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THE CONSTITUENT ASSEMBLY OF INDIA

"Whether you like the Cabinet Delegation's announcement or not, it is going to be the most momentous one in the history of India and therefore requires careful study."

—MAHATMA GANDHI, May 16, 1946.

By DR. A. C. BANERJEE

RAJPUT STUDIES

PESHWA MADHAV RAO I

ANNEXATION OF BURMA

INDIAN CONSTITUTIONAL DOCUMENTS

THE EASTERN FRONTIER OF BRITISH INDIA

THE CONSTITUENT ASSEMBLY OF INDIA

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COMPILED BY

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A. MUKHERJEE & CO. : CALCUTTA

First published in February, 1947
By AMIYA RANJAN MUKHERJEE
2, College Square, Calcutta

Jacket Designed by Samar De

Jacket Block made by
Standard Photo Engraving Co.
101, Bowbazar Street, Calcutta

Printed by Prabhat Chandra Ray
At SRI GOURANGA PRESS
5, Chintamani Das Lane, Calcutta

Binding by Basanti Binding Works
50, Patuldanga Street, Calcutta

PRICE RUPEES TEN ONLY

PREFACE

In the following pages I have printed all important *published* documents relating to the Constituent Assembly of India. I have naturally given prominence to the views of the Congress and the Muslim League, but I have tried to provide some space for all parties and interests. In spite of many complications in our national life I hope the Constituent Assembly will be able to provide a peaceful solution of the political problem which at present seems almost insoluble ; but whether that Assembly succeeds or fails, it will have a permanent place in Indian history.

A. C. BANERJEE

February 12, 1947.

Dedicated to

The Authors of the "Quit India" Resolution

"QUIT INDIA" RESOLUTION

(All India Congress Committee, Bombay, August 8, 1942)

" . . . The Committee . . . is of opinion that . . . the immediate ending of British rule in India is an urgent necessity, both for the sake of India and for the success of the cause of the United Nations. The continuation of that rule is degrading and enfeebling India and making her progressively less capable of defending herself and of contributing to the cause of world freedom."

* * * *

"The freedom of India must be the symbol of and prelude to this freedom of all other Asiatic nations under foreign domination. Burma, Malaya, Indo-China, the Dutch Indies, Iran and Iraq must also attain their complete freedom. . . ."

* * * *

" . . . the Committee is of opinion that the future peace, security and ordered progress of the world demand a world federation of free nations, and on no other basis can the problems of the modern world be solved. . . ."

* * * *

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

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INTRODUCTION

I

When the Government of India Act, 1935, was forced by the British Parliament on unwilling and protesting India, no political prophet could foresee its inglorious end. The Tory-ridden National Government of England expected that the differences between the Hindus and the Muslims would weaken the force of Nationalism, and the elaborate machinery devised by Sir Samuel Hoare and the Joint Parliamentary Committee presided over by Lord Linlithgow would enable Whitehall to control India for a long time to come. Lord Linlithgow's appointment as Governor-General was not without significance, as the Indian people discovered in the bloody frustration of 1942-43.

Provincial Autonomy, subject to many safeguards and cramped by Governor's 'Special Responsibilities', was introduced in April, 1937. The Muslim League was then just coming out of wilderness. It tried to capture Provincial administration wherever it could, but the Congress remained aloof in distrust.[1] Lord Linlithgow was very anxious to prove the worth of the complicated constitution of which he himself was one of the framers. He solemnly assured the Congress that the Governors would not interfere in the day-to-day administration of the Provinces.[2] The Congress accepted office. The question of the release of some political prisoners in the United Provinces and Bihar created a crisis in 1938 which was, however, overcome.[3] But the crisis of the war revealed the width of the gulf which separated the Congress from the British Government.[4] The Congress Ministers resigned. Provincial Autonomy in most of the Provinces was replaced by the dictatorial rule of the Governors under Section 93 of the Act of 1935.

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[1] See A. C. Banerjee, *Indian Constitutional Documents*, Vol. II, pp. 368-374.
[2] *Ibid*, pp. 374-389.
[3] *Ibid*, pp. 389-392.
[4] *Ibid*, pp. 395-405.

The Muslim League could not participate in Provincial administration in the so-called 'Congress Provinces'. Mr. Jinnah complained bitterly and loudly that the Muslims suffered many wrongs in those Provinces owing to the communalism of the Congress Ministers. This sweeping complaint was never substantiated, and some of the Governors, whom nobody could suspect of pro-Congress sympathies, testified to the generous impartiality of the Congress Ministers. But Mr. Jinnah adopted an increasingly hostile attitude and ordered the Muslims to celebrate their "Day of Deliverance" on the resignation of the Congress Ministers. Thus opened that ever-widening breach between the Congress and the League which now appears to be almost unbridgeable.

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 could not co-operate with a Government which was not prepared to recognise India's right to freedom. So it once again ranged itself against the British Government, although practically nothing was done to dislocate the machinery of administration or to hamper the prosecution of the war. But even Lord Linlithgow could not overlook the feeling of frustration which threatened to paralyse the country. He suggested reforms: expansion of the Executive Council and creation of a War Advisory Council.[1] These reforms were ridiculously out of place in a country demanding full self-government and eager to play its part in the war against triumphant Fascism. The Congress refused to walk into the Viceroy's parlour.

Meanwhile, Mr. Jinnah was strengthening himself. In some Provinces the Leaguers crept into the Ministerial *gadi* vacated by the Congress. The Lahore Session of the League (1940) declared that the safety of the Muslims lay in the vivisection of India.[2] Lord Linlithgow, true to the tradition of British policy initiated by Lord Minto[3] in 1906, invested Mr. Jinnah with the right to veto the constitutional progress of India.[4]

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[1] See *Indian Constitutional Documents*, Vol. II, pp. 399-405.
[2] *Ibid*, pp. 405-409.
[3] *Ibid*, pp. 134-138.
[4] *Ibid*, p. 403.

The spectacular success of Japan during the early months of 1942 forced the British Government (as Mr. Churchill admitted sometime ago in the House of Commons) to make a serious attempt to end the deadlock in India. The inner story of Sir Stafford Cripps' Mission[1] has been partly revealed by Pandit Jawaharlal Nehru in his *Discovery of India*. Lord Linlithgow and the Civil Service sabotaged the plan.[2] The leaders of the Congress were asked to be the 'liveried camp-followers' of the Viceroy. They could not think of accepting this position 'at any time and more especially at that time'. So Sir Stafford Cripps returned to London, leaving India in the grip of unprecedented excitement.

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 did not allow this policy to take shape. The Government which he represented could not defend Burma in 1942 and failed to prevent famine in Bengal in 1943, but it was strong enough to imprison the non-violent leaders of India. The passing of the "Quit India" resolution[3] was followed by large scale violence on the part of the Government and counter-violence on the part of the people.

But that resolution gave a new turn to Indian history. The old talk about Dominion Status was absolutely 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 emphasized by powerful bodies like the British mercantile community and bureaucrats in India.

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[1] See *Indian Constitutional Documents*, Vol. II, pp. 409-428.
[2] See Mr. Churchill's half-finished confession on p. 245.
[3] See *Indian Constitutional Documents*, Vol. II, pp. 428-433.

The failure of the Simla Conference of 1945, which was ostensibly due to the inability of the Congress to meet the rising demands of the Muslim League, should be really attributed to Lord Wavell's refusal to withdraw from Mr. Jinnah his right to veto his country's progress.[1] The rise of Labour to power in England and the increasing international complications which followed the cessation of the war changed the course of British policy towards India.

II

A Parliamentary Delegation visited India in the winter of 1945-46 with a view to collect first hand impressions about the political situation in this country. After the return of the Delegation to London an official announcement[2] was made in both Houses of Parliament on February 19, 1946. Lord Pethick-Lawrence, Secretary of State for India, who made the announcement in the House of Lords, observed in an explanatory statement[3] which followed the announcement that it remained the intention of the British Government to allow the Indians to decide the basis of their own constitutional structure. The Mission proposed in the announcement would act as representative of the British Cabinet in India and carry the authority of that Cabinet. It would be given certain specific instructions. It would not override the Viceroy ; it would be associated with him. Regarding the Executive Council referred to in the announcement Lord Pethick-Lawrence did not like to be too specific about its nature, but he hoped that while the constitution-making body was proceeding with its labours the Executive Council would be based on the main Indian parties.

The Prime Minister, Mr. Clement Attlee, made a similar announcement in the House of Commons. In reply to a statement of Mr. Anthony Eden, who was then acting as Leader of the Opposition in the absence of Mr. Churchill, regarding the authority delegated to the Mission, the Prime Minister observed :[4] ". . . it is no use sending out responsible Ministers

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[1] See *Indian Constitutional Documents*, Vol. II, pp. 434-446.
[2] Document No. 1, pp. 1-2.
[3] See A. C. Banerjee and D. R. Bose, *The Cabinet Mission in India*, pp. 2-3.
[4] *Ibid*, pp. 4-5.

unless they have a degree of responsibility to act. Clearly, therefore, within the terms laid down by Cabinet decisions, those Ministers must be able to act, but also, of course, on major matters of policy they will refer back for Cabinet decision. But if they are going to negotiate they must have power to negotiate as would the Viceroy if he were acting on behalf of the Government." With regard to Mr. Eden's remark that "it is the responsibility of Indians and not the Ministers from this country to bring about a constitution-making body", Mr. Attlee said: "Undoubtedly, it is our intention to set up a machinery in agreement with Indians whereby the Indian people themselves will decide their destinies."

On March 15, 1946, there was a debate on India in the House of Commons. Mr. R. A. Butler was the chief spokesman of the Conservative Party. He said[1] that the best summary of the intentions of his party towards India as a nation was included in the speech made by Mr. L. S. Amery,[2] the former Secretary of State for India, in the House of Commons on June 14, 1945. Mr. Butler referred to the question of Pakistan and expressed the hope that "any final solution will not be arrived at which is unmindful of India's need for some central nexus which will facilitate the handling of questions of all-India importance." Regarding the future of the Indian States he insisted that "any solution which is planned would ensure that we keep our word with the Indian princes, and that their peoples are given every opportunity to enjoy forms of enlightened and progressive government according to their tastes." He expressed his anxiety for the Minorities —the Depressed classes, the Indian Christians, the Anglo-Indians—and also for "the members of the Civil Service of all grades, of the Police forces". Regarding "the proposed treaty which may eventually be signed between the constitution-making body and the British Government" Mr. Butler echoed

[1] See *The Cabinet Mission in India*, pp. 5-13.

[2] Mr. Amery said: ". . . . the offer of March, 1942, stands in its entirety. That offer was based on two main principles. The first is that no limit is set to India's freedom to decide for herself her own destiny, whether as a free member and partner in the British Commonwealth or even without it. The second is that this can only be achieved under a constitution or constitutions framed by Indians, to which the main elements in India's national life are consenting parties." (For full text see *Indian Constitutional Documents*, Vol. II, pp. 434-439).

the words used by Mr. Attlee in his broadcast of September, 1945: ". . . we should not seek in that treaty to provide for anything incompatible with the interests of India."

Mr. Attlee then delivered a speech[1] explaining the policy of the Labour Government. The most significant point in this speech was the declaration that a Minority could not be allowed to place a veto on the advance of the Majority. It seemed to foreshadow a reversal of the traditional British policy towards the Muslim League.

III

Lord Pethick-Lawrence, Sir Stafford Cripps and Mr. A. V. Alexander arrived at Karachi by air on March 23, 1946. In a statement[2] to a group of Pressmen at Karachi the Secretary of State said: "We have come out with one purpose in view. It is, in conjunction with Lord Wavell, to discuss with the leaders of India and her elected representatives how best to speed the fulfilment of your aspirations to take full control of your own affairs and thus enable us to complete the transfer of responsibility with pride and honour to ourselves. The British Government and the British people desire without reservation to consummate the promises and pledges that have been made and we can assure you that in our negotiations we shall not seek to provide anything that is incompatible in any way to the sovereign dignity of India." Sir Stafford Cripps added that they had not come to adjudicate between rival claims in India but to find out the means for the transfer of power to Indian hands.[3]

The aims of the Mission were more fully explained in a statement[4] made by Lord Pethick-Lawrence at a Press Conference at New Delhi on March 25, 1946. After holding preliminary discussions with the Viceroy and the Provincial Governors the three Ministers gave interviews to Indian political leaders of all parties and groups. These interviews began on the 1st April and continued up to the 17th April. Then followed

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[1] Document No. 2, pp. 2-7.
[2] See *The Cabinet Mission in India*, pp. 23-24.
[3] According to the League Working Committee resolution of January 31, 1947, the British Government were "mediators".
[4] Document No. 3, pp. 8-13.

a week's holiday in Kashmir. Negotiations with Congress and League leaders began after the return of the three Ministers to New Delhi on the 24th April. They went to Simla on May 2 ; on May 5 the Tripartite Conference opened at Simla. On May 12 the Conference definitely failed to arrive at a compromise.[1] The decision of the Mission[2] was announced on May 16.

