

A. C. Banerjee

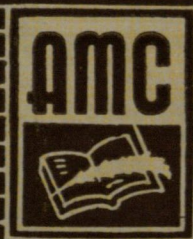
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HISTORY OF INDIA

Indian Constitutional Documents 1757-1947

Edited by

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In Four Volumes

Vol. IV : 1935—1947



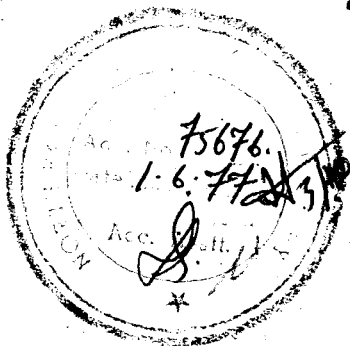
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PREFACE

Indian Constitutional Documents was originally published in two volumes. The first volume covered the period 1757—1858 ; the second volume dealt with the constitutional developments in India under the British Crown (1858—1945). When it became necessary to reprint the book in a large form it was divided into three volumes : Volume I, 1757—1858 ; Volume II, 1858—1917 ; Volume III, 1917—1939. Documents relating to the post-1939 period were printed in my books : *The Cabinet Mission in India*, *The Constituent Assembly of India* and *The Making of the Indian Constitution*. In the third edition Volume III, enlarged by addition of some new documents, was brought down to 1935. Documents relating to the period 1935—1947 are now presented to the readers, with Introduction and Notes, in a new Volume (Volume IV). In its present form *Indian Constitutional Documents* in four volumes covers the entire period of British rule in India.

A. C. BANERJEE

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INTRODUCTION

Provincial Autonomy (1937-39)

The Federal Scheme¹ contained in the Act of 1935 had to be kept in abeyance for an indefinite period because it was not acceptable either to the Congress or to the Muslim League and the Princes were reluctant to commit themselves to loss of autocratic privileges. But the Provincial Scheme,² which the Muslim League had decided to 'utilise for what it is worth,'³ was put in operation from 1 April 1937. The provisions of the Act were supplemented by the Royal Instruments of Instructions to the Governor-General and the Provincial Governors.⁴

Although the Congress reiterated 'its rejection of the new Constitution in its entirety' and continued to 'lay stress on the nation's demand for a Constituent Assembly', it could not escape the logic of facts when the official decision to hold elections for the Provincial Legislatures under the new Act came to be known. It decided to put forward candidates without committing itself to accept or to reject office in the event of success at the polls.⁵

In the elections the Congress secured an absolute majority in the Legislative Assemblies of five Provinces (Madras, the United Provinces, the Central Provinces, Bihar, Orissa) and a working majority in another (Bombay). In two other Provinces (North-West Frontier Province, Assam) it emerged as the largest single party. The question of office acceptance now came to the front. The Congress agreed to accept office on a specific condition, *viz.* a public assurance that the Provincial 'Governor will not use his special powers of interference or set aside the advice of Ministers in regard to constitutional activities'. This was intended to nullify in practice the exercise by the Governor of his 'discretion' and 'individual judgment' under the Act. The

¹ Document No. 1, pp. 2-16.

² Document No. 1, pp. 17-30.

³ Document No. 5, p. 72.

⁴ Document Nos. 2, 3.

⁵ Document No. 4.

British Government contended that no such assurance could be given without amendment of the Act, but the Congress held that it "did not contemplate any amendment of the Act for the purpose of the required assurances".⁶ The refusal of the majority party to assume the responsibility of office created a deadlock which the Governors resolved temporarily by the appointment of minority Ministries, a political expedient of doubtful constitutional propriety. But the Governor-General, Lord Linlithgow, was very anxious to prove the worth of the constitutional scheme of which he himself was one of the framers.⁷ In an elaborate statement⁸ he gave assurances which, though regarded by the Congress as unsatisfactory, created a situation in which (so the Congress hoped) "it will not be easy for the Governors to use their special powers".⁹ Congress Ministries were then formed in seven Provinces (Madras, Bombay, U.P., C.P., Bihar, Orissa, N.-W.F.P.); Assam followed a year later (September 1938). The temporary crisis regarding the release of political prisoners in U. P. and Bihar¹⁰ brought out the tension which Lord Linlithgow's assurances had not succeeded in eliminating completely.

Only three Provinces (Bengal, the Punjab, N.-W.F.P.) remained outside the pale of Congress ascendancy, but not one of the Ministries formed in these Provinces was controlled or even dominated by the Muslim League. Indeed, the League was then just coming out of the wilderness and it was simply through negative criticism of the Congress that Mohammad Ali Jinnah was trying to vitalise it. After rejection by the Congress of the League offer to form coalition Ministries¹¹ he found in the policy and work of the Congress nothing but a definite plan to establish a Hindu *Raj* in India. "No settlement with the majority is possible" he declared. He 'exposed the game' of 'Congress Fascism' and levelled some specific charges against the Congress

⁶ Document No. 6.

⁷ Document No. 9.

⁸ Document No. 7.

⁹ Document No. 6, p. 74.

¹⁰ Document No. 8.

¹¹ See Coupland, *The Constitutional Problem in India, Part II*, pp. 110-112, 121-123.

Ministries.¹² These charges were repudiated by the Congress ; Jinnah made no attempt to substantiate them, although he demanded enquiry by a Royal Commission composed of judges. When the Congress resigned office on the issue of India's participation in Hitler's war he asked "the Mussalmans all over India to observe.....the 'Day of Deliverance' and thanksgiving as a mark of relief that the Congress regime has at last ceased to function".¹³ Thus opened that serious breach between the Congress and the League which resulted in the establishment of Pakistan in 1947.

War and Constitution-making (1939-45)

The crisis of Hitler's war revealed the width of the gulf which separated the Congress from the British Government.¹⁴ The first stage in Congress policy was to offer conditional support to the prosecution of war against Fascism and Nazism. The statements made by the Governor-General and the Secretary of State,¹⁵ which followed, were considered by the Congress as 'wholly unsatisfactory' and 'unfortunate', and the Congress Ministers in the Provinces tendered their resignations. This was the second stage in Congress policy ; non-co-operation was not yet to be supplemented by direct resistance. The Congress Working Committee specifically "warned Congressmen against any hasty action in the shape of civil disobedience, political strikes and the like". For about three years the Congress pursued a halting policy which was neither logical nor effective. It was anxious for the defeat of Fascism, but it was not prepared to co-operate with a Government which did not recognise India's right to freedom. So it ranged itself against the British Government, although practically nothing was done to dislocate the machinery of administration or to hamper the prosecution of war. As soon as the Congress Ministers resigned the administration of the Congress-majority Provinces except Assam was taken over by the Governors under Section 93 of the Act of 1935 ;

¹² Document No. 10.

¹³ Document No. 15.

¹⁴ Document No. 12.

¹⁵ Document No. 14.

non-Congress Ministries were formed in Assam and Orissa. The third stage in Congress policy was marked by the 'Quit India' resolution¹⁶; in August, 1942, the Congress felt that "the peril of to-day necessitates the independence of India and the ending of British domination".

Immediately after the commencement of the war the Muslim League laid down its conditions for co-operation with the British Government¹⁷ the most important of which was the revision of "the entire problem of India's future constitution *de novo* in the light of the experience gained by the working of the present provincial constitution of India and developments that have taken place since 1935 or may take place hereafter". Such revision was also contemplated by the Congress, and Gandhi declared that "the way to democratic Swaraj lies only through a properly constituted (Constituent) Assembly".¹⁸ He added: "All resources must be exhausted to reach the Constituent Assembly before direct action is thought of". But Jinnah was irrevocably opposed to the idea, for in his view the proposed Constituent Assembly "would at best be a packed body manoeuvred and managed by the Congress caucus". He laid down his basic condition for constitution-making in the following words: "... a constitution must be evolved that recognises that there are in India two nations who both must share the governance of their common motherland..."¹⁹ This condition was given a concrete expression in the Pakistan resolution.²⁰

In July 1940 the Congress put forward two interim demands: (1) "acknowledgement by Great Britain of the complete independence of India"; (2) constitution of "a provisional National Government... at the Centre... such as to command the confidence of all the elected elements in the Central Legislature and secure the closest co-operation of all the responsible Governments in the Provinces". This proposal was unacceptable to the Muslim League which had already committed itself to the

¹⁶ Document No. 20.

¹⁷ Document No. 13.

¹⁸ Document No. 16.

¹⁹ Document No. 16.

