr. Menon said that the Commissions' awards would be automatically implemented by the Governor-General. The Governor-General could not change the awards.

Sardar Patel, answering a question on the proviso in Section 7 whereby agreements relating to customs, transit and communications, posts and telegraphs or other like matters could be denounced by the Ruler of an Indian State or person having authority in the tribal areas on the one hand or by the Dominion or province on the other, said, " Whoever denounces such agreements takes the responsibility for the consequences."

Mr. Menon said in reply to further questions that the Governor-General's power to issue ordinances would continue, but on the advice of his Cabinet.

As regards the status of British officers, the Dominion would have no jurisdiction so far as the application of the ordinary law was concerned, but for operational purposes, etc. they would be under the Dominion. For instance, the Australian law did not apply to British soldiers serving there. Similarly, if Indian soldiers served in Australia after August 15, the Australian law need not apply to them.

Explaining the clause on temporary provisions as to government of each of the new Dominions, Mr. Menon said that a distinction had been made between the constitution-making functions of the Constituent Assembly and its ordinary legislative functions. When the Constituent Assembly functioned as the Central Legislature of the Dominion (but not when it was making the constitution of the Dominion), it would be bound by the existing distribution of legislative power between the Centre and the provinces. Sub-Clause 2 of Clause 8, read with Paragraph (C) of sub-clause (1) of Section 9, was of great practical importance. These provisions enabled the Governor-General to " adapt " the Government of India Act, 1935, separately for the immediate needs

of each of the two Dominions and thereby provide a workable constitution until such time as the Constitution devised by that body was put into operation. This latter procedure would necessarily take time, and during the interim period it was essential to have a constitution which would be readily ascertainable.

It would be noticed that Paragraph (C) of the proviso to sub-clause (2) of section 8 expressly abrogated the discretionary and "individual judgment" functions of the Governor-General and Governors under the Government of India Act, 1935.

On and after August 15 they would act only on the advice of their Ministers.

78. DEBATE[1] IN THE HOUSE OF COMMONS, JULY 10-14, 1947.

I. Speech of Mr. Attlee, July 10-11, 1947.

In moving the second reading of the Indian Independence Bill, Mr. Attlee said, "I have it in command from His Majesty to acquaint the House that he places his prerogatives and interests so far as the matters dealt with by the Bill at the disposal of Parliament."

Amid loud cheers he declared, "This is not abdication, it is the fulfilment of Britain's mission."

Turning to the provisions of the Bill he said, "In Clause (1) provision is made for the setting up from August 15 next of two Dominions to be known as India and Pakistan. . . These are the names by which the spokesmen of the Indian parties wish the Dominions to be called and as presumably it would be in the powers of the Dominions once set up to change their names, it does not seem worth while to make any alteration or spend much time on the point.

Clauses (2), (3) and (4) give effect to the methods whereby the Indian people, through their own representatives, were given the opportunity of deciding on a division of territory. It has already been decided that Bengal and the Punjab should be divided, and in the North-West Frontier

[1] The following extracts are taken from newspaper reports.

Province and in Sylhet voting is taking place to decide the future of these areas.

We expect that in a few days the broad division will have been made, but it will have been noted in accordance with what I indicated to the House that the details of the delimitation of boundaries will be done by two Commissions.

These Commissions will be starting work forthwith. Hindus, Muslims and in the case of the Punjab, Sikhs, will be members. I am glad to say that Sir Cyril Radcliffe, K. C., has accepted a request made by all parties in the Government of India to be Chairman of both Commissions.

Clause (5) provides for appointment by the King of a Governor-General for each of the new Dominions with a proviso, however, that until provision is made to the contrary by either of the two Dominions, the same person may be Governor-General of both. This is a pretty clear clause.

Normally, it would be both unnecessary and inexpedient for a Minister here to say anything more about it. The House is aware that the appointment of a Governor-General in the Dominions is made by the King on the advice of his Ministers in the Dominion concerned and it would be wholly improper for the British Government in the United Kingdom to be in any way concerned in the matter.

But to-day it is necessary for me to make some further comment because the position in relation to the appointment of Governors-General to the new Dominions is exceptional. It is not possible to follow the normal procedure in this case. Under the Bill, the Governors-General will have to be appointed as from August 15. Although the two countries become Dominions from that date, there can be no Ministers formally to advise the Crown until a Governor-General has been appointed and Ministers have taken office.

In these circumstances it was agreed with the Indian leaders, and the King's approval was obtained, that the Viceroy would consult the recognised leaders of Congress and the Muslim League as to whom they would wish to recommend for appointment as Governors-General. Then their advice would be formally tendered to the King by the British Government in the United Kingdom. This procedure will only apply

in the present case. Although the appointments are to be made on the formal advice of Ministers here, they were in fact the recommendation of the Indian leaders themselves.

So much for the exceptional procedure in the present instance. But the Viceroy has represented that in the interest of all, some statement should be made at an early date about the persons to be recommended for the posts. This is most unusual procedure.

I have received the King's specific authority for referring to the recommendations which are before him to which assent cannot be given until the Bill has become law.

It had been intimated to us that it would be most convenient to all concerned to have one Governor-General for both Dominions in the initial stages. For some time we proceeded on this assumption, but it has recently become clear, however, that the Muslim League was in favour of a separate Governor-General to be appointed for Pakistan.

It is obviously desirable that this matter should be settled at the earliest opportunity in order that the position may be understood in India and so that the new Governors-General can prepare themselves to take over on August 15.

Both Congress and Muslim League have been recognised in the Bill as successor authorities and they have made recommendations which have been made by the British Government to His Majesty.

While the formal announcement must await the passing of the Bill, His Majesty has intimated that he will be prepared to accept these recommendations as soon as the Bill is passed.

The recommendations are in favour of the present Viceroy as Governor-General of India and Mr. Jinnah as Governor-General of Pakistan. I wish to add that the recommendation of Lord Mountbatten is also welcomed by the Muslim League."

The Prime Minister continued: " I am also informed that the Muslim League have agreed that he shall be Chairman of the Joint Defence Council, which will be responsible for the Central administration of the armed forces until such time as India and Pakistan are themselves in a position to administer.

I am quite sure that the House will agree with me that these recommendations show that Lord Mountbatten has carried out his duties in India with complete impartiality and has won the confidence of all peoples of India. He has expressed his willingness to serve in this capacity, at all events, during the transition period.

I want here and now to pay my tribute to Lord Mountbatten. Great benefits for the whole continent of India would have followed his appointment as Governor-General of both Dominions. But this is not to be. As the constitutional Governor-General, he will act on the advice of Ministers in all matters."

Mr. Attlee continued that Lord Mountbatten had built up a remarkable position for himself with both parties in India and his wise counsel and his great devotion to the public cause, without any thought at all for his own personal position, will undoubtedly prove the most beneficial factor for the future development of India.

He went on, "Clause (6) of the Bill deals with the powers of the Legislatures of the new Dominions. The aim of the clause is to put the new Dominions in the same position as that enjoyed by existing Dominions. That is to say, they shall not be fettered by any of the limitations which are appropriate to Colonial Legislatures.

The basis of the Dominion Legislatures is set out in Sections (2) to (6) of the Statute of Westminster, and this clause, although different in actual form from these clauses, because the Statute of Westminster dealt with Parliaments actually in being and subjected theoretically at times to certain restrictions, has in substance, I am advised, precisely the same effect.

Clause (7), Section (1), deals with the Indian States. The House will remember that the Cabinet Mission in their Memorandum of May 12, 1946, informed the States that His Majesty's Government could not, and would not in the circumstances, transfer Paramountcy to an Indian Government.

With the transfer of power to two Indian Dominions, it is necessary to terminate the Paramountcy and suzerainty of the Crown over the Indian States and with them the political

engagements concluded under Paramountcy and the mutual rights and obligations of the Crown which derived therefrom.

The reason for this is that they all depend for their implementation on the continuance and responsibility of Great Britain for the government of India. With the trasfer of power to two Dominion Governments it would be impossible for the British Government to carry out these obligations.

The important elements of these rights and obligations concern the protection of the States against external aggression or internal subversive movement and the methods whereby the Paramount Power has in the past influenced the policy of the States so as to enable it and them to fulfil such undertakings.

A feature running through our relations is that they have received no international recognition, independent of India as a whole.

With the ending of these treaties and agreements, the States regain their independence But they are part of geographical India and their rulers and peoples are imbued with a patriotism no less great than that of their fellow Indians in British India.

It would be, I think, unfortunate, if owing to the severance of their Paramountcy relations with the Crown, they were to become islands cut off from the rest of India.

The termination of their existing relationship with the Crown need have no such consequences. In fact already a large number of the States have declared their willingness to enter into relationship with the new Dominions and some have been represented in the Constituent Assembly of India.

It is the hope of His Majesty's Government that all the States will in due course find their appropriate place with one or the other Dominion within the British Commonwealth. But until the constitutions of the Dominions have been framed in such a way as to include the States as willing partners, there must necessarily be a less organic form of relationship between them and there must be a period before a comprehensive system can be worked out.

But quite apart from the political relationship between the States and British India, there has grown up during the

years financial and economic arrangements in relation to such matters as Posts, Telegraph, Customs and Communications which it would be disastrous to terminate immediately.

The proviso in Clause (7), Section (1) of the Bill is designed to secure the continuance of the existing arrangements in this field until tohere has been time for detailed negotiations between the parties.

After the transfer of power, more detailed arrangements will have to be concluded between the States.

These later arrangements will, of course, take time to conclude and the transition of the States from the lapse of Paramountcy into a free association with the new Dominions is a process naturally requiring proper discussion and deliberation.

We welcome the active steps being taken to set up States Departments of the new Dominions to handle negotiations with the States Governments. We trust this will facilitate the negotiations and the arrangements to which I have referred.

If I were asked what would be the attitude of His Majesty's Government to any State that has decided to cut adrift from its neighbours and assert its independence, I would say to the ruler of that State, take your time and think again. I hope no irrevocable decisions will be taken prematurely.

Clause (7), Section (1) of the Bill is related to Paragraph (17) of the Statement of June 3 which said that ' agreement with Tribes of the North-West Frontier of India will have to be negotiated by the appropriate successor authority.'