That decision was obviously based on 'the voluminous evidence' submitted to the Mission. So far as the points of view of the Congress and the Muslim League are concerned, the reader is referred to the correspondence[3] carried on during the period April 27—May 12. The Hindu Mahasabha submitted a memorandum[4] which laid special emphasis on the integrity and indivisibility of India. It was suggested that the residuary powers should be vested in the Centre, that the Units should have no right of secession, that joint electorates (with reservation of seats for minorities according to the population basis) and adult franchise should be introduced, and that the Constituent Assembly should decide all matters by majority vote. A memorandum[5] submitted on behalf of the Sikhs declared that they were opposed to any partition of India. The Sikhs made two alternative demands: either they should be given increased representation and an effective voice in the Punjab legislature, or "out of the existing province of the Punjab a new province may be carved out as an additional provincial unit in the United India of the future in such a way that all the important Sikh *Gurdwaras* and shrines may be included in it as also a substantial majority of the Sikh population in the existing province of the Punjab." A memorandum[6] submitted by the Communist Party suggested the division of India into "linguistically and culturally homogeneous National Units", each of which should have the unfettered right "to decide whether they join the Indian Union or form a separate sovereign State or another Indian Union". It was, however, pointed out that the Communist Party "is firmly convinced that the best

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[1] See *The Cabinet Mission in India*, pp. 35-43.
[2] Document No. 5, pp. 38-50.
[3] Document No. 4, pp. 13-38.
[4] See *The Cabinet Mission in India*, pp. 83-87.
[5] *Ibid*, pp. 87-90.
[6] *Ibid*, pp. 76-83.

interests of the Indian masses will be served by their remaining together in one common Union in a common brotherhood to defend the freedom and solve the problems of poverty which require the co-operation of all." The Cabinet Mission noted "an almost universal desire, outside the supporters of the Muslim League, for the unity of India."

The publication of the statement of May 16 was immediately followed by explanatory speeches. The Secretary of State declared[1] that the scheme made "it possible for the Muslims to secure the advantages of a Pakistan without incurring the dangers inherent in the division of India." Both he and Sir Stafford Cripps[2] spoke specially of Sections and Groups, but there was as yet no clear indication of that curtailment of Provincial Autonomy which emerged finally in the statement of December 6.[3] On this point the Secretary of State became increasingly clear in the statements of May 17 and 25.[4] Lord Wavell declared in a broadcast[5] on May 17 that the proposals put forward by the Mission "preserve the essential unity of India which is threatened by the dispute between the two major communities."

It was only to be expected that the statement of May 16 would not give full satisfaction to any political party or community. The views of the Congress were expressed by Maulana Azad on May 20,[6] and on receipt of a reply from Lord Pethick-Lawrence,[7] the Congress Working Committee passed a resolution on May 24, declaring that no final opinion could be given "in the absence of a complete picture."[8] Mr. Jinnah's statement[9] of May 22 contained a detailed criticism of the statement of May 16, but he made no attempt to justify his demand for Pakistan, nor did he care to say why he described the Hindu-majority province of Assam as one of "the six Muslim provinces." It is significant that he describes the Muslims of

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[1] Document No. 6, pp. 50-53.
[2] Document No. 7, pp. 53-57.
[3] Document No. 42, pp. 172-174.
[4] Document Nos. 8, 12, pp. 57-61, 76-78.
[5] See *The Cabinet Mission in India*, pp. 133-137.
[6] Document No. 10, pp. 69-72.
[7] Document No. 10, pp. 72-73.
[8] Document No. 11, pp. 73-76.
[9] Document No. 9, pp. 61-69.

Assam as a minority when it suits his convenience to do so.[1] However, the Cabinet Delegation issued a statement[2] on May 25, in which the points raised by the Congress were dealt with, but no concession was made to the Congress point of view. The Congress, however, still adhered to the views already expressed, and Mahatma Gandhi exposed the defects of the plan in clear and incisive words.[3]

Complaints also came from the Sikhs. In a letter to Lord Pethick-Lawrence,[4] dated May 25, Master Tara Singh observed, ". . . it appears that the Sikhs have been studiously debarred from having any effective influence in the province, Group or Central Union. I refer to Section 15(2) and Section 19(7) in which it has been definitely provided that the majorities of both the Hindus and Muslims are necessary for certain purposes. The Sikhs are entirely ignored. . . ." He enquired whether there was "any hope of obtaining for the Sikhs the same right as is given to the Muslims and the Hindus under Sections 15(2) and 19(7)." The Secretary of State replied, "I fear the Mission cannot issue any addition to, or interpretation of, the statement."[5] On June 10 the Sikh Panthic Conference appointed a Council of Action "to give a tough fight to the British Government in case the proposals of the British Cabinet Mission were not modified according to their wishes."[6]

Among other minorities the Anglo-Indians bitterly resented their exclusion from the Constituent Assembly. Speaking at an extraordinary general meeting of the community held at New Delhi on June 22, Mr. Anthony declared, "In spite of the Sapru Committee's proposals granting the Anglo-Indians specific representation in a Constituent Assembly, the Cabinet Mission has seen fit to override this vital right of the community". He added, "I was not convinced one iota by the disingenuous explanation made by the Cabinet Mission in their attempt to

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[1] See p. 151 : To the representatives of Assam in the Constituent Assembly the Legislative Assembly of Assam gave a "definite mandate to have nothing to do with C Group from the very start, although there was a very strong opposition to this from *the representatives of the minorities including Muslims.*"

[2] Document No. 12, pp. 76-78.

[3] Document Nos. 13, 14, pp. 78-83.

[4] See *The Cabinet Mission in India*, pp. 178-180.

[5] *Ibid*, pp. 180-181.

[6] *Ibid*, pp. 200-202.

explain why specific representation had not been granted in the Constituent Assembly to the smaller minorities. The reason given was that if such specific representation was granted, it would mean the projection into the Constituent Assembly of the weightage enjoyed by the minorities in the provincial legislature. Yet when an explanation was asked for with regard to the voting rights of the Europeans, the unhesitating reply was made that they had the right to vote. This meant the projection into the Constituent Assembly on behalf of the Europeans of fantastic weightage. Yet the Mission would have us believe that a few seats granted either to the Anglo-Indians or Indian Christians would have upset the balance between the major communities". The proposed Advisory Committee, he said, looked very much like an emasculated after-thought offered as a sop to the smaller minorities. He added, "Quite frankly, we regard this provision as little more than a deception and a snare."[1]

In spite of this almost universal emphasis on the defects of the Cabinet Mission's plan it was accepted by all parties, largely because each party expected to utilise it for its own purposes. The Muslim League Council followed Mr. Jinnah's advice[2] and accepted the plan "inasmuch as the basis and the foundation of Pakistan are inherent in the Mission's plan by virtue of the compulsory Grouping of the six Muslim provinces in Sections B and C."[3] On June 26 the Congress Working Committee decided that "the Congress would join the proposed Constituent Assembly, with a view to framing the constitution of a free, united and democratic India."[4] Maulana Azad had already informed Lord Wavell that "we would try to work them (*i.e.*, provisions of the Statement of May 16) according to our own interpretation and with a view to achieve our objective."[5] Further elucidation of the official policy of the Congress may be found in Maulana Azad's statement of June 26, the proceedings of the A. I. C. C. (July 6-7) and Pandit Nehru's statement of July 10.[6] The Sikhs at first refused to send their representatives to the Constituent Assembly, but the assurances

[1] See *The Cabinet Mission in India*, pp. 227-231.
[2] Document No. 15, pp. 83-86.
[3] Document No. 16, pp. 86-88.
[4] Document No. 21, pp. 100-102.
[5] Document No. 17, pp. 88-90.
[6] Document Nos. 22-24, pp. 102-124..

given by the Secretary of State[1] and the Congress Working Committee led them to change their policy.[2] Thus the three major communities recognised by the Cabinet Mission decided to work its plan.

IV

The elections to the Constituent Assembly took place in July.[3] The difficulty about the participation of the Europeans in these elections[4] was removed by the decision of the Europeans in Bengal and Assam not to take part in them ; but in the United Provinces the Europeans voted for Indian candidates, although they themselves did not stand as candidates. Out of 210 'General' seats (for 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 was captured by the Communist Party, 2 seats were captured by the anti-Congress Scheduled Castes Federation, and the remaining 6 seats were captured 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 was captured by an independent candidate. Out of 78 Muslim seats the League captured 73, the Congress captured 3, the Unionist Party of the Punjab (in alliance with the Congress) captured 1 and the Krishak Praja Party of Bengal[5] captured 1. Of the 4 seats reserved for the Sikhs 3 went to the nominees of the Akali Party (in alliance with the Congress) and 1 went to a Congress nominee. Thus, in a house consisting of 296 members the Congress could count upon the allegiance of 212 and the League whip was accepted by 73 ; of the remaining 11 members no less than 6 members[6] were likely to follow the Congress.

This commanding position of the Congress is characterised by Mr. Jinnah as "brute majority."[7] The professions and

[1] Document No. 27, pp. 133-137.
[2] Document No. 35, pp. 162-163.
[3] Document No. 19, pp. 92-95.
[4] See pp. 74, 89-91.
Document Nos. 18, 20, pp. 91-92, 96-100.
[5] The Krishak Praja nominee joined the League sometime after his election.
[6] Raja Jagannath Bakhsh Singh, Sir J. P. Srivastava, Sir Padampat Singhania of U. P.; the Maharajadhiraj of Darbhanga, Rai Bahadur Shyam Nandan Sahay, Mr. Jaipal Singh of Bihar.
[7] See p. 264.

practice of the Congress clearly show that this "brute majority" will not be utilised for the purpose of crushing the minorities or any section of the Indian people. In his statement to the House of Lords, July 18, 1946, Lord Pethick-Lawrence said, "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,[1] Adibasis,[2] Indian Christians,[3] Anglo-Indians,[4] Parsis[5] —in fact, men from all communities. It selected men who have never served the Congress.[6] It selected men who have actively opposed it in the political sphere.[7] That it spread its net so wide is a clear testimony to its earnest desire to act truly as a national organisation in the interest of all sections of the population. That its nomination was accepted by men of different communities and conflicting views proves beyond doubt that it enjoys the confidence of the country as a whole. The policy of the Muslim League is in sharp contrast with this confident liberalism of the Congress. No one but a confirmed Leaguer was favoured with Mr. Jinnah's nomination to the Constituent Assembly. So the League stands completely isolated from all non-Muslims as also from all Muslims who do not subscribe to the Pakistan creed. Mr. Jinnah has failed to draw any of the numerous smaller minorities under his banner. Had he been able to win the confidence of the Sikhs, or the Parsis, or the Anglo-Indians, or the Adibasis, or of them all, his position would have been immensely strengthened, and

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[1] Of 31 Scheduled Caste members in the Constituent Assembly 29 are Congress nominees.

[2] Sj. Debendranath Samanta, for instance (Bihar).

[3] Dr. H. C. Mookerjee, for instance (Bengal).

[4] Mr. Frank Anthony and Mr. C. E. Gibbon, for instance (Bengal and C. P. respectively).

[5] Mr. M. R. Masani and Mr. R. K. Sidhwa, for instance (Bombay and C. P. respectively).

[6] Sir S. Radhakrishnan and Sir N. Gopalaswamy Ayyangar, for instance (U. P. and Madras respectively).

[7] Dr. S. P. Mookerjee, for instance, who, as leader of the Hindu Mahasabha, contested many seats against the Congress for himself and his party in the elections of 1945-46.

the cry for Pakistan would have been regarded as a political rather than a communal ideal.

When the League found itself in complete isolation it naturally became doubtful about its success in the Constituent Assembly. Moreover, the refusal of the Congress to accept the short-term plan made it impossible for the British Government to form a Provisional Central Government with the co-operation of the League alone.[1] So on July 29 the Muslim League Council decided to withdraw its acceptance of the Cabinet Mission's plan and "to resort to direct action to achieve Pakistan,"[2] It complained that the Congress had not accepted that plan "because their acceptance is conditional and subject to their own interpretation." This complaint was frequently repeated later by Mr. Jinnah,[3] but he never mentioned that the acceptance of the plan by the League was similarly subject to its own interpretation. In its resolution of July 6 the League declared that "the basis and the foundation of Pakistan are inherent in the Mission's plan by virtue of the *compulsory* Grouping of the six Muslim provinces in Sections B and C,"[4] although about three weeks earlier Lord Wavell had written to Maulana Azad that "the statement of 16th May does not make Grouping compulsory."[5] In view of the present controversy about Grouping this discrepancy between League interpretation and official interpretation should not escape notice.