²⁰ Document No. 17.

two-nation theory and could not accept a 'National Government'. The British Government's reply was the 'August offer'.²¹ The reaction of the Congress found expression in non-violent civil disobedience under Gandhi's direction. It was felt that the 'August offer' was ridiculously out of place in a country demanding complete independence and eager to play its part against triumphant Fascism. The 'August offer' was an advance in so far as it committed the British Government "to the setting up after the conclusion of the war . . . of a body representative of the principal elements in India's national life in order to devise the framework of the new constitution"; it was a repudiation of the Act of 1935. At the same time it was declared that 'large and powerful elements in India's national life' could not be coerced into submission to any Government whose authority was 'directly denied' by them. In effect, it was a veto conceded to Jinnah who used it skilfully during the next seven years.

The next step on the part of the British Government was the expansion of the Governor-General's Executive Council which, on Lord Linlithgow's own admission, 'did not have any basis other than administrative convenience'.²² The increase in the proportion of Indians was described by the Secretary of State as a 'change in the spirit, if not in the letter, of the Constitution', but no political party—not even the Muslim League—regarded it in that light.

The spectacular success of Japan during the early months of 1942 and pressure from Washington compelled the British Government to make a serious attempt to end the deadlock in India. The inner story of Sir Stafford Cripps' Mission²³ has been partly revealed in Jawaharlal Nehru's *Discovery of India*. Lord Linlithgow and the Civil Service sabotaged the plan. The leaders of the Congress thought that they were asked to be 'liveried camp-followers' of the Viceroy. They could not think of accepting that position 'at any time and more especially at this time'. So Sir Stafford Cripps returned to London, leaving India in the grip of unprecedented frustration and excitement.

²¹ Document No. 18.

²² Document No. 18.

²³ Document No. 19.

The Congress could no longer postpone the adoption of an effective policy of opposition to a Government which thought in terms of old diplomacy even at a time when the Japanese were knocking at the gates of India. Lord Linlithgow, however, did not allow this policy to take shape. The Government which he represented could not prevent the appearance of the Japanese invaders on the border of Assam, nor could it prevent the disastrous Bengal famine of 1943. But it was strong enough to crush the opposition of the Congress. The passing of the 'Quit India' resolution²⁴ was followed by the arrest of the Congress leaders. Violence on the part of the leaderless people provoked counter-violence on the part of the Government.

But that resolution gave a new turn to Indian history. The old talk about Dominion Status²⁵ was quietly forgotten, and it was recognised that the multi-coloured problems of India, including the communal problem, could not be solved as long as British troops occupied Indian soil. The constitution of free India was to be framed by Indians alone; it was not to be dictated by England. This fundamental change in the situation came to be realised even by British political leaders, who probably felt that their exhausted country could no longer keep under control 400 millions of exasperated Indians. But old memories and old prejudices die slowly, specially when they are emphasised by powerful bodies like the British mercantile community and bureaucracy in India.

For three years—from the Cripps Mission to the Simla Conference—there was a practical interregnum in the efforts of the British Government to bring about a political settlement in India. Lord Linlithgow was succeeded by Lord Wavell in October 1943. His military foresight grasped the dangers inherent in the demand for partition which had become the corner stone of the policy of the Muslim League under Jinnah's uncompromising leadership. He said: "You cannot alter geography . . . India is a natural unit".²⁶ Immediately after this Viceregal pro-

²⁴ Document No. 20.

²⁵ Even in August 1941 the Secretary of State, Amery, spoke of India attaining Dominion Status.

²⁶ Document No. 21.

nouncement Gandhi made strenuous efforts to secure Jinnah's agreement to a communal settlement.²⁷ The Gandhi-Jinnah correspondence proved, if proofs were still needed, that a stage had been reached when no agreed settlement was possible.

After the War (1945-46)

When the war came to an end in Europe Lord Wavell made a fresh attempt to break the deadlock after consultation with the British Government. He released the members of the Congress Working Committee and placed before a conference of representatives of various political parties a plan which was intended primarily to reconstruct the Executive Council of the Governor-General.²⁸ The failure of the Simla Conference, which was ostensibly due to the inability of the Congress to meet the rising demands of the Muslim League, should be attributed really to Lord Wavell's refusal to withdraw from Jinnah his right to veto India's constitutional progress on the basis of unity.

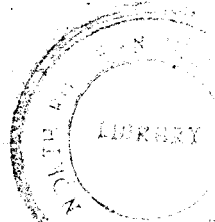
The coming of the Labour Party to power in England changed the course of British policy towards India. A Parliamentary delegation visited India in the winter of 1945-46 with a view to collecting first-hand impressions about the political situation in this country. After the return of the delegation to London an official announcement was made in both Houses of Parliament declaring the intention of the British Government "to send out to India a special mission of Cabinet Ministers . . . to act in association with the Viceroy".²⁹ The object of the Cabinet Mission, as stated by Prime Minister Attlee, would be "to set up a machinery in agreement with Indians whereby the Indian people themselves will decide their destinies". A further statement made by Attlee³⁰ elucidated the policy of the Labour Government. The most significant point in this statement was the declaration that a minority could not be allowed to place a veto on the advance of the majority. It seemed to foreshadow the reversal of the traditional British policy towards the Muslim League.

²⁷ Document No. 22.

²⁸ Document No. 23.

²⁹ Document No. 24.

³⁰ Document No. 25.



The members of the Cabinet Mission—Lord Pethick-Lawrence, Sir Stafford Cripps and Mr. A. V. Alexander—arrived at Karachi on 23 March 1946. After holding preliminary discussions with the Viceroy and the Provincial Governors they gave interviews to Indian political leaders of all parties and groups. Then a conference with the leaders of the Congress and the Muslim League was held at Simla. On 12 May the Conference definitely failed to arrive at a compromise.³¹ The decision of the Mission³² was announced on 16 May.

That decision was obviously based on 'the voluminous evidence' submitted to the Mission. The Mission noted "an almost universal desire, outside the supporters of the Muslim League, for the unity of India"; it noted also the persistent demand of the Muslim League for partition of the country. So a scheme was devised which, in the words of the Secretary of State, made it "possible for the Muslims to secure the advantages of a Pakistan without incurring the dangers inherent in the division of India". It was only to be expected that this compromise would not give full satisfaction to any political party or community.

The Cabinet Mission Plan had three integral parts. First, the Mission laid down the 'basic form' of a new Constitution for 'a Union of India, embracing both British India and the States'. This Constitution was to be framed by a Constituent Assembly of which the composition and the procedure of work were laid down in the Plan. Secondly, 'while the Constitution-making proceeded', an 'interim Government having the support of the major political parties' would carry on the administration of the country. Thirdly, the Rulers of the Princely States were assured that "Paramountcy can neither be retained by the British Crown nor transferred to the new Government (of India)".

This composite Plan, viewed in retrospect, seems to have been quite unsuitable for practical implementation. It was evident within a few weeks that it was open to conflicting interpretations. At the first stage the Congress rejected the scheme of Interim Government but decided to "join the proposed Constituent Assembly with a view to framing the Constitution of a free,

³¹ Document Nos. 26, 27.

³² Document No. 28.

united and democratic India".³³ The Muslim League did not commit itself either way to the scheme of Interim Government but decided to 'accept the (Cabinet Mission) scheme' and 'join the constitution-making body'.³⁴

Immediately afterwards it became clear that the two principal political organisations approached the Cabinet Mission Plan from the standpoint of contradictory premises. The Congress thought of 'a free, united and democratic India' and insisted upon the sovereignty of the Constituent Assembly implying that it had the capacity of 'broadening the Centre'.³⁵ The Muslim League wanted to participate in Constitution-making "in the hope that it would ultimately result in the establishment of complete sovereign Pakistan" and was afraid of the 'brute majority' of the Congress in the Constituent Assembly.³⁶ As soon as this fundamental difference became clear the Muslim League withdrew its acceptance of the Cabinet Mission Plan and decided to launch 'Direct Action'.³⁷ An explanatory statement issued by the Congress³⁸ served no purpose so far as the expected change in League policy was concerned.

Meanwhile the elections to the Constituent Assembly had taken place. Out of 210 'General' seats (in 11 Governor's Provinces) the Congress captured 199, 2 seats were captured by the Unionist party of the Punjab (in alliance with the Congress), 1 seat by the Communist party, 2 seats by the anti-Congress Scheduled Castes Federation, and the remaining 6 seats by independent candidates. Of the 4 seats reserved for 4 Chief Commissioner's Provinces, 3 were captured by Congress nominees (one of whom was a Muslim) and 1 by an independent candidate. Out of 78 Muslim seats the League captured 73, the Congress 3, the Unionist party of the Punjab (in alliance with the Congress) 1 and the Krishak Praja party of Bengal 1. Of the 4 seats reserved for the Sikhs 3 went to the nominees of

³³ Document No. 30.

³⁴ Document No. 29.

³⁵ Document No. 31.

³⁶ Document No. 32.

³⁷ Document No. 33.

³⁸ Document No. 34.

the Akali party (in alliance with the Congress) and 1 to a Congress nominee. Thus, in an assembly consisting of 296 members the Congress could count upon the allegiance of 212 and the League whip³⁹ was accepted by 73 ; of the remaining 11 members no less than 6 members were likely to follow the Congress.