The effect of this Clause will be to leave it open to Constituent Assemblies of the new Dominions to initiate fresh agreements with the jirgas or tribal assemblies who are treaty-making bodies empowered to enter into agreement on behalf of the tribes.

As the House is aware, these tribal areas are not part of British India, relations with these are governed by a series of treaties and agreements. The termination of these agreements will place the tribes under appropriate successor

Government, in a position to freely negotiate fresh agreements.

Sub-section 2 of Clause (7) of the Bill deals with the Royal Style and Titles " Indiae Imperator " and the words "Emperor of India".

A change in the Royal Style and Title is not a matter for United Kingdom alone. It concerns other members of the British Commonwealth as well.

For practical reasons it has not been possible for such Parliamentary action as might be deemed necessary to be taken in all these countries simultaneously with legislation here.

But as a result of consultations with the Prime Ministers concerned, I am authorised to state that they agree to the proposed change in the Royal Style and Titles and they will take such steps as they consider necessary to obtain the consent of their Parliaments. So some time would elapse before this sub-section would become operative.

With the passing of all British control in the Indian continent, the historic office of the Secretary of State for India will come to an end. The conduct of relations with India will fall within the scope of the Secretary of State for Commonwealth Relations.

For the transitional period there will no doubt be in relation to India and Pakistan a considerable volume of work, much of it of a winding-up character, which would not ordinarily fall within the range of the functions of the Secretary of State for Commonwealth Relations.

The Indian leaders have agreed in principle to the setting up of an arbitration tribunal to which should be referred any question regarding the division of assets and liabilities upon which the two Governments cannot reach agreement. The question of the composition of that tribunal is still under discussion.

The Governor-General has in particular the task of arranging during the transition period for the carrying out of services which are vital to the interests of both the new Dominions. The House will realise the great problems of dealing with such matters as Railways and other Communica-

tions, the Reserve Bank, monetary and fiscal systems and of course Defence, to mention only some of the most obvious examples of those services which have hitherto been operated in the interests of the whole of India.

It must take time before separate systems can be set up and agreements have to be made between the two Dominions. It is for this reason that such wide powers are given to the Governor-General.

It would have simplified matters if the same person had held the position of Governor-General in both Dominions but it had been decided otherwise. It is clear that it can only be worked effectively by agreement between the two Governors-General.

These powers of the Governor-General will come to an end on March 31 next unless terminated earlier by the Dominion Legislatures.

A similar, although smaller, problem is involved in the division of the Punjab, Bengal and possibly Assam. These powers are also given to the Governors of these provinces, but only up to August 15.

He continued, "As to Clause (10) it deals with the position of the Services. The House will recollect that the British Government in the White Paper published here last April made their position plain with regard to the Services, and the pledges given then by the British Government in the United Kingdom stand.

It was then stated that the Government of India accepts liability for pensions earned by service under the Secretary of State, whether as civilians or members of the Defence Services. Clause (10), which has been inserted at the express request of the leaders of the Indian parties, provides for the maintaining of the existing conditions as well as pensionary rights in the case of those members who serve the Governments of the new Dominions.

As regards persons who have been in Government service, whether Central or Provincial, but not specifically under the Secretary of State, I am happy to be able to announce that the leaders of the Indian parties have guaranteed

existing terms and conditions of service to all their employees, including Europeans.

This covers pensionary and Provident Fund liabilities and excludes any question of discrimination between Indian and non-Indian, but it must not be regarded as excluding the right of any Government to revise the salaries of their servants from time to time.

There is one category for which the British Government have a special degree of responsibility, namely, towards the men who have served in the Secretary of State's and analogous Services.

We intend to invite the new authorities to negotiate in due course an agreement whereby a capital sum in sterling would be set aside to meet this liability. Meanwhile those concerned have the assurance of the British Government that they will receive the pensions to which they are entitled.

There are some other important matters. The first is, that regarding the partition of the armed forces".

Mr. Attlee mentioned that since July 7, there had been a Partition Committee and a number of Expert Committees set up to carry out the partition, but he added that these were really fact-finding and had the duty of making proposals and not reaching a final decision.

He said that on July 1, the Partition Council reached agreement on the general principles for the reconstruction of the armed forces. "Until the division of forces is complete and the two Dominion Governments are in a position to administer them, all the existing armed forces in India will remain under the administration and control of the present Commander-in-Chief, who will be in turn under the Joint Defence Council consisting of the two Governors-General, the two Defence Ministers and the Commander-in-Chief himself.

Section (14) deals with the position of the Secretary of State and the Auditor of Indian Home Accounts. The Advisers of the Secretary of State provided for in the Government of India Act will cease to function.

In regard to the relation between this country and the new Dominions, it has been our intention that there should be negotiation, simultaneously with the transfer of power, on treaties or agreements covering matters arising out of the transfer of power in India.

Owing to the course of events in India it has not been possible for such agreements to be negotiated. It is only since the Statement by His Majesty's Government of June 3 that it has become clear that the transfer of power will be to two separate States; the areas to be included in these States are not yet completely delimited, and their Governments have not yet been constituted.

It has not, therefore, been possible to negotiate agreements with the successor authorities, though it is our intention to begin such negotiations when the new Indian Governments are in the saddle.

Apart, however, from the matters arising out of the transfer of power, there are other very important matters on which we hope to have negotiations with the Indian and Pakistan Governments. We desire to establish, by free negotiations, close, cordial and effective arrangements with both the Dominions in all fields affecting our common interests and particularly in regard to defence matters and in the economic field.

I have endeavoured to explain to the House the general purpose and provision of these measures. There are no doubt many points of detail which members will raise in the course of the debate and in the Committee stage."

Mr. Attlee said it would be their object to give the House the fullest information and explanation in their power, though inevitably, there were some matters on which it would not be possible to answer with precision. " This Bill is, unlike other Bills, dealing with India. It does not lay down, as in the Act of 1935, a new constitution for India providing for every detail. It is far more in the nature of an enabling bill—a bill to enable the representatives of India and Pakistan to draft their own constitution and to provide for the exceedingly difficult period of transition."

II. Speeches of Mr. R. A. Butler, Mr. Arthur Henderson and Sir Hartley Shawcross, July 14, 1947.

When the Committee stage began, Conservative member *R. A. Butler*, former India Under-Secretary and Chairman of his party's Committee on Indian affairs, emphasized that the Opposition did not intend to delay the Bill, but believed that certain points needed clarification.

When Clause 2 dealing with territories of the new Dominions was moved to stand part of the Bill, Mr. R. A. Butler said, the general division of India was clear but it was not clear what was to be the position of the islands of Andaman and Nicobar.

These islands assumed certain importance in the present circumstances and not the least from the angle of defence. Had there been any question of their going to one part of India or another?

It was obvious that with the passing of the Bill no one would be more interested in the defence of the Indian nation than the Indians themselves, whether they be in India or Pakistan, and the question of Imperial Defence would assume just as great an importance in the future as it had assumed in the past, not only in the great wars but in the period preceding that and since.

The House should also be told about the future of Berar which was at present administered under the Government of the Central Provinces, but which was under the sovereignty of the Nizam of Hyderabad.

Mr. Butler said it was important that the Indian States should individually be given the opportunity of seeking their salvation in their own way.

There was a strong case put from India that certain States desired to find the status of independence and have relations with the British Government and not with one or other of the divided parts of India, he declared.

Mr. Arthur Henderson, Under-Secretary for India, replying to the discussion, reminded the Committee that it was in 1872 that the first Chief Commissioner was appointed by the then Government for the Andaman and Nicobar islands

and since that time these islands had been recognised as part of the territories of India and had been administered by a Chief Commissioner.

Earl Winterton, Conservative, intervened to say that but for the presence of the British in India these islands would never have become part of India.

Mr. Henderson agreed that this was true. The position was that for the last 70 years these islands had been recognised as forming part of British India.

Mr. Henderson said, what were passing to the new India were all these territories which immediately before the appointed day, except those to be transferred to the new Dominion of Pakistan, were under the sovereignty of the British Government. That included not only the Andaman and Nicobar islands but also the Laccadive islands.

The Laccadive islands were not administered by, nor were they under the sovereignty of any State. They formed part of the province of Madras. They also, under this new formula, would remain with the new India.

Referring to the position of the islands and their strategic importance, Mr. Henderson said: "We are well aware of the strategic importance of these islands and this is one of the matters which we propose to discuss with the future Government of India in the general context of defence matters which will be a matter for discussion in due course."

Mr. Henderson announced that the result of the voting in the referendum in the North-West Frontier Province would be made known on July 20.

On the question of Berar, the Under-Secretary said that Section 47 of the Government of India Act did in terms recognise the sovereignty of the Nizam of Hyderabad. Berar would undoubtedly *de jure* revert to Hyderabad under the effect of Clause 7, Sub-section 1 (B), which terminated the last agreement.

This province of three or four million inhabitants was administered entirely by officials of the Government of India and the Central Province and Berar and it would be quite impossible for any change to take place involving the handing over of the administrative machine.

Therefore it would be obviously necessary for the Government of India to enter into discussions with the Nizam either to continue the existing arrangement or to replace the present set-up in the light of the legal position.

On the question whether it would be possible for provinces now forming part of India and Pakistan to secede if they so desired, Mr. Henderson said there was certainly nothing in the Bill which in terms laid it down that it should be within the powers of provinces in the new Dominions to secede.

How they worked out their own salvation in the future even in matters like that would be entirely for them and would depend on the constitution which their respective Constituent Assemblies drew up.

In answer to Sir Ralph Glyn, Conservative, Mr. Henderson said that any arrangement for the independence of Andaman and Nicobar islands would have to be discussed between the various Governments of the British Commonwealth who were interested.

Mr. Henderson then moved an amendment to Clause 3 replacing the words "Awards of Boundary Commissions" by "the award of a Boundary Commission."

The amendment was to correct a drafting error and to make it clear that the report of the Chairman of the Commission should have the force of an award.