The reaction of the Congress to the League resolutions of July 29 was expressed in two speeches of Sardar Patel and Pandit Nehru and also in a resolution of the Working Committee.[6] Mr. Jinnah replied in detail to Sardar Patel's speech and the Working Committee resolution.[7] He declared that "the demand for Pakistan is based on the right of self-determination of the Muslims which is their birthright." In this connection we may refer to Professor D. N. Banerjee's Presidential Address at the Indian Political Science Conference held at New Delhi on December 31, 1946. After a thorough

[1] See *The Cabinet Mission in India*, pp. 135-136, 176-178, 203-226, 245-252, 262-287.
[2] Document No. 28, pp. 137-144.
[3] See p. 157. See also the League resolution of January 31, 1947.
[4] See pp. 87-88.
[5] See p. 90.
[6] Document Nos. 29, 30, 32, pp. 145-150, 155-156.
[7] Document Nos. 31, 33, pp. 150-155, 157-160.

examination of President Wilson's theory of self-determination Professor Banerjee concludes:

"It is evident from these principles that the right of self-determination was not to be, even according to President Wilson, its chief protagonist, an absolute and unqualified right. It is particularly to be noticed that he laid down that 'peoples' and provinces were not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game; that every territorial settlement must be made in the interest and for the benefit of the 'populations' concerned; and that all well defined national aspirations were to be accorded the utmost satisfaction that could be accorded them 'without introducing new or perpetuating old elements of discord and antagonism'. People often forget these limitations imposed on the right of self-determination by President Wilson himself, when they talk about this right, or base any claim on it. I need hardly point out that these limitations have, as I shall have an occasion to show later on, a direct bearing on our communal problem, particularly as it exists, for instance, in Bengal and the Punjab."

Professor Banerjee continues:

"Reference has often been made by some people in justification of the application of the principle of self-determination to the solution of our communal problem, to the Constitution of the Union of Soviet Socialist Republics (the U. S. S. R.) and to the right of secession enjoyed under it by each Constituent Republic of the Union. With due deference to these people I am constrained to say, in the first place, that they do not appear to have properly understood the Constitution of the Union—particularly the nature of the relation of the Union to its Constituent Republics in respect of their respective jurisdictions.

"Secondly, they do not seem to have properly realized the position of the All-Union Communist Party in relation to the actual working of the Constitution of the Soviet Union. As is well-known, this 'essentially unitary' Communist party, with its 'ubiquitous guidance and persuasion', is the only lawful, political party in the country, and 'holds the key positions in the administration of the State.' And that means practically everything that really matters in the government

of a country. As Sidney and Beatrice Webb have pointed out in their *Soviet Communism: A New Civilization?* (Chap. VI), 'Admittedly, the administration is controlled to an extent which it is impossible to measure, but which it would be hard to exaggerate, by the Communist Party, with its two or three millions of members,' which 'frankly accepts the designation of 'keeper of the conscience of the proletariat'."

Professor Banerjee adds:

"I should like to repeat what I have already stated, namely, that the right of self-determination, if it means a right to independent statehood, can only be applied to a country as a whole which is geographically, economically, and strategically a single unit, and not to any part of it or to any particular portion of its population.

"Otherwise there will arise many insuperable difficulties in a country like India. If, to take a single instance, 24 per cent of the population of India claims the right of self-determination in the sense of independent statehood, because it professes a particular religion, and if that claim is conceded, then certainly 45 per cent of the population of Bengal, 66 per cent of the population of Assam and 48 per cent of the combined population of Assam and Bengal, who may profess a different religion or religions, have a far greater right to self-determination so far as their form of government is concerned. And once this process of concession on the ground of religion is started, there will be many more claims of an irresistible character and our problem will become absolutely insoluble, unless we should be prepared to face a total disintegration of the country. I trust that none of our leaders really wants this, or even contemplates this with equanimity."

On August 1 Sardar Patel declared that "the threatened direct action by the Muslim League, if it was real, was not aimed at the British but at the Congress." Two weeks later "direct action" in Calcutta synchronised with "the Great Calcutta Killing." It is unfair to anticipate the findings of the Calcutta Riots Enquiry Commission regarding the causes of this terrible tragedy, although Mr. Jinnah has already tried to insinuate that it was engineered by the Hindus.[1] We may,

[1] See pp. 261-262.

however, quote some extracts from a leading article published in *The Statesman* on August 20, 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. . . . Maintenance of law and order is any Ministry's prime obligation, and the obligation on the Bengal Ministry, in fulfilment of the League's declared policy of keeping 'Direct Action Day' peaceful, was unique. But instead of fulfilling this, it undeniably by confused acts of omission and provocation, contributed rather than otherwise to the horrible events which have occurred . . . . 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. . . . The bloody shambles to which this country's largest city has been reduced is an abounding disgrace, which, owing to the Bengal Ministry's pre-eminence as a League Ministry, has inevitably tarnished seriously the All-India reputation of the League itself."

In a statement to the Press issued from Bombay on August 19 Mr. P. C. Joshi, General Secretary of the Communist Party of India, observed, "It is no more a matter of argument but has already been tragically proved on the streets of Calcutta that the League 'struggle' does not touch the British imperialists at all but directly becomes actual anti-Hindu struggle."

V

While Calcutta was being reduced to "bloody shambles" the Interim Government was being formed by Lord Wavell and Pandit Nehru at New Delhi. As the League had withdrawn its acceptance of the Cabinet Mission's plan the Congress was the only party entitled to form the Interim Government in terms of Lord Wavell's announcement of June 16[1]. Yet Pandit

[1] The Viceroy invited 14 persons (6 Congress, 5 League, 1 Sikh, 1 Parsi, 1 Indian Christian) "to serve as members of the Interim Government on the basis that the constitution-making will proceed in accordance with the statement of May 16." He added:

"In the event of the two major parties or either of them proving unwilling to join in the setting up of a Coalition Government on the above lines, it is the intention of the Viceroy to proceed with the formation of an Interim Government which will be as representative as possible of those willing to accept the statement of May 16."

Nehru saw Mr. Jinnah at Bombay and asked for his co-operation, which was refused. On August 24 Lord Wavell, speaking in a broadcast about the formation of the Interim Government, declared that the League was still free to nominate 5 members in "a Government of 14" and assured that it "need have no fear of being outvoted on any essential issue." Two days later Mr. Jinnah said, "The Viceroy's broadcast has struck a severe blow to the Muslim League and Muslim India," and added that the step taken by the Viceroy was "most unwise and unstatesmanlike and fraught with dangerous and serious consequences."[1] In an interview with a correspondent of the United Press of America at Bombay on September 3 he declared that "there was no other alternative except the outright establishment of Pakistan." "We guarantee," he declared, "to look after the non-Muslim and Hindu caste minorities in Pakistan which will be about 25 millions and protect and safeguard their interests in every way." Such a guarantee could hardly be expected to be taken seriously within three weeks of the "Great Calcutta Killing." It is difficult to understand what Mr. Jinnah implied by the distinction between "non-Muslim *and* Hindu caste minorities." As usual, he tried to reduce the population strength of the non-Muslims in his proposed Pakistan.[2]

The Interim Government, with Pandit Nehru as Vice-President, took office on September 2. It was composed of 12 members—5 Caste Hindus (Congress), 3 Muslims (1 Congress, 2 non-Congress non-League), 1 Scheduled Caste Hindu (Congress), 1 Sikh (Akali Party), 1 Indian Christian (non-Congress), and 1 Parsi (non-Congress). In his first official broadcast Pandit Nehru tried to assure the League that the Congress would enter the Constituent Assembly "with the fixed determination of finding a common basis for agreement on all controversial issues."[3] To this friendly gesture Mr. Jinnah

[1] See also p. 261.

[2] See also p. 259.

There are about 48 millions of non-Muslims in Mr. Jinnah's "six Muslim provinces": Bengal—27 millions; Assam—7 millions; Punjab—12 millions; Sind—1 million; N. W. F. P.—230,000.

Mr. Jinnah told the same correspondent that "there will be about 25 or 30 million Mussalmans in Hindustan". As a matter of fact there are only 20 million Muslims in Mr. Jinnah's proposed Hindustan: Madras—4 millions; Bombay—2 millions; U. P.—8 millions; C. P.—1 million; Bihar—5 millions; Orissa—146,000.

[3] Document No. 36, p. 163.

replied, "I have been stabbed and kind words cannot heal the wound."[1] He threatened that the Muslims might try to secure Pakistan through Soviet support: "If relations between Britain, the U. S. A. and Russia worsen, there is no way to tell now which way Indian Muslims may be stampeded at a time of crisis."[2] The Sind Provincial Muslim League adopted a resolution on September 8 suggesting that a deputation of influential Leaguers should go to Russia to enlist Soviet support for the League demand for Pakistan before the U. N. O. Mr. Yusuf Abdulla Haroon, President of the Sind Provincial Muslim League, said in London on September 23 that he would go to Paris to see M. Molotov.

In spite of these provocative statements and activities on the part of the League Mr. Jinnah was asked by the Viceroy to have a talk with him. As a result of this talk five League nominees[3] joined the Interim Government on October 26. Strangely enough, one of these nominees was Mr. J. N. Mandal, a Scheduled Caste Minister of Bengal. As the League is a purely communal organisation, he could not, of course, become its member. Nor did he command the support of any substantial section of the Scheduled Caste Hindus of Bengal.[4] Mahatma Gandhi said at New Delhi on October 16:

"Mr. Jinnah had said that the Muslims and Hindus were two nations. The League was a purely communal organization. How then could they nominate a Harijan to represent them? Mahatma Gandhi feared their whole mode of entrance into the Cabinet had not been straight. He could not sense any generosity in the nomination of a Harijan in their quota of five seats, especially when he read what was happening in Eastern Bengal.[5] He was, therefore, forced to wonder whether they had come into the Cabinet also to fight."

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[1] Interview to *Daily Mail* correspondent, Bombay, September 9.
[2] Interview to *Daily Mail* correspondent, Bombay, September 9.
[3] In order to make room for them one Congress Caste Hindu and two non-Congress non-League Muslims resigned.
[4] Out of 30 Scheduled Caste members of the Bengal Legislative Assembly he was supported by not more than 2 or 3.
Out of 31 Scheduled Caste members of the Constituent Assembly only 2 belong to the Scheduled Castes Federation to which he owes allegiance.
[5] Thousands of Scheduled Caste people suffered terribly in life, limb, property and religion as a result of the atrocities perpetrated by the Muslims in Dacca, Noakhali and Tipperah.

There are several points in connection with the entry of the League into the Interim Government which are not yet clear. In the first place, did Lord Wavell take from Mr. Jinnah any definite assurance that the League would join the Constituent Assembly? Such an assurance was categorically demanded by Pandit Nehru, for it was the most vital condition precedent to League participation in the Interim Government in terms of Lord Wavell's announcement of June 16. On this crucial issue the statements of Mr. Jinnah cannot be reconciled with the Viceroy's assurance to Pandit Nehru.[1] Secondly, it was reported that the League entered the Interim Government in "its own right" on the basis of the Viceroy's invitation. *The Amrita Bazar Patrika* wrote editorially on October 13, "If the League prefers the terms of the Viceroy to those of the Congress, it means that the League comes to the Interim Government as a matter of favour extended to it by the Viceroy. . . . The acceptance by the League of the terms of the Viceroy will mean the break of the power that has come into the hands of the people. Its acceptance means a new charter of slavery for the people of India."

The precise significance of the words "its own right" has not yet been authoritatively explained, but it may be suspected that an attempt was made to secure the consent of the Congress to the so-called "right" of the League through the following formula for which Mr. Jinnah claimed Congress recognition:

"The Congress does not challenge and accepts that the Muslim League now is the authoritative representative of an overwhelming majority of the Muslims of India. As such and in accordance with democratic principles, they alone have today an unquestionable right to represent the Muslims of India. But the Congress cannot agree that any restriction or limitation should be put upon the Congress to choose such representatives

[1] Document No. 38, pp. 164-166.
It is perhaps not without significance that even after the complete repudiation of the Cabinet Mission's plan by the League on January 31, 1947, *The Statesman* wrote editorially on February 2: "The League has not withdrawn, and, so far as we know, does not intend to withdraw representatives from the Central Government. Some ardent Congress sticklers for the plan of May 16—the plan, the whole plan and (the League says) everything but the plan—have urged that, as the League has not accepted the long-term part, it should be informed that its collaboration in the short-term part is no longer required. That would be a fatal mistake."

as they think proper from amongst the members of the Congress as their representatives."

This formula was accepted by Mahatma Gandhi, subject to the condition that the following paragraph should be added:

"It is understood that all the Ministers of the Interim Government will work as a team for the good of the whole of India and will never invoke the intervention of the Governor-General in any case."

Pandit Nehru was prepared to accept this formula as a whole, but Mr. Jinnah rejected the concluding paragraph; no settlement was, therefore, reached between the Congress and the League.

While these negotiations were going on (first half of October) the "Direct Action" of the League spread from Calcutta to East Bengal. Dacca—the homeland of Mr. Nazimuddin, who had openly declared that the Muslims were not confined to non-violence—was affected soon after the "Great Calcutta Killing"; Noakhali[1] and Tipperah[2] suffered next. The nature of the catastrophe which fell upon the Hindus of Noakhali and Tipperah was described by Acharya Kripalani, President of the Congress, after an extensive tour in the affected area, in a statement at a Press Conference in Calcutta on October 26. He used the following words:

"The attack on the Hindu population in the districts of Noakhali and Tipperah was previously arranged and prepared for and was the result of League propaganda—it was absolutely communal and one-sided; the authorities had warnings of what was coming beforehand; the Muslim officers connived at the preparations going on, and a few encouraged; the Police did not function during the riots, there being no orders to fire except in self-defence; there were very few miscreants, if at all, from outside; and there have been many cases of murders, forcible marriages and religious conversion *en masse*."