This commanding position of the Congress was characterised by Jinnah as 'brute majority'. But Lord Pethick-Lawrence told the House of Lords on 18 July 1946 : "The Congress has always insisted on the national character of their organisation and this is fully demonstrated by their nomination of personnel in the Provincial Assemblies—I mean national as opposed to communal character". When the Congress nominated candidates for the Constituent Assembly it did not confine its choice either to Hindus or to *bona fide* Congressmen. It selected Caste Hindus, Scheduled Caste Hindus, Adibasis, Indian Christians, Anglo-Indians, Parsis—in fact, men from all communities. It selected men who had never served the Congress ; indeed, among its nominees were men who had actively opposed it in the political sphere. That it spread its net so wide was a clear testimony to its earnest desire to act as a true national organisation in the interest of all sections of the people. That its nomination was accepted by men of different communities and conflicting views proved beyond doubt that it enjoyed the confidence of the country as a whole. The policy of the Muslim League was in sharp contrast with this confident liberalism of the Congress. No one but a confirmed Leaguer was favoured with Jinnah's nomination. So the League stood completely isolated from all non-Muslims as also from all Muslims who did not subscribe to the Pakistan creed.

When the League found itself in complete isolation from all non-Muslims as also from all nationalist Muslims it naturally became doubtful about its success in the Constituent Assembly. The result was the threat of 'Direct Action' which, as Sardar Patel said on 1 August 1946, "was not aimed at the British but

³⁹ The Krishak Praja nominee joined the League sometime after his election.

at the Congress". Two weeks later—on 16 August—'Direct Action' in Calcutta synchronised with the 'Great Calcutta Killing'. *The Statesman* wrote on 20 August 1946: "The origin of the appalling carnage and loss in the capital of a great Province, we believe the worst communal rioting in India's history, was a political demonstration by the Muslim League. Bengal's is a Muslim League Ministry . . . its conduct before the riots stands open to the inference—not only by its political opponents—that it was divided in mind whether rioting of some sort would be good or bad".

While Calcutta was being reduced to 'bloody shambles' the Interim Government was being formed by Lord Wavell and Nehru in Delhi.⁴⁰ As the League had withdrawn its acceptance of the Cabinet Mission Plan the Congress was the only party entitled to form the Interim Government in terms of the following announcement of Lord Wavell (16 June 1946): "In the event of the two major parties or either of them proving unwilling to join in the setting up a Coalition Government . . . 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 Interim Government, composed of 12 members,⁴¹ with Nehru as Vice-President, took office on 2 September 1946. But 5 League nominees (including 1 Scheduled Caste Hindu) were allowed to join the Interim Government on 26 October 1946, although the League did not agree to join the Constituent Assembly. Gandhi found himself "forced to wonder whether they had come into the Cabinet also to fight". This suspicion proved to be well founded. Within three weeks of the League's entry into the Interim Government Nehru publicly complained against his League colleagues.

In the meantime the League's 'Direct Action' had spread from Calcutta to East Bengal; the Hindus in the districts of Noakhali and Tipperah suffered terribly in life, honour and pro-

⁴⁰ Document No. 35.

⁴¹ Caste Hindu—5 (Congress), Muslims—3 (1 Congress, 2 non-Congress non-League), Scheduled Caste Hindu—1 (Congress), Sikh—1 (Akali), Indian Christian—1 (non-Congress), Parsi—1 (non-Congress).

perty (October 1946). Soon afterwards the Hindus in several districts of Bihar fell upon the Muslim minority. Under Nehru's direction the Congress Government of Bihar adopted very strenuous measures (including the imposition of collective fines) to punish the rioters, and even Winston Churchill praised him for this. But nothing comparable to those measures was adopted by the League Ministry in Bengal.

Partition

Taking advantage of Jinnah's unwillingness to join the Constituent Assembly which was summoned to meet in Delhi on 9 December 1946, the British Government invited Lord Wavell, two representatives each of the Congress and the League, and one Sikh representative to go to London to discuss the basis of a common understanding between the Congress and the League. The main question was whether the Grouping of the Provinces was compulsory under paragraphs 19 (v) and 19 (viii) of the Cabinet Mission Plan. The League view was that Grouping was 'compulsory',⁴² while the Congress view was that it was not compulsory. On 15 June 1946, Lord Wavell wrote to the President of the Congress that "the statement of 16th May does not make Grouping compulsory" and added: "It leaves the decision to the elected representatives of the Provinces concerned sitting together in Sections".⁴³ After the London Conference, however, the British Government endorsed the League interpretation.⁴⁴ The Congress recorded its protest but decided to carry on the work of the Constituent Assembly.

The first session of the Constituent Assembly held in December 1946 after the London Conference was not attended by the League members. The adoption of Nehru's 'Objectives resolution'⁴⁵ was postponed as a gesture of conciliation; it was adopted only when it was clear that the League was determined to boycott the Constituent Assembly. The League resolution of 31 January 1947 was an open challenge to the Congress and a

⁴² See p. 226.

⁴³ See p. 261.

⁴⁴ Document No. 36.

⁴⁵ Document No. 37.

clear invitation to the British Government to put the clock back.⁴⁶

The deadlock had apparently reached its climax, and the British Government thought that it could be resolved only by the use of the surgical knife. Attlee's statement of 20 February 1947 was a clear commitment in favour of partition.⁴⁷ In vain did the Congress try to save the situation by declaring that there would be no compulsion on any Province or part of a Province to join the proposed Union.⁴⁸

It is interesting to notice the stages in the emergence of Pakistan during the crucial months May 1946—February 1947. So far as the British Government is concerned the transition from unity—recommended by the Cabinet Mission—to partition—practically recognised as inevitable in Attlee's statement—is clearly related to intensification of pressure tactics by the Muslim League. Lord Wavell admitted League nominees to the Interim Government immediately after the 'Great Calcutta Killing' although they were not at all entitled to this privilege after the League's clear rejection of the Cabinet Mission Plan. Attlee supported the League view on Grouping of Provinces although Lord Wavell—a member of the Cabinet Mission—had earlier supported the Congress view. The League was allowed to create obstruction within the Interim Government and to provoke riots in the Muslim-majority Provinces—in the Punjab and the North-West Frontier Province, for instance—without undertaking the obligation of constitution-making on the lines laid down by the Cabinet Mission. The contrast between Attlee's two statements—15 March 1946, and 20 February 1947,—deserves careful consideration.⁴⁹

Lord Mountbatten succeeded Lord Wavell with special instructions to arrange the transfer of power, to united India if possible, to divided India if necessary. He took office on 24 March 1947. He found that the Cabinet Mission Plan was

⁴⁶ Document No. 36.

⁴⁷ Document No. 38.

⁴⁸ Document No. 39.

⁴⁹ Document Nos. 25, 38.

dead and could not be revived ; partition had practically become an accomplished fact. The League had received a fresh impetus from Attlee's statement of 20 February. The Congress saw a serious threat to peace in the riots provoked by the League. Experience of dissensions within the Interim Government convinced the Congress leaders that co-operation with the League was not possible. He was able to persuade the Congress and the Sikhs to accept partition. The League swallowed it although it involved the partition of Provinces (Bengal and the Punjab) to which Jinnah was so long opposed. The Congress swallowed it because there appeared to be no other method of preventing large-scale blood-shed throughout the country. The agreed arrangements were laid down in the Mountbatten Plan.⁵⁰ Legal effect was given to the Plan by the Indian Independence Act.⁵¹

Could this squandering away of unity, politically the most precious legacy of British rule, have been prevented by Congress co-operation with the British Government in the prosecution of war ? It is a tragedy that the Congress, with all its active hostility towards Fascism, failed to secure from Britain such political assurances as would have allowed the Congress Ministers to remain in office during the critical years following the declaration of war. Even in those fateful days the British Government brought in the Muslim League and the Princes to counteract the claims of the Congress. Instead of co-operation the Congress got a challenge and accepted it. For several years both the British Government and the Congress exhausted themselves in fruitless hostility. When exhausted Britain felt it necessary to come to terms with the Congress reinvigorated by popular support, both found in the Muslim League a power that had to be reckoned with.

The Indian States

The Act of 1935, Section 311 (1), defined an Indian State as including "any territory, whether described as a State, an Estate, a jagir or otherwise, belonging to or under the suzerainty of a Ruler who is under the suzerainty of His Majesty and not being

⁵⁰ Document Nos. 40, 41, 42, 63.