Mr. Henderson said he admitted at once that the terms of reference of the Boundary Commission were not very precise and from that point of view, perhaps, not so satisfactory as they might be. But they had the merit of being based on the agreement of the Indian leaders of the major parties.

The function of the Commission was to demarcate boundaries between two parts on the basis of the ascertained contiguous majority areas of Muslims and non-Muslims. The Commission would also take account of other factors.

That surely must mean that the primary basis was to be whether the majority was Muslim or non-Muslim, but in certain cases there might be special factors which would justify departure from this principle.

These special factors were being allowed to take account of the circumstances of the Sikh community in the Punjab, so that the location of their religious shrines could be taken into account.

It was for the Commission to decide how much importance it should attach to any of these factors.

Mr. Henderson said that the British Government had not themselves given consideration to making Calcutta a free port. Calcutta was found within that section of the existing province of Bengal which contained a majority of Hindus.

As to communications between Nepal and the outside world, it would be far better for such matters to be dealt with by mutual agreement than by inserting a provision in this Bill which could be altered by either of the new Dominions whose Constituent Assemblies would be sovereign bodies.

A treaty of 1823 provided for the free transit of goods through India to Nepal and they must not assume that either of the Dominions would wish to do other than carry out that treaty.

Mr. Molson (Conservative) asked for an assurance that the Commission would take into account economic considerations such as separating an agricultural hinterland from a town, the location of railways etc.

Mr. Henderson: " I cannot give any such assurance. It is for the Commission itself to decide what other factors they are to take into consideration".

Mr. Richard Butler referred to the question of the States affected under Clause 7. This, he said, was a matter which had so far not been satisfactorily regulated.

There was a most sharp and radical difference between the " elaborate arrangements " made for the States under the Government of India Act, 1935, compared with those under present circumstances.

He hoped that the position of the States could be remedied if properly handled at the present time, but repeated that the position at present could not be regarded as satisfactory either in regard to the treaty position or the

method in which the Princes had been brought into consultation with the Viceroy and his advisers.

Mr. Butler said, there might be more than one State which would desire to retain their independence and enter into relations with the British Government. He could have wished that the assurances given by the Government had been more satisfactory.

It would naturally be convenient for many States to join one or other of the two Dominions and the Conservative Party had no desire to take sides.

What were the consequences of the Government not having available any plan to meet the position? Did States that became independent become non-British? If they did not accede to either Dominion would they be outside the sterling area and could they then do what they liked with their dollars?

There were many other features of the matter which needed to be resolved. If the nationals of any State which desired to retain independence travelled abroad, under what passport would they travel after August 15?

It might be felt that this matter of the treaties and States was of little importance, but the very name of Britain and the Crown was involved in the treaties concluded with these States.

These treaties which were terminated under this clause were not just formal or uninteresting matters. They enshrined in their language and meaning the friendship which had existed between the States and the British Crown.

Mr. Woodrow Wyatt (Labour) intervened to disagree with the suggestion that the treaties would be terminated against the will of the states.

Mr. Butler, continuing, said there were moral ties and it was in his view very desirable that there should be a satisfactory termination of the State problem.

The Conservative Party wished to use the committee stage of the Bill to get a more satisfactory solution and defined position for those States which might not desire to accede to either of the Dominions.

Sir Hartley Shawcross, the Attorney-General, replying

to the discussion, said, " As had been made clear by the Prime Minister and by the Cabinet Mission a year ago, it was the hope of the British Government that all States would in due course find their appropriate places within one or other of the two new Dominions within the British Commonwealth."

" We hope," he continued, " that no irrevocable decision to stay out will be taken prematurely. We realise that it is bound to be some time before the States have all the information before them to enable them to take a final decision and indeed the constitutions of the Dominions will have to provide for the accession of the States and define the terms on which the accession may take place. We believe that the future of the States inevitably lies in association with British India, with whose territories they are inextricably intertwined. But we regard the decision which the States have to take as being their decision and we do not intend to bring any pressure of any kind upon them.

Mr. Jinnah has made it clear that he would wish the States to make a free choice. Mr. Patel, speaking for the newly constituted States Department, has dismissed the idea of coercion and has invited the representatives of the States to discuss with him in a friendly way the terms of their association with British India. He has said that he asks of them nothing more than accession for defence, foreign affairs, and communications.

An M. P. has suggested that this clause in the Bill gives rise to unilateral repudiation of the agreements with the Princes. Technically, that may or may not be the case, but it is inevitable in the nature of the situation that these agreements should be brought to an end.

These agreements with the Princes were all based on the assumption that there would be a continuance of the British rule in one form or another in India and their continuance would be wholly inconsistent with the situation which is arising now when India will become completely independent.

The solution of the major problem which we hope we have now found puts it largely, if not entirely, out of our

power to continue these treaties in operation, and all we are doing in this clause is to give legal effect to a state of affairs which obviously arises from a general solution of the Indian problem.

The subjects of the Native States were, of course, never British subjects in the full sense. Their rulers held allegiance to the King. But they themselves possess the status which was never exactly defined for the purposes of our own law or still less of international law.

They did, however, travel under British passports issued to them as protected persons and no doubt in general in international affairs they were treated as if they were British subjects."

Sir Hartley continued: "After the termination of paramountcy, the status of British-protected persons will technically go as far as they are concerned.

We have fully recognised that that gives rise to a number of difficulties, including the difficulty as to foreign representation and as to passports.

Existing passports will continue during their currency until the date they would expire in the normal course, but a question will arise as to what will happen in regard to the issue of passports subsequently. All these matters are receiving careful consideration.

One suggestion has been made that pending some final decision as to accession, one or other of the Dominions might assume as a matter of international law some of the duties of protection such as the issue of passports hitherto borne by the United Kingdom."

The Attorney-General said another suggestion being considered was that there should be a kind of stand-still arrangement under which the British Government would in fact continue to issue passports.

The British Government in the United Kingdom were entitled to issue passports to anyone whether they were full British citizens or not. As a matter of practical international recognition, the position would probably remain very much as it was at the present until the States decided whether or not to accede to Dominions, or until other States had decided

whether or not to recognise them as enjoying the status of independent States.

"But we do not propose to recognise the States as separate international entities on August 15. We hope they will associate themselves with one or other Dominion on fair terms fairly negotiated. If they do, their relations with outside States will be through a Dominion."

The negotiations on this were starting on July 25. If they were successful, as the Government hoped they would be, all these problems would be automatically solved. In the meantime, the Government would prefer not to discuss the hypothetical question of what its attitude might be in the event of these negotiations failing.

So to do might prejudice their successful conclusion.

About the position of the Governors-General, Sir Hartley Shawcross said: "After the appointed day they will act constitutionally on the advice of the Ministers in each separate Dominion. Quite clearly there will be many very difficult and complicated matters arising out of the division of India in regard to which they will have to seek accommodation and agreement with each other and with the respective Governments of the two Dominions."

The Attorney-General said the Bill did not attempt to lay down how such differences should be resolved if unhappily they arose. The Bill could not attempt to do so consistent with giving complete sovereignty to each of the Dominions.

In regard to some matters there might be an arbitration tribunal set up and discussions had taken place in regard to that. In the Act the Chief Justice had been invited to be President but the Attorney-General said he did not know whether he had accepted or not.

This Bill could not make provision for such a tribunal or for sanctions to enforce its decisions consistent with the sovereignty being given to the Dominions.

It differed in that way from the Boundary Commission, which came into operation before the legislature of each Dominion could exercise sovereign power over the whole of their territories because the boundary of its territory would not have been settled.

The real sanction to enforce the tribunal's decisions was that the impelling necessity of reaching agreement would no doubt result in agreement being reached. These two Dominions would not be able to live unless they could reach agreement on these matters.

In reply to a question by Mr. Butler, on clause 15, Mr. *Henderson* said he could not go beyond saying that it was the British Government's intention to appoint a High Commissioner to Pakistan and also one to India, and he had no doubt that High Commissioners would be appointed by both new Dominion Governments to London.

79. LORD MOUNTBATTEN'S ADDRESS TO CONFERENCE OF PRINCES AND MINISTERS, JULY 25, 1947.

It is a great pleasure and a great privilege for me to address so many Rulers, Dewans and representatives of the States of India in this historic Chamber of Princes. It is my first and my last occasion that I have the privilege of addressing you as Crown Representative.

I would like to begin with by giving you a very brief history of the negotiations I have conducted since I have been out here and the line that I have taken up about the States.

There were two distinct problems that faced me. The first was how to transfer power to British India and the second, how to fit the Indian States into the picture in a manner which would be fair and just to all concerned.

I dealt first with the problem of British India, because you will realise that until that problem was solved it was quite useless to try to start on a solution of the problem of the States. So I addressed my mind to that.

Here I digress. There was a universal acceptance among the States of the Cabinet Mission's Memorandum of May 12 and when the parties accepted my Statement of June 3, they fully realised that withdrawal of paramountcy would enable the States to regain complete sovereignty. That gave

me a starting point from which to try and deal fairly with the States.

But before I got down to dealing with the States there was one other thing that I clearly had to do. I had to address myself to the problem of the mechanics of partition—a plan against my personal desires. As you all know, it took three years to separate Burma from India, in spite of the fact (as I can testify, as also His Highness of Bundi and others) that there are no roads running between India and Burma. Nevertheless, it took three years to arrange that partition. It took two years to separate the province of Sind from Bombay. It took two years to separate the province of Orissa from Bihar. Gentlemen, we decided that in less than 2½ months we shall have to go through the partitioning of one of the biggest countries in the world with 400 million inhabitants. There was a reason for the speed. I was quite certain that while the British overlordship remained no satisfactory conclusions could be reached psychologically between the parties. So once we got the two Governments set up and separated, they would be able to try and finish off the details in an atmosphere of goodwill.