In November the Hindus in several districts of Bihar fell upon the Muslim minority and killed several thousands. Referring to these deplorable incidents Pandit Nehru said in the Central Legislative Assembly on November 14, "I found (in

[1] Muslims—81·2 per cent; Hindus—18·8 per cent.
[2] Muslims—77·1 per cent; Hindus—22·9 per cent.

Bihar) that during the Calcutta Killing a large number of Biharis had lost their lives. Their relatives had returned to Bihar together with many other refugees and had spread out all over the rural areas carrying stories of what had happened in Calcutta. The people of Bihar were stirred profoundly. Then came news of Noakhali and East Bengal. These stories, and more especially the accounts of abduction and rape of women and forcible conversion of large numbers of people, infuriated the populace." Pandit Nehru pointed out that "this mass uprising lasted almost exactly one week." It ended suddenly because the Congress Ministry of Bihar adopted very stern measures and Pandit Nehru warned Bihari Hindus so seriously that even Mr. Churchill was compelled to praise him.[1] Another, perhaps a more important, factor was that Mahatma Gandhi declared his intention to undertake a fast if the Hindus of Bihar did not put an immediate end to their folly. Nothing comparable to these measures was adopted by the League Ministry of Bengal or the League High Command in Calcutta, Dacca, Noakhali and Tipperah. While the Bihar Government imposed collective fines on the Hindus of the offending villages, no such penal measure was imposed upon the Muslims of Noakhali and Tipperah by the Government of Bengal.

The League made a deliberate attempt to exploit the tragedy of Bihar for political purposes.[2] Mr. Jinnah's references to the riots related to Hindu-majority areas (Calcutta and Bihar) alone ; he did not refer East Bengal.[3] In the Central Legislative Assembly Mr. Abdur Rab Nishtar, a League Member of the Interim Government, tried to minimise the gravity of the situation in East Bengal and exaggerated the effects of the riots in Bihar. His statement was repudiated by his colleague, Dr. Rajendra Prasad, who declared in the Central Legislative Assembly that "I cannot say that things are any worse in Bihar than in Eastern Bengal for more than 4 or 5 weeks." The League Ministry of Bengal sent a senior I.C.S. officer to bring to Bengal refugees from Bihar, and an attempt is being made to settle thousands of such refugees in the Hindu-majority

[1] See p. 242.
[2] Document No. 55, pp. 296-297.
[3] See p. 262.

districts of Western Bengal.[1] Mr. Jinnah declared that the exchange of population was the only remedy for communal riots. It was reported in the Press that Mr. Syed Muhammad Miran Shah, former Speaker of the Sind Legislative Assembly, came to the United Provinces to persuade the Muslims of that province to migrate to Sind, but his suggestion was not accepted by the Leaguers of the U. P.

We have already referred to Mahatma Gandhi's suspicion that the League might have entered the Interim Government "to fight". Mr. Hassan Ispahani, Mr. Jinnah's personal representative in America, declared at New York on October 28 that "the struggle for Pakistan would now be carried on within as well as outside the Government". In an interview to foreign Press correspondents at New Delhi on November 14 Mr. Jinnah observed, "The Interim Government should not be allowed to do anything administratively or by convention which would in any way prejudice or militate against the problem of the future constitution of India, and we shall certainly resist any attempt which directly or indirectly prejudices or militates against our demand of Pakistan." Thus the leader echoed the follower in more diplomatic language. This categorical statement raises two fundamental issues. In the first place, why should the Interim Government refrain from using its powers under the present constitution, leaving to the League "sentinels" a veto on administration and legislation? Secondly, the League should have no place in the Interim Government as long as it does not honestly and sincerely accept the Union Centre proposed in the Cabinet Mission's plan, for no political party which repudiates that plan can join the Interim Government in terms of Lord Wavell's announcement of June 16.

Within three weeks of the League's entry into the Interim Government Pandit Nehru publicly complained against his League colleagues.[2] Mr. Liaquat Ali Khan, Leader of the League Bloc in the Interim Government, replied in a statement issued from New Delhi on November 22:

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[1] On January 31, 1947, Mr. Suhrawardy, League Premier of Bengal, said at Karachi that 150,000 Muslims from Bihar had settled down in Bengal and they had been given necessary facilities.

[2] See p. 166.

"If Pandit Nehru's discomfiture is due to the fact that the Muslim League bloc has refused to recognize the fiction of his 'leadership' of the Government, then I can only sympathize with him. The Viceroy has made it clear in his public declarations that the Interim Government has been formed under the present constitution which does not provide for any such leadership of the Government or for any position analogous to that of a Prime Minister."

In a rejoinder to this statement Pandit Nehru said on November 22: "Mr. Liaquat Ali Khan should know that the present Government is officially called a Cabinet . . . . . Mr. Liaquat Ali Khan places reliance on the Government of India Act or something previous to it. In other words, he does not want to enlarge the freedom of the Government but to restrict it and is, therefore, completely in line with the representatives of the British Government."

Mr. Syed Ali Zaheer, Shia leader and first Law Member in the Interim Government, said in an interview at Lucknow on October 27: "It is true that the Executive Councillors are still appointed under the Government of India Act of 1919. Still there is no practical difficulty in the Members working as a Cabinet. When the first Interim Government was formed on September 2 we all agreed to work as a Cabinet and to have joint responsibility. For the eight weeks that we were together Pandit Nehru was treated as the head of the Government and the Viceroy had to accept the decision of the Cabinet as a whole. Mr. Liaquat Ali Khan, by refusing to work on the basis of joint responsibility and by refusing to recognise any head of the Government[1], is not doing any service to the constitutional advancement of the country."

VI

Taking advantage of Mr. Jinnah's unwillingness to join the Constituent Assembly wihch was summoned to meet in Delhi on December 9, the British Government invited Lord Wavell, two Congress representatives, two League representatives and one Sikh representative to go to London

[1] This refers to Mr. Liaquat Ali Khan's address at a Press Conference, New Delhi, October 26, 1946.

to discuss the basis of a common understanding' between the Congress and the League.[1] Khan Abdul Ghaffar Khan declared on November 27, "The British Government probably does not want that the Constituent Assembly should meet at all. These are the means to postpone it indefinitely". The Congress and the Sikhs at first declined the British invitation, but this decision was revoked at Mr. Attlee's personal request. Pandit Nehru went to London as the sole representative of the Congress. The Sikhs were represented by Sardar Baldev Singh. Mr. Jinnah and Mr. Liaquat Ali Khan represented the League. They arrived in London on December 3. The discussions came to an end on December 6. On the same day the British Government issued a statement[2] which granted new concessions to the League under the guise of explaining the statement of May 16. Pandit Nehru and Sardar Baldev Singh returned to Delhi on December 8. The League leaders returned later.

In London Pandit Nehru repeatedly emphasized that India must solve her own problems peacefully without outside intervention. On December 3 he told Reuter's political correspondent, "We (*i.e.*, Indians) should approach our work in a spirit of co-operation and forbearance and avoid all incitements to violent methods." Two days later he declared at the Kingsway Hall:

"I have come to believe, more than ever, that there can be no solution of the Indian problem unless two things happen. One is that there can be no true solution in India of even our domestic problems unless these problems are left entirely and completely to ourselves. So long as there is any intrusion or interference by others, even if it may be well meant, it becomes difficult to solve the problems . . . . the people of India should know and feel that the whole burden of the solution is on them, and if they fail the consequences would be borne by them. That introduces a measure of reality into the picture. The second point that I think is fundamental is this—the Indian problem has long ceased to be a political problem between India and England. Of course it is a political problem, but

[1] Document Nos. 40, 41, pp. 168-172.
[2] Document No. 42, pp. 172-174. See Dr. Jayakar's remarks, pp. 206-209.

it is not only a political problem and today we have to face in India . . . all manner of economic problems . . . . Any attempt at solution on political lines which does not solve or go a long way in solving these economic problems will necessarily meet with failure."

Speaking at a reception at the India House on December 5 he declared :

"India is a living, throbbing, dynamic, vital thing today . . . Obviously all that life and dynamic energy would be frustrated and wasted if it were spent in mutual conflict. We have to deal with this matter and we have to realise that India can only be big if it views this problem in a large way, and not in the narrow, sectarian way."

He added :

"It is impossible, I think, for India to be the country I would like it to be if any one group in India, whether religious or other, tries to dominate any other group. Conception of Indian freedom that we have always had and spoken about has been one of equal freedom and equal opportunity for every one of the 400 millions of India."

What a contrast between this passionate longing for non-sectarian political and economic freedom for 400 millions and Mr. Jinnah's cry for a narrow, sectarian solution of India's problems! The League leader's public pronouncements[1] in London were full of half-truths, untruths and threats[2]; but his private activities were probably still more significant. The London Representative of *Hindusthan Standard* reported on December 5 :

"It is gathered that the Viceroy privately conferred with Mr. Churchill and Mr. Amery and Mr. Jinnah is also in touch with these two. It is not known what transpired but our readers who have not forgotten their records on India have no illusion about it."

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[1] Document Nos. 46, 47, pp. 255-266.

[2] At a dinner party given to Mr. Jinnah at the House of Commons on December 5 he "impliedly warned the Labour Party that if their Government gave in to the Congress the consequences would equally affect them severely. It was presumed that he was hinting at what happened to the Hindus in Bengal during the 'great killings'." (*Hindusthan Standard*).

This report, read together with Mr. Churchill's speech[1] in the House of Commons, specially his reference to "those who desire to find in variety of systems means of association with our great free commonwealth", and Mahatma Gandhi's reply[2] to some young Leaguers of Noakhali, may indicate the trend of Mr. Jinnah's plans for the future of the 'sovereign state of Pakistan' as yet unborn.

The first session of the Constituent Assembly[3] held in December, 1946, showed as much tenderness to the susceptibilities of the League as any impartial observer might have expected. The postponement of Pandit Nehru's resolution on the declaration of objectives was a fine gesture which, however, failed to conciliate the absentee members of the Assembly. Another, and a more far-reaching, gesture was the Congress acceptance[4] of the British Government's statement of December 6. The importance of the gesture cannot be fully grasped until we take serious notice of the consistent Congress stand on Provincial Autonomy[5] and also of the serious misgivings of the majority of the Assamese people[6]. In spite of this anxiety on the part of the Congress to conciliate the League Mr. Jinnah summoned the Working Committee of the League to meet on January 29, indicating thereby that he would not participate in the January (1947) session of the Constituent Assembly. So the second session of the Constituent Assembly[7] passed Pandit Nehru's resolution on the declaration of objectives and appointed several Committees, leaving several seats vacant for League members who might decide to come in at a later date.

Unfortunately the Working Committee of the League passed a resolution[8] on January 31 which was an open challenge to the Congress and a clear invitation to the British Government to put the clock back. "The resolution passed by the League Working Committee," observed a leading nationalist daily, "is repudiation of India's right to independence. It is an invita-

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[1] See pp. 239-250.
[2] Document No. 55, pp. 296-297.
[3] Document No. 43, pp. 174-229.
[4] Document Nos. 49, 53, pp. 270-275, 280-294.
[5] See pp. 71, 75, 80, 89, 101, 103, 121, 164.
[6] Document Nos. 37, 48, 51, 52, 53, 56, pp. 164, 266-270, 276-280, 285, 288-291, 297-298.
[7] Document No. 58, pp. 299-315.
[8] Document No. 61, pp. 323-333.

tion to the British to maintain and consolidate their stranglehold and upset the plan upon which so many months of patient and anxious palaver have been spent. By the decision they have taken the Muslim League and its leadership have completely identified themselves with those old-world British diehards who are congenitally incapable of realising that the world is on the march. No camouflage will do, no misleading thunder and no evasion of a fundamental issue. Mr. Jinnah and his colleagues are now on the other side of the barricade. They are on the British side."

VII

So far as the States are concerned there is not much to be said, for they have not yet come fully into the picture. In April, 1946, the Cabinet Ministers interviewed the Chancellor of the Chamber of Princes (Nawab of Bhopal) as well as some other Princes and Ministers. The policy enunciated by them in Paragrpah 14 of the Statement of May 16 was explained in a Memorandum (May 22, 1946) presented by them to the Chancellor[1], some extracts from which are quoted below:

"During the interim period, which must elapse before the coming into operation of a new constitutional structure under which British India will be independent or fully self-governing, paramountcy will remain in operation. But the British Government could not and will not in any circumstances transfer paramountcy to an Indian Government.

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When a new fully self-governing or independent Government or Governments[2] 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

[1] See *The Cabinet Mission in India*, pp. 142-146.