⁵¹ Document No. 44.

a part of British India'. The Act provided for the first time for a constitutional relationship between the States and the British Provinces on federal basis. Actually, however, the Princes were given a veto over the formation of the Federation⁵² because, as Gandhi said, they were 'bulwarks of the Empire'⁵³ Lord Linlithgow's persuasion⁵⁴ could not secure their acceptance of the Federal Scheme.⁵⁵ As the three most important parties concerned—the Congress, the Muslim League and the Princes—were opposed to the Federal Scheme for different reasons it had to be shelved, at least temporarily. The outbreak of war in Europe provided a convenient escape for the British Government. Lord Linlithgow told the Central Legislature on 11 September 1939 that 'the compulsion of the present international situation' left the Government with "no choice but to hold in suspense the work in connection with preparations for federation, while retaining federation as our goal".

Although the Congress regarded the States as 'integral parts of India which cannot be separated' and laid down the principle that "the people of the States had the same right of self-determination as those of the rest of India", it adhered to a policy of benevolent neutrality towards 'the struggle for liberty within the States'.⁵⁶ Yet Lord Linlithgow was afraid that, unless the Princes introduced reforms, the people of the States might 'succumb to the Congress agitation'. In his speeches to the Princes he made a plea for benevolent administration.⁵⁷

The Princes were not directly concerned with the Cripps Mission or the Simla Conference because the primary object of those negotiations was the immediate reconstruction of the

⁵² Section 5 of Act of 1935.

⁵³ Document No. 45. See also Document No. 52, *Indian Constitutional Documents*, Vol. III.

⁵⁴ Document No. 47.

⁵⁵ See *Indian Constitutional Documents*, Vol. III, Introduction, pp. xxiii-xxiv.

⁵⁶ Document No. 46.

⁵⁷ Document No. 47.

Central Government. But the Cripps Mission provided for the participation of the States in constitution-making.⁵⁸

The Cabinet Mission's negotiations with the Princes⁵⁹ as well as the Indian Independence Act⁶⁰ were based on the principle that Paramountcy could not and would not be transferred to an Indian Government. The legality of this view was contested by Ambedkar⁶¹ and its legality as also political expediency was questioned by the Congress.⁶² After the transfer of power the statesmanship of Sardar Vallabhbhai Patel cut through legal quibbles and secured the adhesion of the States to the Indian Dominion and, ultimately, their merger in the Indian Union.

⁵⁸ Document No. 19.

⁵⁹ Document No. 48.

⁶⁰ Document No. 44.

⁶¹ Document No. 52.

⁶² Document Nos. 50, 51.

INDIAN CONSTITUTIONAL DOCUMENTS

1. EXTRACTS FROM THE GOVERNMENT OF INDIA ACT, 1935.¹

[After the conclusion of the first Round Table Conference the British Government published a *White Paper* (15 March 1931) containing proposals for reforms which were then submitted for scrutiny to a Joint Select Committee of the two Houses of Parliament. "In essence the majority of the Committee accepted the Government proposals, but emphasized still more the necessity of safeguards....." The Report of the Committee was published in October 1934.

In February 1935 the new Government of India Bill was introduced in Parliament by the Secretary of State for India, Sir Samuel Hoare. "The passage of the Bill through the House of Commons resulted in certain changes of considerable, though not primary importance". In the House of Lords only one vital change was made with the assent of the Government.

The Bill was passed on 2 August 1935. The Act came into force on 1 April 1937, with the exception of Part II (Federation) and Part VII (Federal Railway Authority).]

Part I

Introductory

3.—(1) The Governor-General of India is appointed by His Majesty by a Commission under the Royal Sign Manual and has—

- (a) all such powers and duties as are conferred or imposed on him by or under this Act; and
- (b) such other powers of His Majesty, not being powers connected with the exer-

The
Governor-
General of
India and
His
Majesty's
Representative as
regards
relations
with Indian
States²

¹ An Act to make further provision for the Government of India (26 Geo. 5, C. 2).

² The marginal notes are included in the Act.

36. Fees in respect of any of the matters in this Part of this List, but not including fees taken in any Court.

2. INSTRUMENT OF INSTRUCTIONS TO GOVERNOR-GENERAL, 1937.

[The Instrument of Instructions was issued in the name of His Majesty under Section 13 (1) of the Act which ran as follows : "The Secretary of State shall lay before Parliament the draft of any Instrument of Instructions.....which it is proposed to recommend His Majesty to issue to the Governor-General, and no further proceedings shall be taken in relation thereto except in pursuance of an address presented to His Majesty by both Houses of Parliament praying that the Instrument may be issued". The Instrument did not confer any new powers on the Governor-General. It did not define or create legal rights or obligations. But the Governor-General was required to exercise the various powers conferred on him in accordance with the instructions.]

VII. It is Our will and pleasure that Our Governor-General shall use all endeavour consistent with the fulfilment of his responsibilities to Us and to Our Parliament for the welfare of Our Indian subjects, that the administration of the matters committed to the charge of Our Governor-General in Council may be conducted in harmony with the wishes of Our said subjects as expressed by their representatives in the Indian Legislature so far as the same shall appear to him to be just and reasonable : and shall so order the administration of his Government as to further the policy of the Act for its conversion into a Federation of all India.

Harmony
with Indian
Legislature

Conversion
into Federa-
tion

VIII. Whereas it is expedient for the common good of British India that the authority of Our Governor-General in Council and of the Indian Legislature in those matters which are by law assigned to them should prevail :

Authority of
Centre and
Provinces to
prevail in
their respect-
ive spheres

fit all classes of the population to take their due share in public life ; and to secure amongst all classes and creeds co-operation, good will and mutual respect for religious beliefs and sentiments . . .

XVI. And finally it is Our will and pleasure that Our Governor-General should so exercise the trust reposed in him that the 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.

3. INSTRUMENT OF INSTRUCTIONS TO PROVINCIAL GOVERNOR, 1937.¹

*B.—In regard to the Executive Authority
of the province.*

VII. In making appointments to his Council of Ministers Our Governor shall use his best endeavours to select his Ministers in the following manner, that is to say, in consultation with the person who in his judgement is likely to command a stable majority (including so far as practicable members of important minority communities) who will best be in a position collectively to command the confidence of the Legislature. But, in so acting, he shall bear constantly in mind the need for fostering a sense of joint responsibility among his Ministers.

How
Ministers
are to be
appointed

VIII. In all matters within the scope of the executive authority of the Province, save in relation to functions which he is required by the said Act to exercise in his discretion, Our Governor shall in the exercise of the powers conferred upon him be guided by the advice of his Ministers, unless in his opinion so to be guided would be inconsistent with the fulfilment of any of the special responsibilities which are by the said Act committed to him, or with the pro-

Relations
between
Governor
and
Ministers

¹ Issued under Section 53 (1) of the Act which is exactly similar to Section 13 (1) quoted on p. 63 above.

- of any Act of Parliament extending to British India ;
- (b) any Bill which in his opinion would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is by the Act designed to fill ;
 - (c) any Bill regarding which he feels doubt whether it does, or does not, offend against the purposes of Chapter III of Part V¹ or section 299 of the Act² ;
 - (d) any Bill which would alter the character of the Permanent Settlement.

Reservation of Bills by Governor

* * * *

XIX. And generally Our Governor shall do all that in him lies to maintain standards of good administration ; to encourage religious toleration, co-operation and goodwill among all classes and creeds ; and to promote all measures making for moral, social and economic welfare, and tending to fit all classes of the population to take their share in the public life and government of the Province.

General aims of Governor

4. INDIAN NATIONAL CONGRESS AND REJECTION OF ACT OF 1935 (1936-37)

I. Resolution of Congress, Lucknow Session, April 1936.

Whereas the Government of India Act, 1935, which is based on the White Paper and Joint Parliamentary Report and which is in many respects even worse than the proposals contained in them, in no way represents the will of the nation, is designed to facilitate and perpetuate the domination and exploitation of the people of India and is imposed on the

New Constitution rejected 'in entirety'

¹ Provisions with regard to discrimination against British subjects domiciled in the United Kingdom, etc.

² Compulsory acquisition of land.

in the country, the Congress, in view of the uncertainties of the situation as it may develop, considers it inadvisable to commit itself to any decision at this stage on the question and leaves it to be decided at the proper time by the All-India Congress Committee after consulting the Provincial Congress Committees.

**II. Presidential Address of Jawaharal Nehru,
Congress, December 1936.**

The Government of India Act of 1935, the new Constitution, stares at us offensively, this new chapter of bondage which has been imposed upon us despite our utter rejection of it, and we are preparing to fight elections under it . . . We go to the Legislatures not to co-operate with the apparatus of British imperialism, but to combat the Act and seek to end it . . . We are not going to the Legislatures to pursue the path of constitutionalism or barren reformism.

'New chapter of bondage'

**III. 'National Demand' Resolution¹,
March 1937.**

The Convention calls upon all Congress Parliamentary parties to take the earliest opportunity to put forward, in the name of the nation, a demand in their respective Legislatures that the Government of India Act, 1935, be withdrawn so that the people of India may frame their own Constitution.