Now, the Indian Independence Act releases the States from all their obligations to the Crown. The States have complete freedom—technically and legally they are independent. Presently I will discuss the degree of independence which we ourselves feel is best in the interests of your own States. But there has grown up during the period of British administration, owing to the fact that the Crown Representative and the Viceroy are one and the same person, a system of co-ordinated administration on all matters of common concern which meant that the sub-continent of India acted as an economic entity. That link is now to be broken. If nothing can be put in its place, only chaos can result, and that chaos, I submit, will hurt the States first—the bigger the State the less the hurt and the longer it will take to feel it—but even the biggest of the States will feel herself hurt just the same as any small State. The first step was to set up some machinery by which it was possible to put the two future Governments of India—the Dominions of India and

Pakistan—into direct touch with the States. So we conceived the scheme of setting up two States Departments within the future Governments. Please note that these States Departments are not the successors of the Political Department. They have been set up simultaneously and side by side. While the Political Department exercised functions relating to Paramountcy on behalf of the Crown Representative, the States Departments are to take over those subjects gradually which have nothing to do with Paramountcy but which will be concerned with relations with neighbouring States and also provide the machinery to negotiate in such matters.

In India the States Department is under the admirable guidance of Sardar Vallabhbhai Patel with my own Reforms Commissioner, Mr. V. P. Menon, as Secretary. In Pakistan the Department is under Sardar Abdur Rab Nistar with Mr. Ikramullah as the Secretary. It was necessary to set up two States Departments, one in each Government, because the States are theoretically free to link their future with whichever Dominion they may care. But when I say that they are at liberty to link up with either of the Dominions, may I point out that there are certain geographical compulsions which cannot be evaded. Out of something like 565 States, the vast majority are irretrievably linked geographically with the Dominion of India. The problem, therefore, is of far greater magnitude with the Dominion of India than it is with Pakistan. In the case of Pakistan the States, although important, are not so numerous, and Mr. Jinnah, the future Governor-General of Pakistan, is prepared to negotiate the case of each State separately and individually. But in the case of India, where the overwhelming majority of the States are involved, clearly separate negotiation with each State is out of the question.

The first step that I took was to suggest that in the Bill before Parliament—the Indian Independence Act—a clause should be put in which would enable certain essential agreements to continue until renounced by either side. That was only done to ensure that there should be some continuity and to see if in the short time available it was not possible

to get the agreement through with every State representative. It does not replace the need for standstill agreements; it gives a very slight breathing space.

Now, I think it is no exaggeration to say that most Rulers and Dewans were apprehensive as to what their future would be when Paramountcy lapsed. At one time it appeared that unless they joined the Constituent Assembly and accepted the constitution when it was framed, they would be outside the organisation and left in a position which, I submit, if you think it over carefully, no State could view with equanimity—to be left out having no satisfactory relations or contacts with the either Dominion Government. You can imagine how relieved I was, and I am sure you will yourselves have been equally relieved, when Sardar Vallabhbhai Patel on taking over the States Department made, if I may say so, a most statesmanlike statement of what he considered were the essentials towards agreement between the States and the Dominion of India.

Let us turn for one moment to the Cabinet Mission Plan of 16th May, 1946. In this Plan the proposal was that the States should surrender to the Central Government three subjects—Defence, External Affairs and Communications. That was a plan which, to the best of my belief, every Ruler and every State accepted as reasonable, fair and just. I talked with so many Rulers and everyone felt that defence was a matter that a State could not conduct for itself. I am not talking of internal security but of defence against external aggression. I submit, therefore, that if you do not link up with one or other of the Dominions, you will be cut off from any source of supplies of up-to-date arms or weapons.

External affairs is inextricably linked up with defence. External affairs is something again which is outside the boundaries of India in which not even the greatest State can operate effectively. You can hardly want to go to the expense of having ambassadors or ministers or consuls in all these foreign countries; surely you want to be able to use those of India and Pakistan. Once more I suggest that external affairs is something that you have not dealt with since the days of the East India Company. It would

be difficult to operate and will also be a source of embarrassment for you to have to take it up and it can only be managed by those who manage the defence of the country. I submit that if you take it up it will be a liability and not an asset.

The third subject is communications. Communications is really a means of maintaining the life blood of the whole sub-continent. I imagine everybody agrees that the country has got to go on. The continuity of communications is already provided for to a certain extent in the Indian Independence Act; and most of the representatives here have come to discuss it as item 2 on the agenda.

Therefore I am sure you will agree that these three subjects have got to be handled for you for your convenience and advantage by a larger organisation. This seems so obvious that I was at a loss to understand why some Rulers were reluctant to accept the position. One explanation probably was that some of you were apprehensive that the Central Government would attempt to impose a financial liability on the States or encroach in other ways on their sovereignty. If I am right in this assumption, at any rate so far as some Princes are concerned, I think I must dispel their apprehensions and misgivings. The draft instrument of accession which I have caused to be circulated as a basis for discussion and not for publication to the representatives of the States provides that the States are to accede to the appropriate Dominion on three subjects only without any financial liability.

Further, that instrument contains an explicit provision that in no other matters has the Central Government any authority to encroach on the internal autonomy or the sovereignty of the States. This would, in my view, be a tremendous achievement for the States. But I must make it clear that I have still to persuade the Government of India to accept it. If all of you would co-operate with me and are ready to accede, I am confident that I can succeed in my efforts. Remember that the day of the transfer of power is very close at hand and, if you are prepared to come you must come before the 15th August.

I have no doubt that this is in the best interests of the

States, and every wise Ruler and wise Government would desire to link up with the great Dominion of India on a basis which leaves you great internal autonomy and which at the same time gets rid of your worries and cares over external affairs, defence and communications.

The whole country is passing through a critical period. I am not asking any State to make any intolerable sacrifice of either its internal autonomy or independence. My scheme leaves you with all the practical independence that you can possibly use and makes you free of all those subjects which you cannot possibly manage on your own. You cannot run away from the Dominion Government which is your neighbour any more than you can run away from the subjects for whose welfare you are responsible. Whatever may be your decision, I hope you feel that I have at least done my duty by the States.

80. INDIA (PROVISIONAL CONSTITUTION) ORDER, 1947.

3. (1) As from the appointed day[1], the Government of India Act, 1935, including the provisions of that Act which have not come into force before the appointed day, and the India (Central Government and Legislature) Act, 1946, shall, until other provision is made by or in accordance with a law made by the Constituent Assembly of India, apply to India with the omissions, additions, adaptations and modifications directed in the following provisions of this paragraph and in the Schedule to this order.

(2) The following expressions shall be omitted wherever they occur, namely, "in his discretion", "acting in his discretion" and "exercising his individual judgement."

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The Schedule

The Government of India Act, 1935.

Section 2. Omit.

Section 3. For this section substitute: "3. The

[1] August 15, 1947.—Editor.

Governor-General—The Governor-General of India is appointed by a Commission under the Royal Sign Manual".

Section 4. Omit.

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Section 6. For this section substitute: "6. Accession of Indian States—(1) An Indian State shall be deemed to have acceded to the Dominion if the Governor-General has signified his acceptance of an Instrument of Accession executed by the Ruler thereof whereby the Ruler on behalf of the State: (*a*) declares that he accedes to the Dominion with the intent that the Governor-General, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of his Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State such functions as may be vested in them by order under this Act; and (*b*) assumes the obligation of ensuring that due effect is given within the State to the provisions of this Act so far as they are applicable therein by virtue of the Instrument of Accession. . . . . .

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Section 9. For this section substitute: "9. Council of ministers—There shall be a Council of ministers to aid and advise the Governor-General in the exercise of his functions."

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Sections 11-15. Omit.

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Section 18. For this section substitute: "18. Constitution of the Dominion Legislature—The powers of the Dominion Legislature under this Act shall, until other provision is made by or in accordance with a law made by the Constituent Assembly under sub-section (1) of section 8 of the Indian Independence Act, 1947, be exercisable by that Assembly. . . . . ."

* * * *

Section 42. For this section substitute: "42. Power of Governor-General to promulgate ordinances in cases of

emergency—The Governor-General may, in cases of emergency, make and promulgate Ordinances for the peace and good government of the Dominion or any part thereof, and any Ordinance so made shall, for the space of not more than six months from its promulgation, have the like force of law as an Act passed by the Dominion Legislature; but the power of making Ordinances under this section is subject to the like restrictions as the power of the Dominion Legislature under this Act to make laws; and any Ordinance made under this section may be controlled or superseded by any such Act "

Sections 43-45. Omit.

* * * *

Section 47. For this section substitute: "47. Provisions as to Berar.—Berar shall continue to be governed together with the Central Provinces as one Governor's Province under this Act by the name of the Central Provinces and Berar and in the same manner as immediately before the establishment of the Dominion; and any references in this Act to the Dominion of India shall be construed as including a reference to Berar."

* * * *

Section 50. For this section substitute: "50. Council of ministers.—There shall be a council of ministers to aid and advise the Governor in the exercise of his functions."

Section 51. Omit sub-section 5.[1]

Sections 52-54. Omit.

* * * *

Sections 56-58. Omit.

[1] The Pakistan (Provisional Constitution) Order, 1947, requires that sub-section 5 of section 51 of the Government of India Act, 1935, should be amended as follows: " In the exercise of his functions under this section with respect to the choosing and summoning and the dismissal of ministers the Governor shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given to him by, the Governor-General."

This provision was utilised by Mr. Jinnah, as Governor-General of Pakistan, for the purpose of directing the Governor of N W. F. Province to dismiss the Congress Ministry which commanded a majority in the Legislature and to form a League Ministry which did not summon the Legislature.—Editor.

Section 74. In sub-section (2) omit "or affects the discharge of any of his special responsibilities" and the last sentence.

Section 76. In sub-section (1) omit "or that he reserves the Bill for the signification of His Majesty's pleasure thereon."

Omit sub-section (2).

Section 77. Omit.

Section 88. For the proviso to sub-section (1) substitute: "Provided that the Governor shall not, without instructions from the Governor-General, promulgate any such Ordinance if an Act of the Provincial Legislature containing the same provisions would under this Act have been invalid unless, having been reserved for the consideration of the Governor-General, it had received assent of the Governor-General."

In sub-section (2) omit paragraph (*b*).

Sections 89, 90. Omit.

Section 91. For this section substitute: "91. Excluded areas and partially excluded areas.—In this Act, the expressions "excluded area" and "partially excluded area" mean respectively such areas as were excluded or partially excluded areas immediately before the establishment of the Dominion."

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Section 93. Omit.