[2] This Memorandum was drawn up before the Mission began its discussions with the party leaders. This is the explanation of the use of the words "Government or Governments" which would not have been used after the issue of the Statement of May 16.

consequence and in view of the desires expressed to them on behalf of the Indian States, His Majesty's Government will cease to exercise the powers of paramountcy. This means that the rights of the States which flow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the Paramount Power will return to the States. Political arrangements between the States on the one side and the British crown and British India on the other will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the succession Government or Governments in British India, or failing this, entering into particular political arrangements with it or them."

The attitude of the Congress towards the problem of the States was explained in clear and unambiguous terms by Pandit Nehru on several occasions. Addressing the General Council of the All-India States People's Conference at New Delhi on June 8, 1946, he declared that "the only ultimate rights we recognise are the rights of the people."[1] He also emphasized the rights of the States people in course of a discussion[2] on August 13 and again in his speeches in the Constituent Assembly.[3]

The people of the States also pressed forward their demand. On June 10 the following resolution was passed at the All-India States People's Conference:[4]

"The Council have noted with surprise and regret that the representatives of the States people have been completely ignored by the Cabinet Delegation in their talks and consultations. No constitution for India can have any validity or effectiveness unless it applies to the 93 million people of the Indian States and no such constitution can be satisfactorily made without reference to the representatives of the people."

The Princes, naturally, took a different view. The Standing Committee of the Chamber of Princes made the following statement on June 10, 1946, through the Nawab of Bhopal:[5]

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[1] See *The Cabinet Mission in India*, pp. 194-196.
[2] Document No. 34, pp. 160-162.
[3] See pp. 199-200, 225-226.
[4] See *The Cabinet Mission in India*, pp. 199-200.
[5] *Ibid*, pp. 196-198.

"They are of the view that the plan (of the Cabinet Mission) provides the necessary machinery for the attainment by India of independence as well as a fair basis for further negotiations. They welcome the declaration of the Cabinet Mission in regard to paramountcy. . . ."

A Negotiating Committee[1] consisting of the following members was appointed by the Princes in terms of Paragraph 21 of the statement of May 16:

1. Nawab of Bhopal (*Chancellor, Chamber of Princes*).
2. Maharaja of Patiala (*Pro-Chancellor, Chamber of Princes*).
3. Jam Saheb of Nawanagar.
4. Sir C. P. Ramaswami Iyer (*Dewan, Travancore*).
5. Sir Sultan Ahmed (*Constitutional Adviser, Chamber of Princes*).
6. Sir Mirza Ismail (*President of Executive Council, Hyderabad*).
7. Sardar D. K. Sen (*Chief Minister, Cooch Behar*).
8. Sir A. Ramaswami Mudaliar (*Dewan, Mysore*).
9. Sardar K. M. Panikkar (*Prime Minister, Bikaner*).
10. The Raja of Bilaspur.
11. The Maharawal of Dungarpur.
12. Sir T. Krishnamachariar.
13. Rai Bahadur Ram Chandra Kak (*Prime Minister, Kashmir*).

The position taken up by the Princes has been further clarified by the resolution[2] passed by the Standing Committee of the Chamber of Princes on January 29 and also by the explanatory speeches[3] delivered by the Nawab of Bhopal and some prominent Ministers. Sir C. P. Ramaswami Iyer's apprehension regarding the powers to be entrusted to the Union Centre and Sir Ramaswami Mudaliar's reference to "brute majority" are significant echoes of Mr. Jinnah's ideas,[4]

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[1] The authority of this Committee is not accepted by several States. For instance, Sir B. L. Mitter, Dewan of Baroda, is having separate discussions with the Negotiating Committee of the Constituent Assembly.
[2] Document No. 60, pp. 318-323. See also Document No. 62, p. 333.
[3] Document No. 60, pp. 321-323.
[4] See pp. 66-67, 141, 264.

and Dr. Jayakar's apprehension[1] may prove to be correct. But to all observers outside the medieval world of Princes and Ministers it is now clear that if Monarchy survives in any part of India, it must be popular Monarchy as conceived by Pandit Nehru,[2] not autocratic Monarchy acting through State armies[3] organised by Dewans like Sir C. P. Ramaswami Iyer. If the Princes refuse to read the writing on the wall,[4] the "Quit Kashmir" cry raised by Sheikh Abdulla in the north-west may spread like wild fire to other parts of the country and destroy the multi-coloured relics of our romantic past.

[1] See p. 209.
[2] See pp. 199-200.
[3] See Pandit Nehru's remarks, p. 124.
[4] See Sir S. Radhakrishnan's mild warning, pp. 300-301.

THE CONSTITUENT ASSEMBLY OF INDIA

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

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

Those steps include:

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

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

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

In view of the paramount importance not only to India and to the British Commonwealth but to the peace of the world of a successful outcome of discussions with leaders of Indian opinion the British Government have decided with the approval of His Majesty the King to send out to India a special mission of Cabinet Ministers consisting of the Secretary of State of India (Lord Pethick-Lawrence), the President of the

Board of Trade (Sir Stafford Cripps) and the First Lord of the Admiralty (Mr. A. V. Alexander) to act in association with the Viceroy in this matter.

This decision has full concurrence of Lord Wavell.

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

2. EXTRACTS FROM SPEECH OF MR. ATTLEE, HOUSE OF COMMONS, MARCH 15, 1946.

"I would like to thank the right hon. gentleman the Member for Saffron Walden (Mr. R. A. Butler) for his very helpful, wise and constructive speech[1]. He has, as we all know, given great service on Indian affairs for many years and he comes of a family that has given many most distinguished public servants to India. I think that the tone in which he addressed the House is just what is needed today at this critical stage in the relationship between these two countries at a time, as has been said, of very high tension. I find from my friends[2] in this House who have been out to India and returned, from letters received from Indians, and from Englishmen in India of all points of view complete agreement on the fact that India is today in a state of great tension and that this is indeed a critical moment. I am quite sure that everyone in this House realises the difficulties of the task which my right hon. friends have undertaken in conjunction with the Viceroy, and that no one will desire to say anything whatever that will make their task more difficult. The right hon. gentleman said that the Mission should go out in a positive mood. I entirely agree and that, indeed, is the mood in which my right hon. friends are undertaking this Mission. It is a time emphatically for very definite and clear action.

I do not intend to make a long speech today, and I do not think it would be wise to do so. In particular, I think

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[1] See *Introduction*.

[2] Parliamentary Delegation to India.

it would be most unhelpful to review the past. It is so easy to go back over the past and, in accordance with one's predilections, apportion the blame for past failure in the long drawn out discussions there have been on this extraordinarily difficult problem—the problem of the development of India into a completely self-governing nation. Over such a long period of the past it is so easy to say that at this stage or at that stage opportunities were missed by the faults of one side or the other. I think also, as my right hon. friend said, it would be a great mistake to stake out the claims of rival communities; we may be quite sure that will be done anyway.

I have had a fairly close connection with this problem now for nearly 20 years, and I would say there have been faults on all sides but at this time we should be looking to the future rather than harking back to the past. This alone I would say to hon. Members that it is no good applying the formulæ of the past to the present position. The temperature of 1946 is not the temperature of 1920 or of 1930 or even of 1942. The slogans of an early day are discarded. Indeed, sometimes words that seemed at that time to Indians to express the height of their aspirations are now set on one side, and other words, other ideas, are substituted. Nothing increases more the pace of the movement of public opinion than a great war. Everyone who had anything to do with this question in the early days between the wars knows what an effect the war of 1914—18 had on Indian aspirations and Indian ideals. A tide which runs slowly in peace becomes in wartime vastly accelerated, especially directly after a war, because that tide is to some extent banked up during the war.

I am quite certain that at the present time the tide of nationalism is running very fast in India and, indeed, all over Asia. One always has to remember that India is affected by what happens elsewhere in Asia. I remember so well, when I was on the Simon Commission, how it was borne on upon us what an effect the challenge that had been thrown out by Japan at that time had had on the Asiatic people. The tide of nationalism that at one time seemed to be canalised among a comparatively small proportion of the people of India—mainly a few of the educated classes—has tended to spread wider and wider. I remember so well, indeed, I think we put it in the

Simon Commission Report, that although there were great differences in the expression of nationalist sentiment between what are called the extremists and the moderates, and although in many circumstances there might be such a stress on communal claims as might seem almost to exclude the conception of nationalism, yet we found that Hindu, Muslim, Sikh or Mahrattah, the politician or civil servant—among all of them that conception of nationalism had been growing stronger and stronger. Today 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 today, 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.

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

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

sometimes with the initial difficulty of getting that machinery set up. We are resolved that machinery shall be set up and we seek the utmost co-operation of all Indian leaders to do so.

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

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

I am well aware, when I speak of India, that I speak of a country containing a congeries of races, religions and

languages, and I know well all the difficulties thereby created. But those difficulties can only be overcome by Indians. We are very mindful of the rights of Minorities and Minorities should be able to live free from fear. On the other hand, we cannot allow a Minority to place a veto on the advance of the Majority.

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

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

I am very well aware, as we all are, of the minority problems in India, and I think that Indian leaders are more and

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[1] India (Central Government and Legislature) Act, 1946.
[2] Dewan of Travancore.

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

In conclusion, may I stress again the crucial nature of the task before us. This problem is of vital importance not only to India and the British Commonwealth and Empire, but to the world. There is this immense nation, set in the midst of Asia which has been ravaged by war. Here we have the one great country that has been seeking to apply the principles of democracy. I have always hoped myself that politically India might be the light of Asia. . . . . At the present moment I do not think I should say anything on the social and economic difficulties to which the right hon. gentleman referred except this: I believe that those economic and social difficulties can only be solved by the Indians themselves, because they are so closely bound up with the whole Indian way of life and outlook. Whatever we can to assist, we shall do. My right hon. friends are going out to India resolved to succeed and I am sure everyone will wish them God-Speed".

3. EXTRACTS FROM STATEMENT OF LORD PETHICK-LAWRENCE, PRESS CONFERENCE, NEW DELHI, MARCH 25, 1946.

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"With one or two exceptions all the results of the provincial elections will be known by the end of the next ten days. We shall, therefore, begin our consultations a week from to-day. In the meantime I and my colleagues will be engaged in bringing ourselves up-to-date with the situation, and in conferring with His Excellency the Viceroy and with the Governors of Provinces who are coming to Delhi to meet us. We are looking forward to meet with the Executive Council to-morrow evening.

You all know the general purpose of the discussions on which we shall be engaged. It was stated by Mr. Attlee, our Prime Minister, in his speech in the House of Commons on March 15.

The discussions now to begin are preliminary to the setting up of a machinery whereby the forms under which India can realise her full independent status can be determined by Indians. The objective is to set up an acceptable machinery quickly, and to make the necessary interim arrangements.

Mr. Attlee in his speech which, in the subsequent debate, was shown to represent substantially the views of all parties, made it quite clear that if Indians should decide that they desire, under their new constitutional arrangements, to be outside the British Commonwealth of Nations, H. M. G. recognise their right to take that decision. We believe ourselves that India will find great advantages in remaining within the free association of the British Commonwealth. But it is a free association, and we have no desire to press India to stay within it against her considered judgment.

The issue of freedom and self-determination is therefore settled in principle. We have now to work out in co-operation the means by which Indians can themselves decide the form of their new institutions with the minimum of disturbance and the maximum of speed. The Indian States, which have a great

part to play in India's future, must clearly be invited to join in this task. We are encouraged by the knowledge that many of the rulers share the general desire for the immediate attainment by India of her full freedom. In the meanwhile it is most desirable that a more representative Government having full popular support should come into being at the Centre so as to bring the country through its period of transition.

It is of the greatest importance that the transfer of responsibility should be smoothly and efficiently carried through. This is primarily an Indian, but also a British interest, and it will be a fresh source of pride to India and to Britain if we can demonstrate to the world our ability to make a smooth and peaceful change of so far-reaching a character. It is to that end that we have come to play what we hope will be a helpful part.

Our talks will not be concerned with the question of whether India shall determine her own destiny—that is already decided—but with how she will do so. . . . . .

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You already know the programme which we have arranged for the beginning of our discussions. We shall be collecting the views of representatives of the provincial and Central legislatures, of the leading All-India parties and organisations, and of Indian States. We have of course followed closely the statements of policy of the main parties and the important utterances of Indian leaders, but there are many matters which we shall need to discuss before we can feel that we have obtained a full appreciation of all points of view.

These interviews will occupy a great deal of our time until about the middle of April, and our programme after that will depend on developments.

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We cannot of course at this meeting express any views either on the shape of the machinery that should be devised for determining a solution, or on the merits of any particular constitutional plan. These are matters which must await the

discussions with Indian representatives. We have come with only one fixed intention, and that is to play our full part as representing His Majesty's Government in helping Indians to achieve their independence. Beyond that we have open minds and are not committed to any particular views. But that does not mean that we come in hesitant or indecisive frame of mind. We come to enable Indians to take their place and play their full part amongst the great nations of the world, and with the determination to bring our discussions to a decisive and friendly conclusion, we hope with the goodwill of all the inhabitants of this great country.