People of India to frame their own Constitution

**5. MUSLIM LEAGUE AND ACT OF
1935² (1936).**

Resolved that the All-India Muslim League enters emphatic protest against forcing the Constitution, as embodied in the Government of India Act

Constitution forced on India

¹ Passed by All-India National Convention of Congress Legislators, March 1937.

² Resolution, 11-12 April 1936.

III. Resolution of Working Committee,

7 July 1937.

Assurance
unsatis-
factory

"It will not
be easy for
the Govern-
ors to
use their
special
powers".

Office
to be
accepted
for
combating
new Act

... Since the meeting of the Working Committee on 28 April last, Lord Zetland, Lord Stanley and the Viceroy¹ have made declarations on this issue on behalf of the British Government. The Working Committee has carefully considered these declarations and is of opinion that though they exhibit a desire to make an approach to the Congress demand they fall short of the assurances demanded in terms of the All-India Congress Committee resolution as interpreted by the Working Committee resolution of 28 April... The Committee feels, however, that the situation created as the result of the circumstances and events that have since occurred, warrants the belief that it will not be easy for the Governors to use their special powers... The Committee has therefore come to the conclusion and resolves that Congressmen be permitted to accept office where they may be invited thereto. But it desires to make it clear that office is to be accepted and utilized for the purpose of working in accordance with the lines laid down in the Congress manifesto and to further in every possible way the Congress policy of combating the new Act on the one hand and of prosecuting the constructive programme on the other².

7. LORD LINLITHGOW ON RELATION OF GOVERNORS WITH MINISTERS³, 1937.

[The full results of the Provincial elections were known in February 1937. In Madras the Congress secured about 74-

¹ Lord Linlithgow's Statement : Document No. 7.

² The Congress "permitted the formation in Provinces of Congress Ministries with a view to strengthen the nation in its struggle for independence."—Resolution of Congress, Haripura Session, 1938.

³ Statement, 22 June 1937. Lord Linlithgow was Viceroy and Governor-General from 18 April 1936 to 20 October 1943. See John Glendevon, *The Viceroy at Bay*.

best hope for that general and lasting amelioration in the condition of the rural population and of the humbler sections of society which all of us so ardently desire.

The discussions and debates of the last two months have, I think, placed before you every argument and point of view that bear upon this issue. The choice, a choice fraught with so much of profound significance for the future of India, must shortly be made. I hope with all my heart that all, whether leaders or their followers, may find it their duty to choose the way of constructive effort. Whatever emerges, you may count upon me, in face even of bitter disappointment, to strive untiringly towards the full and final establishment in India of the principles of Parliamentary Government. But if what I should regard as a deplorable outcome should emerge from the present situation and if Parliamentary and responsible government should as a consequence be suspended in a number of Provinces, it might, however much we might all of us regret it, be beyond the power of any of us rapidly to reverse the circumstances that must then supervene. In that event, invaluable time will be lost, and I greatly fear, no little hurt inflicted upon the cause of progressive reform. But I do not believe that these sad things will come to pass, for I have faith in you and in the destiny of India. The way we tread may seem dark and sometimes difficult. The star that guides our course may seem sometimes to flicker and almost to fail. Yet faith and courage are mighty forces. Let us summon them to our aid in this difficult hour, and together move steadily forward towards the fulfilment of our hopes.

'Choose the way of constructive effort'.

Rejection of this constitution will 'inflict no little hurt upon the cause of progressive reform'.

8. RESIGNATION OF TWO CONGRESS MINISTRIES, 1938.

[The Congress by its election manifesto was, among other things, pledged to the release of all political prisoners. Most

therefore, at present reluctant to instruct Ministers in other Provinces to send in their resignations by way of protest against the Governor-General's action . . .

When the Congress approved of acceptance of office, with great reluctance and considerable hesitation, it had no misgivings about its own estimate of the real nature of the Government of India Act. The latest action of the Governor-General justifies that estimate and not only exposes the utter inadequacy of the Act to bring real liberty to the people, but also shows the intention of the British Government to use and interpret it not for the expansion of liberty, but for its restriction . . .

Real nature
of Act of
1935
revealed

9. LORD LINLITHGOW ON PROVINCIAL AUTONOMY, 1937-38.

I. Speech, 15 March 1937.¹

. . . The great provincial electorates have made their choice, and upon the first day of next month provincial autonomy becomes an accomplished fact. From that moment the unitary system of government which has for so long a period of time obtained in this country comes to an end, and the eleven Provinces of British India adventure forth upon their several ways . . . it is at a time such as this that the representative of the Crown, be he the Governor-General or the Governor of a Province, must needs remind himself that it is his bounden duty to stand above party interests and party differences, and to keep steadily before his mind his obligations not only to those whose cause has triumphed, but also to those who have tasted the bitterness of defeat . . . And again, I am bound at this time to remember the fundamental nature of the change that is about to take place as between the Centre and the Provinces.

End of the
unitary
system

¹ At a dinner given by the President, Council of State, Sir Maneckji Dadabhoy.

on any of these points. The tributes which Ministers of all political parties have in recent months paid to the work of the great Services speak for themselves. I know from first hand how real is the importance which Ministers attach to the loyal and willing co-operation which they have received. I can speak equally from first hand of the friendly character of the relations between Governors, standing as the King's representatives, outside and above party, and their Ministers. As to the working of the special responsibilities, you will, I am sure, agree that the forecast which I gave in my message to India of June last year has been amply and fully realised . . . on a broad view, the great experiment of Provincial Autonomy, the transfer of real powers to Ministers elected by an electorate five times the size of any electorate that had previously voted in India, has proved a marked success.

'Loyal and willing co-operation' between Services and Ministers

Friendly relations between Governors and Ministers

Provincial Autonomy 'has proved a marked success'.

10. JINNAH ON MUSLIM CLAIMS.

1937-1938.

I. Presidential Address, All-India Muslim League, Lucknow Session, October 1937.

. . . . On the 12th April, 1936, the Muslim League at its session, the first time in its history, undertook the policy and programme of mass contact. The League considered the prevailing conditions and surveyed the situation. We had to face the forthcoming elections on the eve of the inauguration of the new Provincial constitution embodied in the Government of India Act, 1935, and had no alternative but to enter the field and contest the elections to the Provincial Legislatures. It was also felt that there was no alternative but to utilise the Provincial constitution for what it was worth, although it was far from being satisfactory. I may here reproduce the resolution that was passed on the 12th April, 1936 :

League policy in 1936

To-day Hindu mentality, Hindu outlook, is being carefully nurtured and Muslims are being forced to accept Hindu ideals in their daily life. . . .

* * * *

The next question that you will have to consider is that of the Federation. Let the Congress continue to say that they will never accept the Federation . . . The Congress will tumble into it just as it tumbled into the Provincial part of the constitution . . .

* * * *

The Congress game with regard to Federation is very clear. If the Congress can gain the control over the Federal machinery, then, by means of direct and indirect powers vested in the Federal Government, the Congress would be able to reduce to nonentity the Government of the Hon'ble Mr. Fazlul-Huq in Bengal and the Hon'ble Sir Sikandar Hyat Khan in the Punjab. Soon in the end the Congress will have seven Provinces where they enjoy overwhelming numerical majority as a gift of God, and the other four Provinces where Muslims dominate will be the feudatories of the Congress High Command.

Congress
'game'
regarding
Federation

Congress
plan to
dominate
Muslim-
majority
Provinces

If I am right in my judgement, that is the objective of the Congress. Therefore, I say the Congress opposition to the Federation is not honest . . .

11. NEHRU-JINNAH CORRESPONDENCE, 1938.

I. Nehru to Jinnah, 6 April 1938

* * * *

Basic
policy of
Congress:
independ-
ence and
non-co-
operation
with imper-
ialist war

.....The Congress naturally thinks in terms of independence, though it adjusts itself occasionally to the present transitional and temporary phases. It is thus not interested in amendments to the present Constitution, but aims at its complete removal and its substitution by a Constitution framed by the Indian people through a Constituent Assembly. Another matter has assumed an urgent and vital

whether it is in a majority or a minority in an Assembly, in furtherance of that programme and policy. On that basis I can conceive of even coalition Ministries being formed. Without that basis the Congress has no interest in a Ministry or in an Assembly.

* * * *

II. Jinnah to Nehru, 12 April 1938

* * * *

.....Your tone and language again display the same arrogance and militant spirit, as if the Congress is the sovereign power...unless the Congress recognises the Muslim League on a footing of complete equality and is prepared as such to negotiate for a Hindu-Muslim settlement, we shall have to wait and depend upon our inherent strength which will 'determine the measure of importance and distinction it possesses'.....