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Section 96. For this section substitute: "96. The Andaman and Nicobar Islands.—The Governor-General may make regulations for the peace and good government of the Andaman and Nicobar Islands, and any regulations so made may repeal or amend any Act of the Dominion Legislature or any existing law which is for the time being applicable to the Province, and, when promulgated by the Governor-General, shall have the same force and effect as an Act of the Dominion Legislature which applies to the Province."

Section 97. For "His Majesty in Council" substitute "or in accordance with a law made by the Constituent

Assembly under sub-section (1) of section 8 of the Indian Independence Act, 1947."

Section 98. Omit.

Section 99. In sub-section (1) for "for the whole or any part of British India or for any Federated State" substitute "(including laws having extra-territorial operation) for the whole or any part of the Dominion"

Omit sub-section (2).

* * * *

Section 102. For sub-section (3) substitute: "(3). A Proclamation of Emergency may be revoked by a subsequent Proclamation."

Section 104. Omit sub-section (2).

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Section 107. In sub-section (2) omit "or for the signification of His Majesty's pleasure", and "or of His Majesty."

Section 108. Omit.

* * * *

Sections 110-121. Omit.

Section 123. Omit.

Section 126. In the proviso to sub-section (2) omit "either Chamber of."

Omit sub-section (4).

In sub-section (5) for the words from "without prejudice" to "Governor of" substitute "The Executive Authority of the Dominion shall also extend to the giving of directions to."

* * * *

Section 142. For "His Majesty in Council" substitute "Order of the Governor-General", for "His Majesty" substitute "the Governor-General", and omit the proviso.

Section 143. After sub-section (1) insert: "(1A). Nothing in the foregoing provisions of this chapter authorises the levy of any duty or tax by the Dominion in any acceding State unless provision in that behalf is made in the Instrument of Accession of that State."

Sections 145-149. Omit.

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Section 152. Omit.

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Sections 157-161. Omit.

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Sections 179-199. Omit.

Section 200. In sub-section (1) for "as His Majesty" substitute "as the Governor-General" and for "an address has been presented by the Federal Legislature to the Governor-General for submission to His Majesty praying for" substitute "a resolution is passed by the Dominion Legislature approving."

In sub-section (2), for "His Majesty by warrant under the Royal Sign Manual" substitute "order of the Governor-General" and in paragraph (*b*) of the proviso omit "by His Majesty" where those words occur for the second time. . . .

Section 219 . . . . . Add the following sub-section: "(3). In this Chapter "India" means the territories comprised in the Governor's Provinces and Chief Commissioners' Provinces, and does not include any Acceding State."

Sections 232-239. Omit.

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Sections 248-252. Omit.

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Sections 278-289. Omit.

Section 290. In sub-section (1) for "His Majesty may by Order-in-Council" substitute "the Governor-General may by order" and for the words from "before the draft" to "Chamber or chambers of the Legislature" substitute "before making any such order the Governor-General shall ascertain the views of the Government."

For sub-section (2) substitute: "(2). An Order made under this sub-section may contain such provisions as the Governor-General may deem necessary or proper—(*a*) for varying the representation in the Dominion Legislature of any Governor's Province the boundaries of which are altered by the Order; (*b*) for varying the composition of the Legislature of any such province; (*c*) where a new Governor's Province is created, for constituting the Legislature thereof;

(*d*) for other supplemental, incidental and consequential matters".

Sections 307-310. Omit.

Sections 312-320. Omit.
First Schedule. Omit.
Second Schedule. Omit.

Seventh Schedule. In List 1, for entry 1 substitute:—

"1. The naval, military and air forces of the Dominion and any other armed forces raised or maintained by the Dominion; and armed forces which are not forces of the Dominion but are attached to or operating with any of the armed forces of the Dominion; Central Intelligence Bureau; preventive detention for reasons of State connected with Defence or External Affairs";

(In List 1) in entry 2, omit "(not being cantonment areas of Indian State troops)", and omit "within British India";

(In List 1) in entry 9, for "Federal" substitute "Dominion";

(In List 1) in entry 17, after "domiciled in India" insert "or" and omit "or British subjects domiciled in the United Kingdom";

(In List 1) in entries 34 and 36, for "Federal control" substitute "Dominion control";

(In List 1) for entry 39 substitute: "39. Extension of the powers and jurisdiction of members of a police force belonging to any province to any area in another province, but not so as to enable the police of one province to exercise powers and jurisdiction in another province without the consent of the Government of that Province; extension of the powers and jurisdiction of members of a police force belonging to any unit to railway areas outside that unit."

In this entry "province" includes "a Chief Commissioner's Province";

(In List I) in entry 40, omit "and of any Order-in-Council made thereunder";

(In List I) in entry 41, for the words from "Federal Minister" to "Federal Assembly" substitute "Dominion Ministers and of the President and Deputy President of the Dominion Legislature", and omit "to such extent as is expresssly authorised by Part II of this Act".

In List II—in entry 11, omit "and of any Order-in-Council made thereunder";

(In List II) in entries 23 and 29, for "Federal" substitute "Dominion".

In entry 34 of List III, for "Federal" substitute "Dominion".

Eighth Schedule. Omit.

Ninth Schedule. Omit.

81. THE NIZAM'S *FIRMAN* ON BERAR, AUGUST 15, 1947.

I have to-day promulgated an *ain* for the regulation of administration of Berar in view of the provisions of the Independence Act, 1947. Berar is included in my dominions and my sovereignty over that territory continues The *ain* is in conformity with the line taken by both the parties in negotiations with the Crown Representative and has general effect of continuing the *status quo* with such modifications only as may be found to be legally necessary. Arrangements embodied in the *ain* will remain in force until they are replaced or terminated by any further orders I may find it necessary to pass.

The *ain* referred to in the *firman* states: Whereas under the agreement made between myself and His Majesty on October 24, 1936, and the Government of India Act, 1936, my territory known as Berar has since 1936 been administered with the Central Provinces as if they were one province but by reason of Indian Independence Act, 1947, that

agreement will come to an end on August 15, 1947, and whereas I desire that until more permanent arrangements have been made for its future government Berar shall continue temporarily to be administered with the Central Provinces as if they were one province and I am in negotiation with the Dominion of India for a new agreement for that purpose;

And whereas Section 47 of the Government of India Act, 1935, has been amended to permit of the administration of Berar with the Central Provinces as if they were one province, pending conclusion of such new agreement;

Now, therefore, I declare that:

(1) The Central Provinces and Berar shall, notwithstanding continuance of my sovereignty over Berar and its inclusion in my dominions, continue to be administered as if they were one province with the intention that the Federal and Central authorities of the Dominion and provincial authorities shall, during the subsistence of this *ain*, exercise in relation to the Central Provinces and Berar the same functions as are for the time being vested in them in relation to the Central Provinces by or under the Government of India Act, 1935, the Indian Independence Act, 1947, or any amendment of those Acts.

(2) All laws in force in Berar on the appointed day shall continue to be valid except in so far as they may be subsequently amended or revoked by an authority duly exercising the function conferred on it by the preceding clause hereof.

(3) The provisions of the agreement of 1936 relating to my rights, dignity and special interests, including payment of Rs. 25 lakhs, shall remain in force with necessary substitution of references to the Dominion of India, its officers and flag, for references to His Majesty, his officers and flag;

(4) This *ain* may be cited as *ain-o-Berar*, 1356 *Fasli*, and shall come into force on and from the appointed day unless and until determined by me.

(5) The 'appointed day' referred herein shall have same meaning as in the Independence Act, 1947.

82. THE RADCLIFFE AWARD ON BENGAL, AUGUST 18[1], 1947.

The terms of reference of the Commission[2], as set out in the announcement[3], were as follows:—

"The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous areas of Muslims and non-Muslims. In doing so, it will also take into account other factors."

We were desired to arrive at a decision as soon as possible before the 15th of August.

After preliminary meetings, the Commission invited the submission of memoranda and representations by interested parties. A very large number of memoranda and representations was received.

The public sittings of the Commission took place at Calcutta, and extended from Wednesday, the 16th of July, 1947, to Thursday, the 24th of July, 1947, inclusive, with the exception of Sunday, the 20th of July. Arguments were presented to the Commission by numerous parties on both sides, but the main cases were presented by Counsel on behalf of the Indian National Congress, the Bengal Provincial Hindu Mahasabha and the New Bengal Association on the one hand, and on behalf of the Muslim League on the other.

In view of the fact that I was acting also as Chairman of the Punjab Boundary Commission, whose proceedings were taking place simultaneously with the proceedings of the Bengal Boundary Commission, I did not attend the public sittings in person, but made arrangements to study daily the record of the proceedings and all materials submitted for our consideration.

After the close of the public sittings, the remainder of the time of the Commission was devoted to clarification and

[1] On this date the Award was published

[2] Chairman—Sir Cyril Radcliffe. Members (1) Mr. Justice Bijan Kumar Mukherjee (Calcutta High Court), (2) Mr. Justice Charu Chandra Biswas (Calcutta High Court), (3) Mr. Justice A. S. M. Akram (Calcutta High Court); (4) Mr. Justice S. A. Rahman.

[3] Governor-General's Announcement, June 30, 1947.

discussion of the issues involved. Our discussions took place at Calcutta.

The question of drawing a satisfactory boundary line under our terms of reference between East and West Bengal was one to which the parties concerned propounded the most diverse solutions. The province offers few, if any, satisfactory natural boundaries, and its development has been on lines that do not well accord with a division by contiguous majority areas of Muslim and non-Muslim majorities.

In my view, the demarcation of a boundary line between East and West Bengal depended on the answers to be given to certain basic questions which may be stated as follows:—

(1) To which state was the city of Calcutta to be assigned, or was it possible to adopt any method of dividing the city between the two States?

(2) If the city of Calcutta must be assigned as a whole to one or other of the States, what were its indispensable claims to the control of territory, such as all or part of the Nadia river system or the Kulti rivers, upon which the life of Calcutta as a city and port depended?

(3) Could the attractions of the Ganges-Padma-Madhumati river line displace the strong claims of the heavy concentration of Muslim majorities in the districts of Jessore and Nadia without doing too great a violence to the principle of our terms of reference?