We shall now be happy to try and deal with your questions."

[For an hour after his statement Lord Pethick-Lawrence quietly but firmly dealt with a quick-fire of questions from correspondents and declined to be drawn into any commitment beyond the Prime Minister's statement in the House of Commons on March 15 on the question of minorities.

Questions by the correspondents mainly centred on the Prime Minister's statement: "We are mindful of the rights of the Minorities, and Minorities should be able to live free from fear. On the other hand, we cannot allow a Minority to place a veto on the advance of the Majority."

The Secretary of State commented: "That does not, of course, mean that reasonable claims of Minorities are to be disregarded. The result of the elections has made it clear that voters are looking to two main parties to represent their views, namely, the Congress and the Moslem League. While the Congress party are representative of large numbers, it would not be right to regard the Moslem League as merely a minority political party. They are in fact majority representatives of the great Moslem community. Our aim is to secure an agreed method of deciding on a new constitutional structure and the setting up of a more representative transitional government at the Centre."

"The words of the Prime Minister stand in their entirety." Lord Pethick-Lawrence asserted in reply to a series of further questions. "I think it is perfectly clear. You all know what a Minority is as much as I know."

Q. Do the Labour Government regard Muslims as a nation or a Minority?

Lord Pethick-Lawrence: We regard them as one of the great communities in India.

Q. Are we therefore to interpret this to mean that Muslims are neither a Minority nor a nation but a great community?

Ans: You can put your own interpretation.

A correspondent drew attention to past pledges on behalf of His Majesty's Government and asked whether the fulfilment of these pledges would be part of the Mission's work. The Secretary of State observed that as the years went by, the situation changed, and the promises made had to be adapted to the existing situation, bearing in mind, of course, the spirit of those pledges and promises.

Lord Pethick-Lawrence declined to reply to hypothetical questions like what would happen in the case of a demand for two constitution-making bodies instead of one.

"I am quite sure you will appreciate that we are not to-day concerned to explain what we shall do under hypothetical conditions. We are going into these negotiations full of confidence and hope, and we believe we can reach an agreement with your co-operation, and we refuse to contemplate a failure."

Asked whether the Mission would make out a time-table for complete transfer of power, the Secretary of State said: "I don't think we can decide on a time-table now. We want the transfer to be made at the earliest possible time. A time-table now would only be made in the dark. A time-table is mainly in the hands of Indians themselves. It is not for us to place a limit by making it too short or too long."

Q. Do the Mission anticipate a deadline for the transfer of responsibility?

Lord Pethick-Lawrence replied in the negative and was heard to suggest that if everybody agreed to a deadline, then, of course, if would be accepted.

Asked to amplify the statement made by the Mission at Karachi that it would not adjudicate on rival claims, the Secretary of State said: "Our intention is to transfer responsibility from us to Indians and we hope that as a result of our negotiations the way will be quite clear for that transfer."

The Secretary of State replying to a further question quoted Sir Stafford Cripps' statement in Karachi about legislation and said: "What Sir Stafford said was that the purposes of our present Mission could be fulfilled without legislation. These purposes are to get machinery set up for the framing of a constitutional structure giving Indians full control over their own destiny and the formation of a new interim Government."

Q. Is it intended to evolve a constitution for the whole of India or for British India alone?

The Secretary of State: "We have come in the hope of enabling Indians to produce or set up machinery for producing a constitutional structure for India as a whole".

Q. Would States representatives be representatives of the rulers or of the people?

The Secretary of State replied that as in the case of the franchise, the Mission would take the position as it was. "We cannot ourselves create new structures. We have to take the position as we find it."

Q. As regards the Mission's statement to-day that "Indian States must clearly be invited to join in this task," is the co-operation of States essential or mandatory?

The Secretary of State: "What we plan is to invite Indian States to take part in discussions for the setting up of machinery for framing the future constitutional structure. If I invite you to dinner, it is not obligatory on you to come." (*Laughter*).

Q. Do you propose to ask the Viceroy to release political prisoners before the talks start? Should we expect an announcement on this commemorating your arrival?

The Secretary of State: I think that is quite a separate matter. This would be one of the matters for discussion with the Viceroy but I don't think we shall make that a condition precedent to the discussions.

Q. Just as you are asking Russia to withdraw her troops from Iran, will you also withdraw your troops from India, so that discussions can take place without any pressure?

The Secretary of State said the whole question of the position of troops was one to be discussed at the appropriate time.

Q. Will the Mission meet leaders of the underground world?

The Secretary of State: If they will be of assistance in our task we shall see them.

Q. How is the press to co-operate with the Mission?

Sir Stafford Cripps said the less exaggeration there was in the press of mutual criticism, the easier it would be to come to an accommodation.]

4. TRIPARTITE CORRESPONDENCE, APRIL 27—MAY 12, 1946.

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

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

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

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

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

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

It is contemplated that the Indian States will take their appropriate place in this structure on terms to be negotiated with them.

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

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

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

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

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

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

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

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

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

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

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

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

My colleagues and I fully appreciate the further attempt that the Cabinet Mission and His Excellency the Viceroy are making to bring about an agreement between the Muslim League and the Congress by proposing a meeting of the representatives of the two organisations for the purpose of negotiating an agreement. They, however, desire me to invite your attention to the position taken up by the Muslim League since the passing of the Lahore Resolution[1] in 1940 and, thereafter, successively endorsed by the All-India Muslim League sessions and again by the convention of the Muslim League legislators, as recently as the 9th of April, 1946, as per copy enclosed.

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

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

ENCLOSURE

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

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

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[1] See A. C. Banerjee, *Indian Constitutional Documents*, Vol. II, pp. 405-409.

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

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

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

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

whereas the Muslims are convinced that with a view to save Muslim India from the domination of the Hindus and in order to afford them full scope to develop themselves according to

their genius, it is necessary to constitute a sovereign independent State comprising Bengal and Assam in the North-East zone and the Punjab, North-West Frontier Province, Sind and Baluchistan in the North-West zone :

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

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

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

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

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

This Convention further emphatically declares that any attempt to impose a constitution on a United India basis or to force any interim arrangement at the Centre contrary to the Muslim League demand will leave the Muslims no alternative but to resist such imposition by all possible means for their survival and national existence.

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

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

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

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

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

"Thank you for your letter of the 29th April. The Cabinet Delegation are very glad to know that the Muslim League agree to enter the joint discussion with the representatives of the Congress and ourselves. I am glad to say I have received a letter from the President of the Congress to say that they are also willing to participate in the proposed discussions and have nominated Maulana Azad, Pandit Nehru, Sardar Vallabhbhai Patel and Khan Abdul Ghaffar Khan as their representatives.

We have taken note of the resolution of the Muslim League to which you draw our attention. We have never contemplated that acceptance by the Muslim League and the Congress of our

invitation would imply, as a preliminary condition, full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement and what we have asked the Muslim League Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Congress in order to discuss it.

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

(Agenda) :

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

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

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

"My colleagues and I followed with care the proceedings of the Conference yesterday and tried to understand what our conversations were leading up to. I confess to feeling somewhat mystified and disturbed at the vagueness of our talks and some of the assumptions underlying them. While we would like to associate ourselves with every effort to explore ways and means of finding a basis for agreement, we must not deceive ourselves, the Cabinet Mission or the representatives of the Muslim League

into the belief that the way the Conference has so far proceeded furnishes hope of success. Our general approach to the questions before us was stated briefly in my letter to you of April 28. We find that this approach has been largely ignored and a contrary method has been followed. We realise that some assumptions have to be made in the early stages as otherwise there can be no progress. But assumptions which ignore or run contrary to fundamental issues are likely to lead to misunderstandings during the later stages.

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

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

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

In our discussions yesterday repeated references were made to "Groups" of provinces functioning together, and it was even suggested that such a Group would have an executive

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

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

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

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

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

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

We hope to be in a position to let you have this in the course of the morning. But as this will give you too short a time to study it adequately before the proposed resumption of the Conference at three o'clock this afternoon I feel sure that you will agree that the meeting be postponed until the

same hour (3 o'clock) to-morrow afternoon, Thursday, 9th May, and I hope that you will concur in this change of time which we are convinced is in the interests of all parties."

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

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

Enclosure with letter of 8th May: Suggested points for agreement between the representatives of Congress and the Muslim League:—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"I have now received the letter of your Private Secretary, dated 8th May, 1946, and the enclosed document to which

you had referred in your earlier letter of 8th May, 1946. It is proposed by you that this "paper" be discussed at the next meeting of the Conference to be held on Thursday afternoon at 3 P.M. if this is agreeable to the Muslim League Delegation.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. You claim that Congress "finally and definitely turned down the proposed Union confined only to three subjects even with power to levy contribution for financing the Union." This statement is not in accord with my recollection of what took place in the Conference room. It is true that the Congress representatives expressed their view that the limitation was too narrow and argued further that even so limited it

necessarily included certain ancillary matters. Up to a point you recognised that there was some force in the argument because you agreed, as I understood, that some power to obtain the necessary finance must be given. There was no final decision on this matter (or of course on any other).

2. Next you claim, if I understand you aright, that our reference to the formation of Groups is at variance with the formula in our invitation. I am afraid I cannot accept this view. It is of course a slightly amplified form because it specifies the manner in which the provinces can decide as to joining any particular Group. This amplified form is put forward by us as a reasonable compromise between the views of the Muslim League and those originally expressed by Congress against grouping at all.

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

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

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

"We have never contemplated that acceptance by the Muslim League and the Congress of our invitation would imply as a preliminary condition full approval by them of

the terms set out in my letter. These terms are our proposed basis for a settlement and what we have asked the Muslim League Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Congress in order to discuss it." Indeed this is the only sensible attitude because the object of all our discussions is to explore every conceivable possibility of reaching agreement.

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

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

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

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

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

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

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

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

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

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

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

We realise that in dealing with human beings, as individuals or groups, many considerations have to be borne in mind besides logic and reason. But logic and reason cannot be

ignored altogether, and unreason and injustice are dangerous companions at any time and, more especially, when we are building for the future of hundreds of millions of human beings.

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

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

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

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

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

The second clause lays down that reconsideration should be done by a body constituted on the same basis as the Constituent Assembly. The present provision is intended to meet an emergency. We expect that the Constitution for India will be based on adult suffrage. Ten years hence India is not likely to be satisfied with anything less than adult suffrage to express its mind on all grave issues.

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

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

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

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

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

N. 8.—*H*. In the circumstances existing to-day we are prepared to accept some such clause. In case of disagreement the matter should be referred to arbitration.

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

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

If an agreement honourable to both the parties and favourable to the growth of free and united India cannot be achieved we would suggest that an Interim Provisional Government responsible to the elected members of the Central

Assembly be formed at once and the matters in dispute concerning the Constituent Assembly between the Congress and the League be referred to an independent tribunal."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

During the talk we had at the Viceregal Lodge which lasted for about fifteen or twenty minutes, I pointed out various aspects and implications of your proposal and we had a discussion for a little while, but no agreement was arrived at between you and me on any point except that at your suggestion that you consult your colleagues and I should do likewise we adjourned to meet again the next day to further discuss the matter.

I shall be glad to meet you at ten-thirty this morning for a further talk."

16. League Memorandum, May 12, 1946.

"Principles to be agreed to as our offer:

1. The six Muslim Provinces (Punjab, N.-W. F. P., Baluchistan, Sind, Bengal and Assam) shall be grouped together as one Group and will deal with all other subjects and matters except Foreign Affairs, Defence and Communications necessary for Defence, which may be dealt with by the constitution-making bodies of the two Groups of Provinces—Muslim

provinces (hereinafter named Pakistan Group) and Hindu provinces—sitting together.

2. There shall be a separate constitution-making body for the six Muslim provinces named above, which will frame constitutions for the Group and the provinces in the Group and will determine the list of subjects that shall be Provincial and Central (of the Pakistan Federation) with residuary sovereign powers vesting in the provinces.

3. The method of election of the representatives to the constitution-making body will be such as would secure proper representation to the various communities in proportion to their population in each province of the Pakistan Group.

4. After the constitutions of the Pakistan Federal Government and the provinces are finally framed by the constitution-making body, it will be open to any province of the Group to decide to opt out of its Group, provided the wishes of the people of that province are ascertained by a referendum to opt out or not.

5. It must be open to discussion in the joint constitution-making body as to whether the Union will have a Legislature or not. The method of providing the Union with finance should also be left for the decision of the joint meeting of the two constitution-making bodies, but in no event shall it be by means of taxation.

6. There should be parity of representation between the two Groups of provinces in the Union Executive and the Legislature, if any.

7. No major point in the constitution which affects the communal issue shall be deemed to be passed in the joint constitution-making body, unless the majority of the members of the constitution-making body of the Hindu provinces and the majority of the members of the constitution-making body of the Pakistan Group, present and voting, are separately in its favour.

8. No decision, legislative, executive or administrative, shall be taken by the Union in regard to any matter of controversial nature, except by a majority of three-fourths.