* * * *

12. CONGRESS AND THE WAR, 1939.

I. Resolution of Working Committee, 14 September 1939.

Congress
disapproval
of Govern-
ment policy
towards
war

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

This effort for peace and always works for its attainment. The Working Committee will, therefore, continue to explore the means of arriving at an honourable settlement, even though the British Government has banged the door in the face of the Congress. The Committee must, however, resist by the non-violent methods of the Congress all attempts to coerce the people of India along paths which are not of their choice and everything that is against the dignity and freedom of India.

Wanted
honourable
settlement

13. MUSLIM LEAGUE AND THE WAR¹, 1939.

The Committee are of opinion that the views expressed by the Council of the All-India Muslim League by its resolution No. 8 of August 27, 1939, in the following words: '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; and towards the Arabs in Palestine in refusing to meet their demands, holds the view that in these circumstances if the British Government desires to enlist the support and the sympathy of the Muslims of the world and particularly of the Indian Muslims in future contingencies it must meet the demands of the Muslims of India without delay,' are the true sentiments and opinions of the Mussalmans of India.

Condemnation of
Federal
Scheme

The Working Committee appreciate the declaration of H. E. the Viceroy, which is in the interest

¹ Resolution, 18 September 1939.

Special powers of Governors invoked

to oppression or interference with their political, economic, social and cultural rights, in accordance with the sacred promises, assurances and declarations repeatedly made by Great Britain, in consequence of which these special powers were expressly embodied in the statute. The Committee regret to say that so far these special powers have remained dormant and obsolete and the Governors have failed to protect the rights of the Mussalmans under the threat by the High Command of the Congress that exercise of these special powers on the part of the Governors will lead to a crisis in all the Congress-governed provinces where they are in solid majority.

League wants veto on India's progress.

While the Muslim League stands for the freedom of India, the Committee further urge upon His Majesty's Government and ask for an assurance that no declaration regarding the question of constitutional advance for India should be made without the consent and approval of the All-India Muslim League nor any constitution be framed and finally adopted by His Majesty's Government and the British Parliament without such consent and approval.

* * * *

Muslim League is "the only organisation that can speak on behalf of Muslim India".

If full, effective and honourable co-operation of the Mussalmans is desired by the British Government in the grave crisis which is facing the world today and if it is desired to bring it to a successful termination it must create a sense of security and satisfaction amongst the Mussalmans and take into its confidence the Muslim League which is the only organisation that can speak on behalf of Muslim India.

14. THE BRITISH GOVERNMENT AND THE WAR, 1939.

I. Statement of Lord Linlithgow, 18 October 1939.

The essential matters on which a clarification of the position is beyond any question desired are :—

view in truer perspective against the background of the supreme and imminent peril—for what would it profit India if the forces of aggression and of evil emerged victorious from this war—those internal and domestic differences which have hitherto raised such formidable obstacles along the road to that goal towards which the peoples of both countries have determined to travel.

Appeal to
'peoples'
of India

This then is my appeal to the peoples of India that in comradeship with us while presenting a united front to the forces ranged against us they strive after that agreement among themselves without which they will surely fail to achieve that unity, which is an essential of nationhood of which those with vision among her leaders have long dreamed and which must surely be the crowning achievement of long and intimate political relationship between the peoples of Great Britain and India.

15. MUSLIM LEAGUE AND 'DELIVERANCE DAY', 1939.

I. Jinnah's appeal, 2 December 1939.

Instruction
to League
organisa-
tions

I wish the Mussulmans 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.¹ I hope that the Provincial, Direct 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 sense of humility, and

¹ See Coupland, *The Constitutional Problem in India*, Part II, pp. 179-194; Rajendra Prasad, *India Divided*, pp. 146-152.

Wanted—
Royal
Commission
composed
of judges

sion be appointed by the British Government, of a purely judicial personnel and composed of judges of His Majesty's High Courts and under the chairmanship of one of the Law Lords of the Privy Council.

16. GANDHI AND JINNAH ON CONSTITUENT ASSEMBLY, 1939-40.

I. Gandhi's statement, 19 November 1939.

Value of
Constituent
Assembly

Pandit Jawaharlal Nehru has compelled me to study, among other things, the implications of a Constituent Assembly. When he first introduced it in the Congress resolutions, I reconciled myself to it because of my belief in his superior knowledge of the technicalities of democracy. But I was not free from scepticism. Hard facts have, however, made me a convert and, for that reason perhaps, more enthusiastic than Jawaharlal himself. For I seem to see in it a remedy, which Jawaharlal may not, for our communal and other distempers, besides being a vehicle for mass political and other education.

Adult
franchise

'Separate
vote' for
Muslims

Reservation
for 'every
real
minority'

The more criticism I see of the scheme, the more enamoured I become of it. It will be the surest index to the popular feeling. It will bring out the best and the worst in us. Illiteracy does not worry me. I would plump for unadulterated adult franchise for both men and women, *i.e.* I would put them all on the register of voters. It is open to them not to exercise it if they do not wish to. I would give separate vote to the Muslims; but without giving of separate vote, I would, though reluctantly, give reservation, if required, to every real minority according to its numerical strength.

Thus the Constituent Assembly provides the easiest method of arriving at a just solution of the communal problem. To-day we are unable to say with mathematical precision who represents whom. Though the Congress is admittedly the oldest representative organisation on the widest scale, it is

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?

Representatives of illiterate Hindus will be dominated by Congress.

Thus, through the Constituent Assembly, will the Working Committee attain its ends. British control and commerce will disappear; the Indian States will be abolished; minority opposition will be stifled and a great Hindu nation will emerge governed by its beloved leader, Mr. Gandhi, and the Congress Working Committee.

* * * *

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. . . .

'Two nations' in India

17. PAKISTAN RESOLUTION, 1940.

I. Jinnah's Presidential Speech, Muslim League, Lahore Session, 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. We do not believe in asking the British Government to make declarations. These declarations are really of no use. You cannot pos-

Revision of constitution after War

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.

Responsibility of the majority after partition

18. EXPANSION OF EXECUTIVE COUNCIL, 1940-41.

I. Statement of Lord Linlithgow, 8 August 1940.

Last October His Majesty's Government again made it clear that Dominion Status was their objective in India. They added that they were ready to authorize the expansion of the Governor-General's Council to include a certain number of representatives of political parties, and they proposed the establishment of a Consultative Committee. . . .

* * * *

. . . They have authorized me . . . to invite a certain number of representative Indians to join my Executive Council. They have authorized me further to establish a War Advisory Council . . . which would contain representatives of the Indian States, and of other interests in the national life of India as a whole.

Expansion of Executive Council and creation of War Advisory Council

. . . 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.

Doubts as to British intentions

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

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. 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.

Expansion of Executive Council based on 'administrative convenience'

19. THE CRIPPS PROPOSALS, 1942.

I. Declaration of British Government¹,

11 March 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

Object : full Dominion Status for India

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 spirit'. By a Press Note dated 3 July 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).

¹ This declaration was the basis of discussion between Sir Stafford Cripps and the Indian leaders.

20. 'QUIT INDIA', 1942.

I. Gandhi on British withdrawal, 26 April 1942.

... Whatever the consequences . . . to India, her real safety and that of Britain too lie in orderly and timely British withdrawal from India. All talk of treaties with the princes and obligations towards minorities are a British creation designed for the preservation of the British rule and the British interests. It must melt before the stern reality that faces all of us. The princes, in so far as they rely upon their armed strength, are more than able to defend themselves against unarmed India. The fiction of majority and minority will vanish like the mist before the morning sun of liberty. Truth to tell, there will be neither majority nor minority in the absence of the paralysing British arms. The millions of India would then be an undefined but one mass of humanity. I have no doubt that at that time the natural leaders will have wisdom enough to evolve an honourable solution of their difficulties. This presupposes Japan and the other Powers leaving India alone. If they do not, I should hope even then for wisdom to guide the principal parties to devise a scheme whereby they all can act with one mind to face the new menace.

'Real safety' of India and Britain lies in latter's withdrawal.

British withdrawal will solve minority problem.

* * * *

II. Resolution, Congress Working Committee, 14 July 1942.

The events happening from day to day and the experience that the people of India are passing through confirm the opinion of Congressmen that British rule in India must end immediately, not merely because foreign domination even at its best is an evil in itself and a continuing injury to the subject people, but because India in bondage can play no effective part in defending herself and in affecting

Why British withdrawal is immediately necessary

Power will belong to 'the whole people of India' not to the Congress only.

Lastly, while the A.-I. C. C. has stated its own view of the future government 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.¹

21. WAVELL² ON INDIAN UNITY³, 1944.

"You cannot alter geography".