(4) Could the District of Khulna usefully be held by a State different from that which held the District of Jessore?

(5) Was it right to assign to Eastern Bengal the considerable block of non-Muslim majorities in the Districts of Malda and Dinajpur?

(6) Which State's claim ought to prevail in respect of the Districts of Darjeeling and Jalpaiguri, in which the Muslim population amounted to 2·42 per cent. of the whole in the case of Darjeeling, and to 23·08 per cent. of the whole in the case of Jalpaiguri, but which constituted an area not in any natural sense contiguous to another non-Muslim area of Bengal?

(7) To which State should the Chittagong Hill Tracts be assigned, an area in which the Muslim population was only

3 per cent. of the whole, but which it was difficult to assign to a State different from that which controlled the District of Chittagong itself?

After much discussion my colleagues found that they were unable to arrive at an agreed view on any of these major issues. There were of course considerable areas of the province in the south-west and north-east and east, which provoked no controversy on either side: but, in the absence of any reconciliation on all main questions affecting the drawing of the boundary itself, my colleagues assented to the view at the close of our discussions that I had no alternative but to proceed to give my own decision.

This I now proceed to do: but I should like at the same time to express my gratitude to my colleagues for their indispensable assistance in clarifying and discussing the difficult questions involved. The demarcation of the boundary line is described in detail in the schedule which forms Annexure A to this award, and in the map attached thereto, Annexure B. The map is annexed for purposes of illustration, and if there should be any divergence between the boundary as described in Annexure A and as delineated on the map in Annexure B, the description in Annexure A is to prevail.

I have done what I can in drawing the line to eliminate any avoidable cutting of railway communications and of river systems, which are of importance to the life of the province: but it is quite impossible to draw a boundary under our terms of reference without causing some interruption of this sort, and I can only express the hope that arrangements can be made and maintained between the two States that will minimize the consequences of this interruption as far as possible.

ANNEXURE A

(1) A line shall be drawn along the boundary between the thana of Phansidewa in the District of Darjeeling and the thana of Tetulia in the District of Jalpaiguri from the point where that boundary meets the province of Bihar and

then along the boundary between the thanas of Tetulia and Rajganj; the thanas of Pachagar and Rajganj; and the thanas of Pachagar and Jalpaiguri, and shall then continue along the northern corner of the thana of Debiganj to the boundary of the State of Cooch Behar. The District of Darjeeling and so much of the District of Jalpaiguri as lies north of this line shall belong to West Bengal, but the thana of Patgram and any other portion of Jalpaiguri District which lies to the east or south shall belong to East Bengal.

(2) A line shall then be drawn from the point where the boundary between the thanas of Haripur and Raiganj in the district of Dinajpur meets the border of the province of Bihar to the point where the boundary between the districts of 24-Parganas and Khulna meets the Bay of Bengal. This line shall follow the course indicated in the following paragraphs. So much of the province of Bengal as lies to the west of it shall belong to West Bengal.

Subject to what has been provided in para 1 above with regard to the Districts of Darjeeling and Jalpaiguri, the remainder of the province of Bengal shall belong to East Bengal.

(3) The line shall run along the boundary between the following thanas:

Haripur and Raiganj; Haripur and Hemtabad; Ranisankail and Hemtabad; Pirganj and Hemtabad; Pirganj and Kaliganj; Bochaganj and Kaliganj; Biral and Kaliganj; Biral and Kushmundi; Biral and Gangarampur; Dinajpur and Gangarampur; Dinajpur and Kumarganj; Chirir Bandar and Kumarganj; Phulbari and Kumarganj; Phulbari and Balurghat. It shall terminate at the point where the boundary between Phulbari and Balurghat meets the north-south line of the Bengal-Assam Railway in the eastern corner of the thana of Balurghat. The line shall turn down the western edge of the railway lands belonging to that Railway and follow that edge until it meets the boundary between the thanas of Balurghat and Panchbibi.

(4) From that point the line shall run along the boundary between the following thanas:

Balurghat and Panchbibi; Balurghat and Joypurhat; Balurghat and Dhamairhat; Tapan and Dhamairhat; Tapan and Patnitala; Tapan and Porsha; Bamangola and Porsha; Habibpur and Porsha; Habibpur and Gomastapur; Habibpur and Bholahat; Malda and Bholahat; English Bazar and Bholahat; English Bazar and Shibganj; Kaliachak and Shibganj; to the point where the boundary between the two last mentioned thanas meets the boundary between the Districts of Malda and Murshidabad on the river Ganges.

(5) The line shall then turn south-east down the river Ganges along the boundary between the Districts of Malda and Murshidabad; Rajshahi and Murshidabad; Rajshahi and Nadia; to the point in the north-western corner of the District of Nadia where the channel of the river Mathabhanga takes off from the river Ganges. The District boundaries, and not the actual course of the river Ganges, shall constitute the boundary between East and West Bengal.

(6) From the point on the river Ganges where the channel of the river Mathabhanga takes off, the line shall run along that channel to the northern-most point where it meets the boundary between the thanas of Daulatpur and Karimpur. The middle line of the main channel shall constitute the actual boundary.

(7) From this point the boundary between East and West Bengal shall run along the boundaries between the thanas of Daulatpur and Karimpur: Gangni and Karimpur: Meherpur and Tehatta: Meherpur and Chapra: Damurhuda and Chapra: Damurhuda and Krishnaganj: Chuadanga and Krishnaganj: Jibannagar and Krishnaganj: Jibannagar and Hanskhali: Maheshpur and Hanskhali: Maheshpur and Ranaghat: Maheshpur and Bongaon: Jhikargacha and Bongaon: Sarsa and Gaighata: Gaighata and Kalaroa: to the point where the boundary between those thanas meets the boundary between the Districts of Khulna and 24-Parganas.

(8) The line shall then run southwards along the boundary between the Districts of Khulna and 24-Parganas, to the point where that boundary meets the Bay of Bengal.

SYLHET[1]

1. I have the honour to present the report of the Bengal Boundary Commission relating to Sylhet District and the adjoining Districts of Assam. By virtue of Sec. 3 of the Indian Independence Act, 1947, the decisions contained in this report become the decision and award of the Commission.

The Bengal Boundary Commission was constituted as stated in my report dated the 12th of August, 1947, with regard to the division of the Province of Bengal into East and West Bengal.

Our terms of reference were as follows:

"The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors.

In the event of the Referendum in the District of Sylhet resulting in favour of amalgamation with Eastern Bengal, the Boundary Commission will also demarcate the Muslim majority areas of Sylhet District and the contiguous Muslim majority areas of the adjoining Districts of Assam".

2. After the conclusion of the proceedings relating to Bengal, the Commission invited the submission of memoranda and representations by parties interested in the Sylhet question. A number of such memoranda and representations was received.

3. The Commission held open sittings at Calcutta on the 4th, 5th and 6th days of August, 1947, for the purpose of hearing arguments. The main arguments were conducted on the one side by Counsel on behalf of the Government of East Bengal and the provincial and district Muslim Leagues, and on the other side, by Counsel on behalf of the Government of the Province of Assam and the Assam Provincial Congress Committee and the Assam Provincial Hindu Mahasabha. I was not present in person at the open sittings as I

[1] A Press Note from the Viceroy's House, July 13, 1947, declared the result of the Referendum in Sylhet. The valid votes recorded for joining East Bengal were 2,39,619 (against 1,84,041 for remaining in Assam).

was at the time engaged in the proceedings of the Punjab Boundary Commission which were taking place simultaneously, but I was supplied with the daily record of the Sylhet proceedings and with all materials submitted for the Commission's consideration. At the close of the open sittings, the members of the Commission entered into discussions with me as to the issues involved and the decisions to be come to These discussions took place at New Delhi.

4. There was an initial difference of opinion as to the scope of the reference entrusted to the Commission. Two of my colleagues took the view that the Commission had been given authority to detach from Assam and to attach to East Bengal any Muslim majority areas of any part of Assam that could be described as contiguous to East Bengal, since they construed the words " the adjoining Districts of Assam " as meaning any Districts of Assam that adjoined East Bengal. The other two of my colleagues took the view that the Commission's power of detaching areas from Assam and transferring them to East Bengal was limited to the District of Sylhet and contiguous Muslim majority areas (if any) of other Districts of Assam that adjoined Sylhet. The difference of opinion was referred to me for my casting vote, and I took the view that the more limited construction of our terms of reference was the correct one and that the " adjoining Districts of Assam" did not extend to other Districts of Assam than those that adjoined Sylhet. The Commission accordingly proceeded with its work on this basis.

5. It was argued before the Commission on behalf of the Government of East Bengal that on the true construction of our terms of reference and Section 3 of the Indian Independence Act, 1947, the whole of the District of Sylhet at least must be transferred to East Bengal and the Commission had no option but to act upon this assumption. All my colleagues agreed in rejecting this argument, and I concur in their view.

6. We found some difficulty in making up our minds whether, under our terms of reference, we were to approach the Sylhet question in the same way as the question of partitioning Bengal, since there were some differences in the language employed, but all my colleagues came to the con-

clusion that we were intended to divide the Sylhet and adjoining Districts of Assam between East Bengal and the Province of Assam on the basis of contiguous majority areas of Muslims and non-Muslims, but taking into account other factors. I am glad to adopt this view.

7. The members of the Commission were, however, unable to arrive at an agreed view as to how the boundary lines should be drawn, and after discussion of their differences, they invited me to give my decision. This I now proceed to do.

8. In my view, the question is limited to the Districts of Sylhet and Cachar, since, of the other Districts of Assam that can be said to adjoin Sylhet, neither the Garo Hills nor the Khasi and Jaintia Hills nor the Lushai Hills, have anything approaching a Muslim majority of population in respect of which a claim could be made.

9. Out of 35 thanas in Sylhet, 8 have non-Muslim majorities: but of these eight, two—Sulla and Ajmiriganj (which is in any event divided almost evenly between Muslims and non-Muslims), are entirely surrounded by preponderatingly Muslim areas, and must therefore go with them to East Bengal. The other six thanas comprising a population of over 530,000 people stretch in a continuous line along part of the southern border of Sylhet District. They are divided between two sub-divisions, of which one, South Sylhet, comprising a population of over 515,000 people, has in fact a non-Muslim majority of some 40,000 while the other, Karimganj, with a population of over 568,000 people, has a Muslim majority that is a little larger.