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

10. The constitution of the Union shall contain a provision whereby any province can, by a majority vote of its Legislative Assembly, call for reconsideration of the terms of the constitution, and will have the liberty to secede from the Union at any time after an initial period of ten years.

These are the principles of our offer for a peaceful and amicable settlement and this offer stands in its entirety and all matters mentioned herein are interdependent."

17. Congress Suggestions, May 12, 1946.

"I. The Constituent Assembly to be formed as follows:—

(*i*) Representatives shall be elected by each Provincial Assembly by proportional representation (single transferable vote). The number so elected should be one-fifth of the number of members of the Assembly and they may be members of the Assembly or others.

(*ii*) Representatives from the States on the basis of their population in proportion to the representation from British India. How these representatives are to be chosen is to be considered later.

2. The Constituent Assembly shall draw up a Constitution for the Federal Union. This shall consist of an All-India Federal Government and Legislature dealing with Foreign Affairs, Defence, Communications, Fundamental Rights, Currency, Customs and Planning as well as such other subjects as, on closer scrutiny, may be found to be intimately allied to them. The Federal Union will have necessary powers to obtain for itself the finances it requires for these subjects and the power to raise revenues in its own right. The Union must also have power to take remedial action in cases of breakdown of the Constitution and in grave public emergencies.

3. All the remaining powers will vest in the provinces or units.

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

5. After the Constituent Assembly has decided the Constitution for the All-India Federal Union as laid down in

paragraph two above, the representatives of the provinces may form Groups to decide the provincial Constitutions for their Group and, if they wish, a Group Constitution.

6. No major point in the All-India Federal Constitution which affects the communal issue shall be passed by the Constituent Assembly unless a majority of the members of the community or communities connected present in the Assembly and voting are separately in its favour provided that in case there is no agreement on any such issue it will be referred to arbitration. In case of doubt as to whether any point is a major communal issue the Speaker will decide, or, if so desired, it may be referred to the Federal Court.

7. In the event of a dispute arising in the process of constitution-making the specific issue shall be referred to arbitration.

8. The constitution should provide machinery for its revision at any time subject to such checks as may be devised. If so desired, it may be specifically stated that this whole constitution may be reconsidered after ten years".

18. Congress Note on League Suggestions, May 12, 1946.

"The approach of the Muslim League is so different from that of the Congress in regard to these matters that it is a little difficult to deal with each point separately without reference to the rest. The picture as envisaged by the Congress is briefly given in a separate note. From consideration of this note and the Muslim League's proposals the difficulties and the possible agreement will become obvious.

The Muslim League's proposals are dealt with below :—

(1) We suggest that the proper procedure is for one constitution-making body or one Constituent Assembly to meet for the whole of India and later for Groups to be formed if so desired by the provinces concerned. The matter should be left to the provinces and if they wish to function as a Group they are at liberty to do so and to frame their own constitution for the purpose.

In any event Assam has obviously no place in the Group mentioned, and the North-West Frontier Province, as the election shows, is not in favour of this proposal.

(2) We have agreed to residuary powers, apart from the Central subjects, vesting in the provinces. They can make such use of them as they like and, as has been stated above, function as a Group. What the ultimate nature of such a Group may be cannot be determined at this stage and should be left to the representatives of the provinces concerned.

(3) We have suggested that the most suitable method of election would be by single transferable vote. This would give proper representation to the various communities in proportion to their present representation in the Legislatures. If the population proportion is taken, we have no particular objection, but this would lead to difficulties in all the provinces where there is weightage in favour of certain communities. The principle approved of would necessarily apply to all the provinces.

(4) There is no necessity for opting out of a province from its Group as the previous consent of the provinces is necessary for joining the Group.

(5) We consider it essential that the Federal Union should have a legislature. We also consider it essential that the Union should have power to raise its own revenue.

(6 and 7). We are entirely opposed to parity of representation as between Groups of provinces in the Union executive or legislature. We think that the provision to the effect that no major communal issue in the Union constitution shall be deemed to be passed by the Constituent Assembly unless a majority of the members of the community or communities concerned present and voting in the Constituent Assembly are separately in its favour, is a sufficient and ample safeguard of all minorities. We have suggested something wider and including all communities than has been proposed elsewhere. This may give rise to some difficulties in regard to small communities, but all such difficulties can be got over by reference to arbitration. We are prepared to consider the method of giving effect to this principle so as to make it more feasible.

(8) This proposal is so sweeping in its nature that no Government or legislature can function at all. Once we have safeguarded major communal issues other matters, whether controversial or not, require no safeguard. This will simply

mean safeguarding vested interests of all kinds and preventing progress, or indeed any movement in any direction. We, therefore, entirely disapprove of it.

(9) We are entirely agreeable to the inclusion of fundamental rights and safeguards concerning religion, culture and like matters in the constitution. We suggest that the proper place for this is the All-India Federal Union constitution. There should be uniformity in regard to these fundamental rights all over India.

(10) The constitution of the Union will inevitably contain provisions for its full reconsideration at the end of ten years. The matter will be open then for a complete reconsideration. Though it is implied, we would avoid reference to secession as we do not wish to encourage this idea".

5. STATEMENT BY THE CABINET DELEGATION AND THE VICEROY, MAY 16, 1946.

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

"My colleagues are going to India with the intention of using their utmost endeavours to help her to attain her freedom as speedily and fully as possible. What form of Government is to replace the present regime is for India to decide; but our desire is to help her to set up forthwith the machinery for making that decision. . . . . ."

* * * * *

"I hope that India and her people may elect to remain within the British Commonwealth. I am certain that they will find great advantages in doing so. . . . .'

* * * * *

"But if she does so elect, it must be by her own free will. The British Commonwealth and Empire is not bound together by chains of external compulsion. It is a free association of free peoples. If, on the other hand, she elects for independence, in our view she has a right to do so. It will be for us to help to make the transition as smooth and easy as possible."

2. Charged in these historic words, we—the Cabinet Ministers and the Viceroy—have done our utmost to assist the two main political parties to reach agreement upon the fundamental issue of the unity or division of India. After prolonged discussions in New Delhi we succeeded in bringing the Congress and the Muslim League together in Conference at Simla. There was a full exchange of views and both parties were prepared to make considerable concessions in order to try to reach a settlement, but it ultimately proved impossible to close the remainder of the gap between the parties and so no agreement could be concluded. Since no agreement has been reached, we feel that it is our duty to put forward what we consider are the best arrangements possible to ensure a speedy setting up of the new constitution. This statement is made with the full approval of His Majesty's Government in the United Kingdom.

3. We have accordingly decided that immediate arrangements should be made whereby Indians may decide the future constitution of India, and an interim Government may be set up at once to carry on the administration of British India until such time as a new constitution can be brought into being. We have endeavoured to be just to the smaller as well as to the larger sections of the people ; and to recommend a solution which will lead to a practicable way of governing the India of the future, and will give a sound basis for defence and a good opportunity for progress in the social, political and economic field.

4. It is not intended in this statement to review the voluminous evidence that has been submitted to the Mission ; but it is right that we should state that it has shown an almost universal desire, outside the supporters of the Muslim League, for the unity of India.

5. This consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India ; since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu-majority rule. This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India it must be secured by

measures which will assure to the Muslims a control in all matters vital to their culture, religion, and economic or other interests.

6. We therefore examined in the first instance the question of a separate and fully independent sovereign State of Pakistan as claimed by the Muslim League. Such a Pakistan would comprise two areas ; one in the north-west consisting of the Provinces of the Punjab, Sind, North-West Frontier, and British Baluchistan ; the other in the north-east consisting of the Provinces of Bengal and Assam. The League were prepared to consider adjustment of boundaries at a later stage, but insisted that the principle of Pakistan should first be acknowledged. The argument for a separate State of Pakistan was based, first, upon the right of the Muslim majority to decide their method of government according to their wishes, and secondly, upon the necessity to include substantial areas in which Muslims are in a minority, in order to make Pakistan administratively and economically workable.

The size of the non-Muslim minorities in a Pakistan comprising the whole of the six Provinces enumerated above would be very considerable as the following figures* show :—

	Muslim.	Non-Muslim.
North-Western Area—		
Punjab	16,217,242	12,201,577
North-West Frontier Province	2,788,797	249,270
Sind	3,208,325	1,326,683
British Baluchistan ...	438,930	62,701
	22,653,294	13,840,231
	62.07%	37.93%
North-Eastern Area—		
Bengal	33,005,434	27,301,091
Assam	3,442,479	6,762,254
	36,447,913	34,063,345
	51.69%	48.31%

* All population figures in this statement are from the most recent census taken in 1941.

The Muslim minorities in the remainder of British India number some 20 million dispersed amongst a total population of 188 million.

These figures show that the setting up of a separate sovereign State of Pakistan on the lines claimed by the Muslim League would not solve the communal minority problem ; nor can we see any justification for including within a sovereign Pakistan those districts of the Punjab and of Bengal and Assam in which the population is predominantly non-Muslim. Every argument that can be used in favour of Pakistan can equally, in our view, be used in favour of the exclusion of the non-Muslim areas from Pakistan. This point would particularly affect the position of the Sikhs.

7. We therefore considered whether a smaller sovereign Pakistan confined to the Muslim majority areas alone might be a possible basis of compromise. Such a Pakistan is regarded by the Muslim League as quite impracticable because it would entail the exclusion from Pakistan of (*a*) the whole of the Ambala and Jullundur Divisions in the Punjab ; (*b*) the whole of Assam except the district of Sylhet ; and (*c*) a large part of Western Bengal, including Calcutta, in which city the percentage of the Muslim population is 23·6%. We ourselves are also convinced that any solution which involves a radical partition of the Punjab and Bengal, as this would do, would be contrary to the wishes and interests of a very large proportion of the inhabitants of these Provinces. Bengal and the Punjab each has its own common language and a long history and tradition. Moreover, any division of the Punjab would of necessity divide the Sikhs, leaving substantial bodies of Sikhs on both sides of the boundary. We have therefore been forced to the conclusion that neither a larger nor a smaller sovereign State of Pakistan would provide an acceptable solution for the communal problem.

8. Apart from the great force of the foregoing arguments there are weighty administrative, economic and military considerations. The whole of the transportation and postal and telegraph systems of India have been established on the basis of a united India. To disintegrate them would gravely injure both parts of India. The case for a united defence is even stronger. The Indian armed forces have been built up as a

whole for the defence of India as a whole, and to break them in two would inflict a deadly blow on the long traditions and high degree of efficiency of the Indian Army and would entail the gravest dangers. The Indian Navy and Indian Air Force would become much less effective. The two sections of the suggested Pakistan contain the two most vulnerable frontiers in India and for a successful defence in depth the area of Pakistan would be insufficient.

9. A further consideration of importance is the greater difficulty which the Indian States would find in associating themselves with a divided British India.

10. Finally, there is the geographical fact that the two halves of the proposed Pakistan State are separated by some seven hundred miles and the communications between them both in war and peace would be dependent on the goodwill of Hindustan.

11. We are therefore unable to advise the British Government that the power which at present resides in British hands should be handed over to two entirely separate sovereign States.

12. This decision does not however blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be a dominating element. To meet this the Congress have put forward a scheme under which Provinces would have full autonomy subject only to a minimum of Central subjects, such as Foreign Affairs, Defence and Communications.

Under this scheme Provinces, if they wished to take part in economic and administrative planning on a large scale, could cede to the Centre optional subjects in addition to the compulsory ones mentioned above.

13. Such a scheme would, in our view, present considerable constitutional disadvantages and anomalies. It would be very difficult to work a Central Executive and Legislature in which some Ministers, who dealt with Compulsory subjects, were responsible to the whole of India while other Ministers, who dealt with Optional subjects, would be responsible only to those Provinces which had elected to act together in respect of such subjects. This difficulty would be accentuated in the

Central Legislature, where it would be necessary to exclude certain members from speaking and voting when subjects with which their Provinces were not concerned were under discussion. Apart from the difficulty of working such a scheme, we do not consider that it would be fair to deny to other Provinces, which did not desire to take the optional subjects at the Centre, the right to form themselves into a group for a similar purpose. This would indeed be no more than the exercise of their autonomous powers in a particular way.

14. Before putting forward our recommendations we turn to deal with the relationship of the Indian States to British India. It is quite clear that with the attainment of independence by British India, whether inside or outside the British Commonwealth, the relationship which has hitherto existed between the Rulers of the States and the British Crown will no longer be possible. Paramountcy can neither be retained by the British Crown nor transferred to the new Government. This fact has been fully recognised by those whom we interviewed from the States. They have at the same time assured us that the States are ready and willing to co-operate in the new development of India. The precise form which their co-operation will take must be a matter for negotiation during the building up of the new constitutional structure, and it by no means follows that it will be identical for all the States. We have not therefore dealt with the States in the same detail as the Provinces of British India in the paragraphs which follow.

15. We now indicate the nature of a solution which in our view would be just to the essential claims of all parties, and would at the same time be most likely to bring about a stable and practicable form of constitution for All-India.