On the main problem of Indian unity, the difference between Hindu and Muslim, I can only say this. You cannot alter geography. From the point of view of defence, of relations with the outside world, of many internal and external economic problems, India is a natural unit. What arrangements you make for two great communities and certain other important minorities, as well as the Indian States, to live within that unit and to make the best use of its wealth and opportunities is for Indians to decide. That two communities and even two nations can make arrangements to live together in spite of differing cultures or religions, history provides many examples. The solutions of the problem have varied. England and Scotland, after centuries of strife, arrived at an absolute union; in Canada, the British and French elements reached a federal agreement which operates satisfactorily; the French, Italian and German elements in Switzerland agreed on a different form of federation. In all the

Two communities, even two nations, can live together.

¹ The Working Committee of the Muslim League "deplored the decision... to launch an open rebellion" and declared that "the present Congress movement is not directed for securing the independence of all the constituent elements in the life of the country, but for the establishment of Hindu *Raj* and to deal a death blow to the Muslim goal of Pakistan". (Resolution, 20 August 1942).

² Lord Wavell was Viceroy and Governor-General of India from October 1943 to March 1947.

³ Address to the Central Legislature, 17 February 1944.

above there were religious as well as racial differences. In the United States many elements, racial and religious, have been fused into one great nation with a federal structure, after the bitter experience of a disastrous Civil War. In Ireland the conflicting elements have so far failed to unite, and Ireland has a sort of Pakistan, though the analogy is of course relative.

Historical
examples

The Soviet Union in Russia seems to have devised a new modification of its already flexible system, which will also no doubt repay careful study. These examples are before India for her constitutionalists to study. It is for her to say which will most nearly fulfil her own needs. But no man can alter geography.

22. GANDHI-JINNAH CORRESPONDENCE, 1944.

I. Rajagopalachari Formula, 10 July 1944.

[On 2 May 1942 the All-India Congress Committee rejected C. Rajagopalachari's motion which declared that, with a view to making possible the formation of a National Government, "it has become necessary to . . . acknowledge the Muslim League's claim for separation, should the same be persisted in when the time comes for framing a constitution for India." On the same day the A.-I. C. C. resolved 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 . . ."]

Congress
repudiation
of India's
disintegration
(1942)

Basis for terms of settlement¹ 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 Rajagopalachari wrote to Jinnah on 8 April 1944 that this 'basis for settlement' had Gandhi's 'full approval'.

23. THE WAVELL PLAN, 1945.

I. Statement of Secretary of State¹, House of Commons, 14 June 1945

Discussion
with
Viceroy

1. During the recent visit of Field-Marshal 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.

Political
deadlock
in India

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.

British
Govern-
ment cannot
impose a
solution.

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 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.

Cripps Plan
'stands in
its entirety'.

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

¹ Leopold Amery (Conservative).

24. ANNOUNCEMENT OF LORD PETHICK-LAWRENCE¹, 19 FEBRUARY 1946.

The House² will recall that on 19th September, 1945, on his return to India after discussions with the British Government, the Viceroy made a statement of policy³ 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.

Steps for 'early realisation of full self-government in India'

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

Elections

¹ Secretary of State for India in Attlee Cabinet.

² House of Lords.

³ 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 Central 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 bodyH.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.....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."

Wavell's statement

Government have been considering the most fruitful method of giving effect to the programme to which I have referred.

Composition
of Cabinet
Mission

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

25. SPEECH OF ATTLEE,¹ HOUSE OF COMMONS, 15 MARCH 1946.

Differences
between
Indians
should not
be stressed
too much.

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

* * * *

India must
choose her
own consti-
tution.

India herself must choose what will be her future constitution ; what will be her position in the world. I hope that the Indian people may elect to remain within the British Commonwealth. I am certain

¹ Prime Minister of England.

Position
of the
Services

leaders are more and more realising the need for setting them if India is to have a smooth passage in future years. . . 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.

Indo-British
Treaty

We are mindful, too, 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.

26. MUSLIM LEAGUE MEMORANDUM TO CABINET MISSION, 12 MAY 1946.

Group of
'six Muslim
Provinces'

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

¹ Butler speaking on behalf of the Conservatives said, ".....we should not seek in that treaty to provide or any thing incompatible with the interests of India".

9. In Group and Provincial Constitutions fundamental rights and safeguards concerning religion, culture and other matters affecting the different communities will be provided for.

Secession
from
Union

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.

27. CONGRESS SUGGESTIONS TO CABINET MISSION, 12 MAY 1946.

1. The Constituent Assembly is to be formed as follows :—

Composi-
tion of
Consti-
tuent
Assembly

(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

Powers
of the
Centre

28. STATEMENT BY CABINET MISSION AND VICEROY, 16 MAY 1946.

1. On the 15th March last, just before the despatch of the Cabinet Mission to India, Mr. Attlee, the British Prime Minister, used these words :—

Attlee's
statement
on object
of Cabinet
Mission

“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 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.”

No agree-
ment
between
Congress
and Muslim
League

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

Peaceful settlement by agreement of Indian parties not possible

Alternative to Cabinet Mission Plan : 'violence, chaos and even civil war'

ance 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 400 millions of 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 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.

29. RESOLUTION OF MUSLIM LEAGUE COUNCIL, 6 JUNE 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

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.

Interim
Govern-
ment

30. RESOLUTION OF CONGRESS WORKING COMMITTEE, 26 JUNE 1946.

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 right 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.

Criticism
of Cabinet
Mission
Plan

Scope for
improve-
ment

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.

31. NEHRU'S STATEMENT, PRESS CONFERENCE, BOMBAY, 10 JULY 1946.

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 or 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 political context. But the nature of compulsion of facts would be not of the British Government's desire or intent, but how to make the Assembly a success and how to avoid its breakingup. That will be certainly a very important consideration. But the British Government does not appear there at all."

Congress made no commitment regarding long-term or short-term plan except to go into Constituent Assembly.

"When the Congress had stated that the Constituent Assembly was a sovereign body", Pandit Nehru

Representation of States in Constituent Assembly

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."

32. JINNAH'S STATEMENT,¹

13 JULY 1946.

Nehru's statement is a 'complete repudiation' of the long-term plan.

"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. Jinnah.

Congress did not intend to honour the 'terms and obligations' of the long-term plan.

"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 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

¹ Interview to Associated Press, Hyderabad (Deccan).

British Parliament and Government should 'remove the impression that the Congress has accepted the long-term scheme'.

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 Jawaharal 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."

33. RESOLUTIONS OF MUSLIM LEAGUE COUNCIL, 29 JULY 1946.

1. Resolution withdrawing acceptance of Cabinet Mission 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 ten 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

Union Centre to be 'strictly confined to three subjects'

to resort to direct action to achieve Pakistan to assert their just rights, to vindicate their honour and to get rid of the present slavery under the British and the contemplated future 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 the Musalmans to renounce forthwith the titles conferred upon them by the alien Government.

34. CONGRESS WORKING COMMITTEE ON LEAGUE RESOLUTIONS, 10 AUGUST 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

Appeal for
co-operation

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 inconsistencies 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. Questions 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.

Cabinet Mission scheme was 'accepted... in its entirety'.

The Committee has emphasised the sovereign character of the Constituent Assembly, that is, its right to function and draw up a 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 therefore seek the largest measure of co-operation in drawing up a Constitution of free India allowing the greatest measure of freedom and protection for all just claims and interests.

Meaning of sovereignty of Constituent Assembly : freedom from external interference

35. FORMATION OF INTERIM GOVERNMENT, 1946.

I. Lord Wavell to Jinnah, 22 July 1946¹.

I declare my intention of replacing the present Care-taker Government² of officials by an Interim Coalition Government as soon as possible; and am

¹ A similar letter was sent to Nehru who was then 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 Commander-in-Chief) were members of the Indian Civil Service: (1) Lord Wavell (Foreign and Political Department); (2) Sir Claude Auchinleck (War); (3) Sir A. Waugh (Home, Industries and Supplies); (4) Sir Gurnath Bewoor (Commerce and Commonwealth Relations);

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 ; 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.

Question of
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 in. 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.

Constituent
Assembly
to establish
an independ-
ent
Republic

36. THE LONDON CONFERENCE, 1946

[On 17 November 1946 Jinnah informed Lord Wavell that the Constituent Assembly, which was scheduled to meet on December 9, should be postponed *sine die* because (1) "the Congress never had, nor have they even now, accepted the statement of May 16", (2) "the Assam Legislative Assembly had given a mandate to their representatives to the Constituent Assembly in the clearest terms to defy the fundamentals of the statement of May 16" in regard to grouping with Bengal, (3) "now we are face to face with the mass, organized and planned ruthless massacres of the

Muslim
League's
boycott of
Constituent
Assembly

Constituent Assembly's proceedings and decisions are 'ultra vires, invalid and illegal'.

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 of the League, were *ab initio* void, invalid and illegal¹ 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 dissolved².