10. With regard to the District of Cachar, one thana, Hailakandi, has a Muslim majority and is contiguous to the Muslim thanas of Badarpur and Karimganj in the District of Sylhet. This thana forms, with the thana of Katlichara immediately to its south, the sub-division of Hailakandi, and in the sub-division as a whole Muslims enjoy a very small majority, being 51 per cent. of the total population. I think that the dependence of Katlichara on Hailakandi for normal communications makes it important that the area should be under one jurisdiction, and that the Muslims would have at any

rate a strong presumptive claim for the transfer of the sub-division of Hailakandi, comprising a population of 166,536, from the Province of Assam to the Province of East Bengal.

11. But a study of the map shows, in my judgment, that a division on these lines would present problems of administration that might gravely affect the future welfare and happiness of the whole district. Not only would the six non-Muslim thanas of Sylhet be completely divorced from the rest of Assam if the Muslim claim to Hailakandi were recognised, but they form a strip running east and west whereas the natural division of the land is north and south and they effect an awkward severance of the railway line through Sylhet, so that, for instance, the junction for the town of Sylhet itself, the capital of the District, would lie in Assam, not in East Bengal.

12. In these circumstances I think that some exchange of territories must be effected if a workable division is to result. Some of the non-Muslim thanas must go to East Bengal and some Muslim territory and Hailakandi must be retained by Assam. Accordingly I decide and award as follows:—

13. A line shall be drawn from the point where the boundary betweeen the thanas of Pathar Kandi and Kulaura meets the frontier of Tripura State and shall run north along the boundary between the thanas of Patharkandi and Barlekha, then along the boundary between the thanas of Karimganj and Barlekha, and then along the boundary between the thanas of Karimganj and Beani Bazar to the point where that boundary meets the river Kusiyara. The line shall then turn to the east taking the river Kusiyara as the boundary and run to the point where that river meets the boundary between the Districts of Sylhet and Cachar. The centre line of the main stream or channel shall constitute the boundary. So much of the District of Sylhet as lies to the west and north of this line shall be detached from the Province of Assam and transferred to the Province of East Bengal. No other part of the Province of Assam shall be transferred.

14. For purposes of illustration a map marked A is attached on which the line is delineated. In the event of any divergence between the line as delineated on the map and

as described in Paragraph 13, the written description is to prevail.

83. THE RADCLIFFE AWARD ON THE PUNJAB, AUGUST 18[1], 1947.

The terms of reference of the Punjab Boundary Commission[2], as set out in the announcement[3], were as follows:—

"The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors." We were desired to arrive at a decision as soon as possible before the 15th of August.

After preliminary meetings, the Commission invited the submission of memoranda and representations by interested parties. Numerous memoranda and representations were received.

The public sittings of the Commission took place at Lahore, and extended from Monday, the 21st of July, 1947, to Thursday, the 31st of July, 1947, inclusive, with the exception of Sunday, the 27th of July. The main arguments were conducted by Counsel on behalf of the Indian National Congress, the Muslim League, and the Sikh members of the Punjab Legislative Assembly, but a number of other interested parties appeared and argued before the Commission. In view of the fact that I was acting also as Chairman of the Bengal Boundary Commission, whose proceedings were taking place simultaneously with the proceedings of the Punjab Boundary Commission, I did not attend the public sittings in person, but made arrangements to study daily the record of the proceedings and of all materials submitted for our consideration.

After the close of the public sittings, the Commission adjourned to Simla where I joined my colleagues, and we entered upon discussions in the hope of being able to present

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[1] On this date the Award was published

[2] Chairman—Sir Cyril Radcliffe Members—4 Judges of the Lahore High Court—(1) Mr. Din Mohammad (2) Mr. Muhammad Munir. (3) Mr. Meher Chand Mahajan. (4) Mr. Teja Singh.

[3] Governor-General's Announcement, June 30, 1947.

an agreed decision as to the demarcation of the boundaries. I am greatly indebted to my colleagues for indispensable assistance in the clarification of the issues and the marshalling of the arguments for different views, but it became evident in the course of our discussions that the divergence of opinion between my colleagues was so wide that an agreed solution of the boundary problem was not to be obtained.

I do not intend to convey by this that there were not large areas of the Punjab on the West and on the East respectively which provoked no controversy as to which State they should be assigned to: but when it came to the extensive but disputed areas in which the boundary must be drawn, differences of opinion as to the significance of the term "other factors", which we were directed by our terms of reference to take into account, and as to the weight and value to be attached to those factors, made it impossible to arrive at any agreed line.

In those circumstances my colleagues, at the close of our discussions, assented to the conclusion that I must proceed to give my own decision.

This I now proceed to do. The demarcation of the boundary line is described in detail in the schedule which forms Annexure A to this Award, and in the map attached thereto, Annexure B. The map is annexed for purposes of illustration, and if there should be any divergence between the boundary as described in Annexure A and as delineated on the map in Annexure B, the description in Annexure A is to prevail.

Certain representations were addressed to the Commission on behalf of the States of Bikaner and Bahawalpur, both of which States were interested in canals whose headworks were situated in the Punjab province. I have taken the view that an interest of this sort cannot weigh directly in the question before us as to the division of the Punjab between the Indian Union and Pakistan since the territorial division of the Province does not affect rights of private property, and I think that I am entitled to assume with confidence that any agreements that either of those States has made with the Provincial Government as to the sharing of water from

these canals or otherwise will be respected by whatever Government hereafter assumes jurisdiction over the head-works concerned.

I wish also to make it plain that no decision that is made by this Commission is intended to affect whatever territorial claim the State of Bahawalpur may have in respect of a number of villages lying between Sulemanke Weir and Gurka Ferry.

The task of delimiting a boundary in the Punjab is a difficult one. The claims of the respective parties ranged over a wide field of territory, but in my judgment the truly debatable ground in the end proved to lie in and around the area between the Beas and Sutlej rivers on the one hand, and the river Ravi on the other. The fixing of a boundary in this area was further complicated by the existence of canal systems so vital to the life of the Punjab but developed only under the conception of a single administration, and of systems of road and rail communication, which have been planned in the same way.

There was also the stubborn geographical fact of the respective situations of Lahore and Amritsar, and the claims to each or both of those cities which each side vigorously maintained. After weighing to the best of my ability such other factors as appeared to me relevant as affecting the fundamental basis of contiguous majority areas, I have come to the decision set out in the schedule which thus becomes the award of the Commission.

I am conscious that there are legitimate criticisms to be made of it: as of any other line that might be chosen.

I have hesitated long over those not inconsiderable areas east of the Sutlej river and in the angle of the Beas and Sutlej rivers in which Muslim majorities are found. But on the whole, I have come to the conclusion that it would be in the true interests of neither State to extend the territories of the West Punjab to a strip on the far side of the Sutlej and that there are factors such as the disruption of railway communications and water systems that ought, in this instance, to displace the primary claims of contiguous majorities.

But I must call attention to the fact that the Dipalpur Canal, which serves areas in the West Punjab, takes off from the Ferozepore headworks and I find it difficult to envisage a satisfactory demarcation of boundary at this point that is not accompanied by some arrangement for joint control of the intake of the different canals dependent on these headworks.

I have not found it possible to preserve undivided the irrigation system of the Upper Bari Doab Canal which extends from Maddhopur in the Pathankot Tashil to the western border of the District of Lahore, although I have made small adjustments of the Lahore-Amritsar district boundary to mitigate some of the consequences of this severance: nor can I see any means of preserving under one territorial jurisdiction the Mandi hydro-electrical scheme which supplies power in the Districts of Kangra, Gurdaspur, Amritsar, Lahore, Jullundur, Ludhiana, Ferozepore, Sheikhupura and Lyallpur.

I think it only right to express the hope that, where the drawing of a boundary line cannot avoid disrupting such unitary services as canal irrigation, railways, and electric power transmission, a solution may be found by agreement between the two States for some joint control of what has hitherto been a valuable common service.

I am conscious too that the award cannot go far towards satisfying sentiments and aspirations deeply held on either side but directly in conflict as to their bearing on the placing of the boundary. If means are to be found to gratify to the full those sentiments and aspirations, I think that they must be found in political arrangements with which I am not concerned, and not in the decision of a boundary line drawn under the terms of reference of this Commission.

ANNEXURE A

(1) The boundary between the East and West Punjab shall commence on the north at the point where the west branch of the Ujh river enters the Punjab province from the State of Kashmir. The boundary shall follow the line of that river down the western boundary of the Pathankot

Tahsil to the point where the Pathankot, Shakargarh and Gurdaspur Tahsils meet. The Tahsil boundary and not the actual course of the Ujh river shall constitute the boundary between the East and West Punjab.

(2) From the point of meeting of the three Tahsils above mentioned, the boundary between the East and West Punjab shall follow the line of the Ujh river to its junction with the river Ravi and thereafter the line of the river Ravi along the boundary between the Tahsils of Gurdaspur and Shakargarh, the boundary between the Tahsils of Batala and Shakargarh, the boundary between the Tahsils of Batala and Narowal, the boundary between the Tahsils of Ajnala and Narowal, and the boundary between the Tahsils of Ajnala and Shadara, to the point on the river Ravi where the district of Amritsar is divided from the district of Lahore. The Tahsil boundaries referred to, and not the actual course of the river Ujh or the river Ravi, shall constitute the boundary between the East and West Punjab.

(3) From the point on the river Ravi where the District of Amritsar is divided from the District of Lahore, the boundary between the East and West Punjab shall turn southwards following the boundary between the Tahsils of Ajnala and Lahore and then the Tahsils of Tarn Taran and Lahore, to the point where the Tahsils of Kasur, Lahore and Tarn Taran meet. The line will then turn south-westward along the boundary between the Tahsils of Lahore and Kasur to the point where that boundary meets the north-east corner of village Theh Jahrolian. It will then run along the eastern boundary of that village to its junction with village Chathianwala, turn along the northern boundary of that village and then run down its eastern boundary to its junction with village Waigal.