37. THE 'OBJECTIVES RESOLUTION' OF CONSTITUENT ASSEMBLY (22 January 1947)

Independent Sovereign Republic

The 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 :

Territorial extent

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

¹ Gandhi said on 3 February 1947, "If the elections and proceedings were illegal, the legality should be challenged in a court of law. Otherwise the charge had no meaning."

² The London *Times* observed on 4 February 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. . . ."

38. ATTLEE'S STATEMENT, HOUSE OF COMMONS, 20 FEBRUARY 1947.

Steps taken by British Government towards 'realisation of self-government in India'

1. 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.

2. 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 5th 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 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.

3. 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 initiative from the Cabinet Mission agreement was unlikely to be reached that they put forward proposals themselves.

Responsibility for government should now pass into Indian hands.

Cabinet Mission Plan

Retirement
of Wavell
and appoint-
ment of
Mount-
batten

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.

39. CRIPPS ON TRANSFER OF POWER, 1947. (House of Commons, 5 March 1947)

'Weakening
of the
machinery
of British
control'

...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 a rapid Indianisation of their officer cadre. This meant that, side by side with the growing demand for an acceleration of the transfer of power on the part of all parties in India, there was an obvious and inevitable weakening of the machinery of British control through 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.

* * * *

In June, 1945, the British Government, realising the strain that had been brought upon the Secretary

our power to encourage the formation of such a Government as put forward by the Cabinet Mission, and in accordance with the procedure which they suggested. But, if this proves impossible of realisation, and there is no such Central Government in being or in prospect when the time comes for us to take a decision, then we shall be forced to choose, in the light of existing circumstances at the time of our decision, the most appropriate Government or Governments, to which to hand over power...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.

Partition of India contemplated

40. RESOLUTION OF CONGRESS WORKING COMMITTEE, 6-8 MARCH 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.

Attlee's statement welcomed

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 crisis.

Interim Government should work as Dominion Government.

The Congress has already expressed its acceptance of the British Cabinet Mission's scheme of May 16, 1946, and has further accepted the interpretations

41. THE MOUNTBATTEN PLAN, 3 JUNE 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 16, 1946, and evolve for India a Constitution acceptable to all concerned. This hope has not been fulfilled.

Cabinet
Mission
Plan not
worked
out

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

Purpose and
scope of
Mount-
batten Plan

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.

42. BROADCAST SPEECH OF LORD MOUNTBATTEN,¹ 3 JUNE 1947.

Discussions with Indian leaders

Since my arrival in India at the end of March 5 have spent almost every day in consultation with as many of the leaders and representatives of as many communities and interests as possible.

* * *

No agreement on Cabinet Mission Plan

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.

'Only alternative to coercion is partition'.

¹ Viceroy and Governor-General of India from March to 14 August 1947. Governor-General of Dominion of India from 15 August 1947.

**43. BROADCAST SPEECH OF NEHRU,
3 JUNE 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 the 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.

Object of
Interim
Govern-
ment

Nine months have passed, months of sore trial and difficulty, of anxiety and something even of heartbreak. 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.

Balance
sheet of
nine months
of Interim
Govern-
ment

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,

Communal
riots

Relations
with
England

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.

Leadership
of Gandhi

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 counsel 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.

44. JINNAH'S BROADCAST SPEECH, 3 JUNE 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.

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, and 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 and true verdict of the people. Once again, I most earnestly appeal to all to maintain peace and order. Pakistan Zindabad.

45. THE INDIAN INDEPENDENCE ACT, JULY 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 the 15th day of August, 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."

Two
independent
Dominions

2. *Territories of the New Dominions*

(1) Subject to the provisions of sub-sections

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.¹

APPENDIX A

Documents on Indian States

46. GANDHI ON THE INDIAN PRINCES²

I. Article written in 1939.

Do not Princes stand much on the same footing as the Europeans? Many, if not most, of them are an imperial creation and sustained for imperial interests. The Princes in no way represent their people. Does not this British protectorate mean naked imperilism? The Congress is invited to regard the Princes as a minority. British power is the overlord without whom the Princes cannot breathe. They are not free even to see Congressmen, much less to enter into any settlement with them.

Princes are 'an imperial creation'

. They (*i.e.*, the Princes) owe their existence to the Paramount Power and have no status independent of it. they can do nothing good or big without the consent, tacit or implied, of the Paramount Power. They represent nobody but themselves. To invite the Congress to settle with the Princes is the same as inviting it to settle with the Paramount Power.

Princes 'represent nobody but themselves.'

¹ Details omitted.

² See M. K. Gandhi. *The Indian States Problem*.

47. INDIAN NATIONAL CONGRESS ON INDIAN STATES, 1936-1939.

I. Resolution, Lucknow Session, 1936.

The Congress . . . desires to make it clear that, in its opinion, the people of the States should have the same rights of self-determination as those of the rest of India, and that the Congress stands for the same political, civil and democratic liberties for every part of India. The Congress, however, desires to point out that the struggle for liberty within the States has, in the very nature of things, to be carried on by the people of the States themselves.

States' people should have the same rights as people of British India.

II. Resolution, Haripura Session, 1938.

The Congress stands for the same political, social and economic freedom in the States as in the rest of India and considers the States as integral parts of India which cannot be separated. The *Purna Swaraj* or complete independence, which is the objective of Congress, is for the whole of India inclusive of the States, for the integrity and unity of India must be maintained in freedom as it has been maintained in subjection. The only kind of Federation that can be acceptable to the Congress is one in which the States participate as free units, enjoying the same measure of democratic freedom as the rest of India. The Congress, therefore, stands for full responsible government and the guarantee of civil liberty in the States, and deploras the present backward conditions and utter lack of freedom and suppression of civil liberties in many of these States.

Congress wants democratic freedom for States.

States should join Indian Federation as 'free units.'

The Congress considers it its right and privilege to work for the attainment of this objective in the States. But, under existing circumstances, the Congress is not in a position to work effectively to this end within the States, and numerous limitations

Why Congress cannot work within States

The Congress desires to reiterate that its objective, Complete Independence, is for the whole of India, inclusive of the States, which are integral parts of India, which cannot be separated, and which must have the same measures of political, social and economic freedom as the rest of India.

Congress objective—
Complete Independence—is for the whole of India, including States.

**48. LORD LINLITHGOW ON INDIAN STATES,
1937-39.**

I. Speech¹, 14 February 1937.

My distinguished predecessor Lord Willingdon informed your Highness in 1935 of the advance that had up to that time been made in the policy of bringing all the Indian States into direct relations with the Government of India. That process has recently been completed. . . the change is one that is demanded alike by logic and the force of circumstances, altered as they are by the advent of new constitutional conditions in India.

All States brought into direct relations with Government of India

II. Speech², 19 December 1938.

. . . . The States are as essential an element in a Federation of India as are the Provinces of British India. The unity of India is as dear a thing to them as it is to British India. It was with distinguished leaders of the States that the Federal ideal in its present form originated ; and their contribution to the elaboration of the Federal ideal has in the past been material. The decision as to their further contribution must be for them and for them alone to make. No pressure to take a decision in a particular sense will be brought upon the Rulers of the Indian States by His Majesty's Government or by me. Indeed, this matter has throughout been approached in full appreciation of the responsibility which falls upon the individual Ruler who has to take a decision of such

Federal ideal originated with Princes

Princes free to decide about joining Federation

¹ The Chamber of Princes.

² The Associated Chambers of Commerce, Calcutta.

49. MEMORANDUM ON STATES' TREATIES AND PARAMOUNTCY, 12 MAY 1946.

[This Memorandum was presented by the Cabinet Mission to the Chancellor of the Chamber of Princes. It 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 statement of 16 May.]

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.

Princes' consent essential to changes in their relationship with Crown.

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 Government 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 constitu-

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 arrangements with it or them.

Conse-
quence of
withdrawal
of British
Para-
mountcy

50. INDIAN STATES ON CONSTITUENT ASSEMBLY¹, 1947

This meeting reiterates the willingness of the States to render the fullest possible co-operation in

¹ Resolution of the Standing Committee of the Chamber of Princes, 29 January 1947.

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 India portion of the Constituent Assembly before final decision is taken by States concerned.

* * * *

Scope of
States
Negotiating
Committee

The 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.

51. THE ALL-INDIA CONGRESS COMMITTEE ON THE INDIAN STATES, 15 JUNE 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 autonomous sharers with the other units of the Federation.

* * * *

While recognising that some progress has been made in some States towards representative institutions, the A.-I.C.C. regrets that during this past

Lapse of Paramountcy 'does not lead to the independence of the States'.

mounty 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 decision 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 right of the people are not affected thereby for the worse.

52. PANDIT NEHRU ON PARAMOUNTCY, 15 JUNE 1947.

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

History of Paramountcy

¹ Speech at the All-India Congress Committee, New Delhi.

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.

53. AMBEDKAR'S STATEMENT ON INDIAN STATES, 17 JUNE 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...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

Can States declare themselves independent?

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