It will then run along the eastern boundary of village Waigal to its junction with village Kalia, and then along the southern boundary of village Waigal to its junction with village Panhuawan. The line will then run down the eastern boundary of village Panhuwan to its junction with village Gaddoke. The line will then run down the eastern border of village Gaddoke to its junction with village

Nurwala. It will then turn along the southern boundary of village Gaddoke to its junction with village Katluni Kalan.

The line will then run down the eastern boundary of village Katluni Kalan to its junction with villages Kalas and Mastgarh. It will then run along the southern boundary of village Katluni Kalan to the north-west corner of village Kals. It will then run along the western boundary of village Kals to its junction with village Khem Karan. The line will then run along the western and southern boundaries of village Khem Karan to its junction with village Maewala. It will then run down the western and southern boundaries of village Maewala proceeding eastward along the boundaries between village Mahaidepur on the north and village Sheikhupura, Khuna, Kamalpura, Fatehwala and Mahewala.

The line will then turn northward along the western boundary of village Sahjra to its junction with villages Mahaidepur and Machhike. It will then turn north-eastward along the boundaries between villages Machhike and Sahjra and then proceed along the boundary between villages Rattoke and Sahjra to the junction between villages Rattoke, Sahjra and Mabbuke. The line will then run north-east between the villages Rattoke and Mabbuke to the junction of villages Rattoke, Mabbuke, and Gajjal.

From that point the line will run along the boundary between villages Kabbuke and Gajjal, and then turn south along the eastern boundary of village Mabbuke to its junction with village Nagar Aimanpur. It will then turn along the north-eastern boundary of village Nagar Aimanpur and run along its eastern boundary to its junction with village Mastekee. From there it will run along the eastern boundary of village Mastekee to where it meets the boundary between the Tahsils of Kasur and Ferozepore.

For the purpose of identifying the villages referred to in this paragraph, I attach a map of the Kasur Tahsil authorized by the then settlement officer, Lahore district, which was supplied to the Commission by the Provincial Government.

(4) The line will then run in a south-westerly direction from the Sutlej river on the boundary between the Districts of Lahore and Ferozepore to the point where the districts of Ferozepore, Lahore and Montgomery meet. It will continue along the boundary between the Districts of Ferozepore and Montgomery to the point where this boundary meets the border of Bahawalpur State. The district boundaries, and not the actual course of the Sutlej river shall in each case constitute the boundary between the East and West Punjab.

(5) It is my intention that this boundary line should ensure that the canal headworks at Sulemanke will fall within the territorial jurisdiction of the West Punjab. If the existing delimitation of the boundaries of Montgomery district does not ensure this, I award to the West Punjab so much of the territory concerned as covers the headworks, and the boundary shall be adjusted accordingly.

(6) So much of the Punjab province as lies to the west of the line demarcated in the preceding paragraphs shall be the territory of the West Punjab. So much of the territory of the Punjab province as lies to the east of that line shall be the territory of the East Punjab.

(Lahore Division consists of six districts, namely, Lahore, Amritsar, Gurdaspur, Sialkot, Gujranwala and Sheikhupura. Of these six districts three, namely, Sialkot, Gujranwala and Sheikhupura go to the West Punjab; while one, namely, Amritsar, goes to the East Punjab. The remaining two districts, Lahore and Gurdaspur have been divided between the provinces.)

84. INDIA'S STANDSTILL AGREEMENT WITH THE NIZAM, NOVEMBER 29, 1947.

I. Text of Agreement.

Agreement made this Twenty-ninth Day of November Nineteen Hundred and Forty-seven between the Dominion of India and the Nizam of Hyderabad and Berar.

Whereas it is the aim and policy of the Dominion of India and the Nizam of Hyderabad and Berar to work together

in close association and amity for the mutual benefit of both but a final agreement as to the form and nature of the relationship between them has not yet been reached:

And whereas it is to the advantage of both parties that existing agreements and administrative arrangements in matters of common concern should, pending such final agreement as aforesaid, be continued:

Now, therefore, it is hereby agreed as follows:

Article 1. Until new agreements in this behalf are made, all agreements and administrative arrangements as to the matters of common concern, including External Affairs, Defence and Communications, which were existing between the Crown and the Nizam immediately before the 15th August, 1947, shall, in so far as may be appropriate, continue as between the Dominion of India (or any part thereof) and the Nizam.

Nothing herein contained shall impose any obligation or confer any right on the Dominion

(1) To send troops to assist the Nizam in the maintenance of internal order.

(2) To station troops in Hyderabad territory except in time of war and with the consent of the Nizam which will not be unreasonably withheld, any troops so stationed to be withdrawn from Hyderabad territory within six months of the termination of hostilities.

Article 2. The Government of India and the Nizam agree for the better execution of the purposes of this agreement to appoint Agents in Hyderabad and Delhi respectively, and to give every facility to them for the discharge of their functions.

Article 3. (1) Nothing herein contained shall include or introduce Paramountcy functions or create any Paramountcy relationship.

(II) Nothing herein contained and nothing done in pursuance hereof shall be deemed to create in favour of either party any right continuing after the date of termination of this agreement, and nothing herein contained and nothing done in pursuance hereof shall be deemed to derogate from any right which, but for this agreement, would have been

exercisable by either party to it after the date of termination hereof.

Article 4. Any dispute arising out of this agreement or out of agreements or arrangements hereby continued shall be referred to the arbitration of two arbitrators, one appointed by each of the parties, and an umpire appointed by those arbitrators.

Article 5. This agreement shall come into force at once and shall remain in force for a period of one year.

In confirmation whereof the Governor-General of India and the Nizam of Hyderabad and Berar have appended their signatures.

Osman Ali Khan
Nizam of Hyderabad and Berar.
Mountbatten of Burma
Governor-General of India.

II. Extracts[1] from the Nizam's Letter to the Governor-General.

In a letter to the Governor-General, Lord Mountbatten, the Nizam expressed regret that they had not been able to reach a final agreement on eventual association between Hyderabad and the Dominion.

He added: "As Your Excellency knows, I have not been prepared to contemplate accession to either Dominion but short of this, I have been ready to negotiate with your Government upon any other basis."

"I am confident that if during the next year our association in accordance with the standstill agreement is marked by goodwill on both sides we shall be more likely at the end of that period to reach a satisfactory agreement as to the nature of our long-term association."

The Nizam said he regarded the agreement as founded upon the principle of good neighbourliness and in no way permanently prejudicing his rights as an independent sovereign, though he was in some important respects suspending the exercise of certain of those rights.

[1] These extracts are quoted from newspaper reports.

It was urgently necessary that arms, equipments and, in particular, ammunition should be made immediately available to Hyderabad. They had had no supplies since July and the shortage was interfering with the training of the Hyderabad Army.

He proposed to issue a *Firman* in the immediate future expressing his firm resolve to protect the lives, rights and interests of all his subjects alike, irrespective of caste or creed.

III. Extracts[1] from speech[2] of Sardar Vallabhbhai Patel,[3] November 29, 1947.

Sardar Patel said: "With your permission, Sir, I should like to make a statement on the result of the negotiations with the Hyderabad Government on the future relationship between that State and the Government of India. The House will recall that I stated on the floor of this House that this was the last phase of these negotiations. I am happy to say that an agreement has been reached and I lay on the table of the House a copy of the agreement signed this morning as well as copies of the collateral letters exchanged between H. E. H. the Nizam and H.E. the Governor-General."

"As the House is aware, it was in July last that we initiated negotiations with the States for their accession to the Dominion of India, which, due to the spirit of co-operation evinced by the rulers, resulted in the accession before the 15th August of all States except Hyderabad, Kashmir and Junagadh. We had negotiations with representatives of His Exalted Highness the Nizam also at the same time. I do not wish to take the House through the many phases of the negotiations. I need only say that when the 15th August came no agreement could be reached. At the same time, His Exalted Highness the Nizam was anxious not to break off negotiations and accordingly at

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[1] These extracts are quoted from newspaper reports.

[2] This speech was delivered in the Indian Constituent Assembly (Legislative)

[3] Deputy Prime Minister, Home Minister and Minister for States.

his request we decided to give him an extension of two months within which to finalise his attitude. When the negotiations were resumed, His Excellency the Governor-General, with the concurrence of the Cabinet, undertook to continue them on our behalf. He had several meetings with the Delegation sent by His Exalted Highness and about a month ago a complete agreement had resulted but owing to developments of which the House is aware the old Delegation resigned and a new one was sent by His Exalted Highness the Nizam in its place During the negotiations with the new Delegation we adhered to the stand we had already taken up and finally the agreement which we have now succeeded in obtaining from the present Delegation is exactly the same as we had negotiated with the old one."

"The settlement makes it clear that Hyderabad does not propose to accede to Pakistan. This, if I may say so, is only right, for placed as Hyderabad is, its destiny is inextricably bound up with that of India."

"I fully realise that Hon'ble Members of this House as well as the public outside have been considerably concerned over the happenings in the State in recent months. Now that accord has been reached, I am sure it will have a wholesome effect on the existing situation and will exercise a beneficial influence on the relations between the two communities, both in the State and outside. We can thus put these happenings back in the past and look forward to a relationship in which amity and cordiality will prevail. An atmosphere will thus be created which will enable people who have left the State to return to their homes. I am also certain that as this settlement is intended to serve as the basis of friendly and cordial relations it will be worked in that spirit. We on our part will do our best to secure this end."

"I would also like to refer briefly to the fact that proposals for constitutional reforms are now engaging the attention of His Exalted Highness. On this, as well as on the question of final accession, I hope he will readily agree that in the ultimate analysis it is the will of the people that should guide his judgment. There are unmistakable signs

in several other States of the triumph of this principle and I feel certain that His Exalted Highness will, as becomes a ruler of his pre-eminent position, set an example which others can follow."

"Finally, I am sure the House would like me to place on record our sense of appreciation of all that His Excellency the Governor-General has done in bringing about such a happy conclusion to the prolonged negotiations."

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