We recommend that the constitution should take the following basic form :—

(1) There should be a Union of India, embracing both British India and the States, which should deal with the following subjects: Foreign affairs, Defence, and Communications ; and should have the powers necessary to raise the finances required for the above subjects.

(2) The Union should have an Executive and a Legislature constituted from British Indian and States representatives. Any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.

(3) All subjects other than the Union subjects and all residuary powers should vest in the Provinces.

(4) The States will retain all subjects and powers other than those ceded to the Union.

(5) Provinces should be free to form Groups with executives and legislatures, and each Group could determine the Provincial subjects to be taken in common.

(6) The constitutions of the Union and of the Groups should contain a provision whereby any Province could, by a majority vote of its Legislature Assembly, call for a reconsideration of the terms of the constitution after an initial period of 10 years and at 10 yearly intervals thereafter.

16. It is not our object to lay out the details of a constitution on the above lines, but to set in motion the machinery whereby a constitution can be settled by Indians for Indians.

It has been necessary however for us to make this recommendation as to the broad basis of the future constitution because it became clear to us in the course of our negotiations that not until that had been done was there any hope of getting the two major communities to join in the setting up of the constitution-making machinery.

17. We now indicate the constitution-making machinery which we propose should be brought into being forthwith in order to enable a new constitution to be worked out.

18. In forming any assembly to decide a new constitutional structure the first problem is to obtain as broad-based and accurate a representation of the whole population as is possible. The most satisfactory method obviously would be by election based on adult franchise, but any attempt to introduce such a step now would lead to a wholly unacceptable

delay in the formulation of the new constitution. The only practicable alternative is to utilise the recently elected Provincial Legislative Assemblies as electing bodies. There are, however, two factors in their composition which make this difficult. First, the numerical strengths of the Provincial Legislative Assemblies do not bear the same proportion to the total population in each Province. Thus, Assam with a population of 10 millions has a Legislative Assembly of 108 members, while Bengal, with a population six times as large, has an Assembly of only 250. Secondly, owing to the weightage given to minorities by the Communal Award, the strengths of the several communities in each Provincial Legislative Assembly are not in proportion to their numbers in the Province. Thus the number of seats reserved for Muslims in the Bengal Legislative Assembly is only 48% of the total, although they form 55% of the provincial population. After a most careful consideration of the various methods by which these points might be corrected, we have come to the conclusion that the fairest and most practicable plan would be—

(*a*) to allot to each Province a total number of seats proportional to its population, roughly in the ratio of one to a million, as the nearest substitute for representation by adult suffrage ;

(*b*) to divide this provincial allocation of seats between the main communities in each Province in proportion to their population ;

(*c*) to provide that the representatives allotted to each community in a Province shall be elected by the members of that community in its Legislative Assembly.

We think that for these purposes it is sufficient to recognise only three main communities in India : General, Muslim, and Sikh, the "General" community including all persons who are not Muslims or Sikhs. As the smaller minorities would, upon the population basis, have little or no representation since they would lose the weightage which assures them seats in the Provincial Legislatures, we have made the arrangements set out in paragraph 20 below to give them a full representation upon all matters of special interest to minorities.

19. (*i*) We therefore propose that there shall be elected by each Provincial Legislative Assembly the following numbers of representatives, each part of the Legislative Assembly (General, Muslim or Sikh) electing its own representatives by the method of proportional representation with single transferable vote:—

Table of Representation.

SECTION A.

Province	General	Muslim	Total
Madras	45	4	49
Bombay	19	2	21
United Provinces	47	8	55
Bihar	31	5	36
Central Provinces	16	1	17
Orissa	9	0	9
TOTAL ..	167	20	187

SECTION B.

Province	General	Muslim	Sikh	Total
Punjab	8	16	4	28
N.-W. Frontier Province ..	0	3	0	3
Sind	1	3	0	4
TOTAL ..	9	22	4	35

SECTION C.

Province	General	Muslim	Total
Bengal	27	33	60
Assam	7	3	10
TOTAL ..	34	36	70

Total for British India ..	292
Maximum for Indian States ..	93
TOTAL ..	385

Note.—In order to represent the Chief Commissioners' provinces there will be added to Section A the Member representing Delhi in the Central Legislative Assembly, the Member representing Ajmer-Merwara in the Central Legislative Assembly, and a representative to be elected by the Coorg Legislative Council.

To Section B will be added a representative of British Baluchistan.

(*ii*) It is the intention that the States would be given in the final Constituent Assembly appropriate representation which would not, on the basis of the calculation of population adopted for British India, exceed 93; but the method of selection will have to be determined by consultation. The States would in the preliminary stage be represented by a Negotiating Committee.

(*iii*) Representatives thus chosen shall meet at New Delhi as soon as possible.

(*iv*) A preliminary meeting will be held at which the general order of business will be decided, a Chairman and other officers elected, and an Advisory Committee (see paragraph 20 below) on the rights of citizens, minorities, and tribal and excluded areas set up. Thereafter the provincial representatives will divide up into the three sections shown under A, B, and C, in the Table of Representation in sub-paragraph (*i*) of this paragraph.

(*v*) These sections shall proceed to settle the Provincial Constitutions for the Provinces included in each section, and shall also decide whether any Group Constitution shall be set up for those Provinces and, if so, with what provincial subjects the Group should deal. Provinces shall have the power to opt out of the Groups in accordance with the provisions of sub-clause (*viii*) below.

(*vi*) The representatives of the Sections and the Indian States shall reassemble for the purpose of settling the Union Constitution.

(*vii*) In the Union Constituent Assembly resolution varying the provisions of paragraph 15 above or raising any major communal issue shall require a majority of the representatives present and voting of each of the two major communities. The Chairman of the Assembly shall decide which, if any,

resolutions raise major communal issues and shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision.

(*viii*) As soon as the new constitutional arrangements have come into operation, it shall be open to any Province to elect to come out of any Group in which it has been placed. Such a decision shall be taken by the new legislature of the Province after the first general election under the new constitution.

20. The Advisory Committee on the rights of citizens, minorities, and tribal and excluded areas should contain due representation of the interests affected, and their function will be to report to the Union Constituent Assembly upon the list of Fundamental Rights, clauses for protecting minorities, and a scheme for the administration of the tribal and excluded areas, and to advise whether these rights should be incorporated in the Provincial, Group, or Union constitutions.

21. His Excellency the Viceroy will forthwith request the Provincial Legislatures to proceed with the election of their representatives and the States to set up a Negotiating Committee.

It is hoped that the process of constitution-making can proceed as rapidly as the complexities of the task permit so that the interim period may be as short as possible.

22. It will be necessary to negotiate a treaty between the Union Constituent Assembly and the United Kingdom to provide for certain matters arising out of the transfer of power.

23. While the constitution-making proceeds, the administration of India has to be carried on. We attach the greatest importance therefore to the setting up at once of an interim Government having the support of the major political parties. It is essential during the interim period that there should be the maximum of co-operation in carrying through the difficult tasks that face the Government of India. Besides the heavy task of day-to-day administration, there is the grave danger of famine to be countered, there are decisions to be taken in many matters of post-war development which will have a far-reaching effect on India's future and there are important international conferences in which India has to be represented. For all these purposes a Government having popular support

is necessary.' The Viceroy has already started discussions to this end, and hopes soon to form an interim Government in which all the portfolios, including that of War Member, will be held by Indian leaders having the full confidence of the people. The British Government, recognising the significance of the changes, will give the fullest measure of co-operation to the Government so formed in the accomplishment of its tasks of administration and in bringing about as rapid and smooth a transition as possible.

24. To the leaders and people of India who now have the opportunity of complete independence we would finally say this. We and our Government and countrymen hoped that it would be possible for the Indian people themselves to agree upon the method of framing the new constitution under which they will live. Despite the labours which we have shared with the Indian parties, and the exercise of much patience and goodwill by all, this has not been possible. We therefore now lay before you proposals which, after listening to all sides and after much earnest thought, we trust will enable you to attain your independence in the shortest time and with the least danger of internal disturbance and conflict. These proposals may not, of course, completely satisfy all parties, but you will recognise with us that at this supreme moment in Indian history statesmanship demands mutual accommodation and we ask you to consider the alternative to the acceptance of these proposals. After all the efforts which we and the Indian parties have made together for agreement, we must state that in our view there is small hope of peaceful settlement by agreement of the Indian parties alone. The alternative would therefore be a grave danger of violence, chaos, and even civil war. The result and duration of such a disturbance cannot be foreseen ; but it is certain that it would be a terrible disaster for many millions of men, women and children. This is a possibility which must be regarded with equal abhorrence by the Indian people, our own countrymen, and the world as a whole. We therefore lay these proposals before you in the profound hope that they will be accepted and operated by you in the spirit of accommodation and goodwill in which they are offered. We appeal to all who have the future good of India at heart to extend their vision beyond their own community or interest

to the interests of the whole four hundred millions of the Indian people.

We hope that the new independent India may choose to be a member of the British Commonwealth. We hope in any event that you will remain in close and friendly association with our people. But these are matters for your own free choice. Whatever that choice may be we look forward with you to your ever-increasing prosperity among the great nations of the world, and to a future even more glorious than your past".

6. LORD PETHICK-LAWRENCE'S BROADCAST, NEW DELHI, MAY 16, 1946.

"The words which I shall speak to you are concerned with the future of a great people—the people of India. There is a passionate desire in the hearts of Indians expressed by the leaders of all their political parties for independence. His Majesty's Government and the British people as a whole are fully ready to accord this independence whether within or without the British Commonwealth and hope that out of it will spring a lasting and friendly association between our two peoples on a footing of complete equality.

Nearly two months ago I, as Secretary of State for India, and my two Cabinet colleagues, Sir Stafford Cripps and Mr. Alexander, were sent out by His Majesty's Government to India to assist the Viceroy in setting up in India the machinery by which Indians can devise their own constitution. We were at once confronted with a major obstacle. The two principal parties—the Muslim League who won the great majority of the Muslim seats in the recent elections, and the Congress who won the majority of all the others—were opposed to one another as to the kind of machinery to be set up. The Muslim League claimed that British India should be divided into two completely separate sovereign States, and refused to take part in constitution-making unless this claim was conceded in advance. Congress insisted on one single united India.

During our stay in India we have tried by every means to secure such an accommodation between the parties as would enable constitution-making to proceed. Recently we were able to bring them together at Simla in a conference with ourselves,

but though both sides were prepared to make substantial concessions, it was not found possible to reach complete agreement. We have, therefore, been compelled ourselves to seek for a solution which by securing the main objects of both parties will enable a constitution-making machinery to be brought into immediate operation.

While we recognise the reality of the fear of the Muslim League that in a purely Unitary India their community with its own culture and way of life might become submerged in a majority Hindu rule, we do not accept the setting up of a separate Muslim sovereign State as a solution of the communal problem. "Pakistan", as the Muslim League would call their State, would not consist solely of Muslims ; it would contain a substantial minority of other communities which would average over 40 per cent. and in certain wide areas would even constitute a majority, as for instance in the City of Calcutta where the Muslims form less than one-third of the population. Moreover, the complete separation of Pakistan from the rest of India would, in our view, gravely endanger the defence of the whole country by splitting the army into two and by preventing that defence in depth which is essential in modern war. We, therefore, do not suggest the adoption of this proposal.

Our own recommendations contemplate a constitution of three tiers at the top of which would be the Union of India with an Executive and Legislature empowered to deal with the essential subjects of External Affairs, Defence and Communications and the finance necessary for these services. At the bottom would be the Provinces which would have, apart from the subjects I have just named, complete autonomy. But we contemplate further that Provinces will wish to unite together in Groups to carry out in common services covering a wider area than that of a single province, and these Groups may have, if they wish, legislatures and executives which in that event will be intermediate between those of the provinces and those of the Union.

On this basis, which makes it possible for the Muslims to secure the advantages of a Pakistan without incurring the dangers inherent in the division of India, we invite Indians of all parties to take part in framing a constitution. The Viceroy will, accordingly, summon to New Delhi representatives of

British India who will be elected by the members of the provincial legislatures in such a way that as nearly as possible for each one million of the population there will be one representative, and that the proportion between the representatives of the main communities will be on the same basis.

After a preliminary meeting in common, these representatives of the provinces will divide themselves up into three sections the composition of which is laid down and which, if the provinces ultimately agree, will become the three Groups. These sections will decide upon provincial and Group matters. Subsequently they will re-unite to decide upon the constitution for the Union. After the first elections under the new constitution provinces will be free to opt out of the Group into which they have been provisionally placed.

We appreciate that this machinery does not of itself give any effective representation to other than the principal minorities and we are, therefore, providing for a special committee to be set up, in which the minorities will play a full part. The business of this committee will be to formulate fundamental and minority rights and to recommend their inclusion in the constitution at the appropriate level.

So far I have said nothing about the Indian States which comprise a third of the area of India and contain about one quarter of the whole population. These States at present are each separately governed and have individual relationships with the British Crown. There is general recognition that when British India attains independence the position of these States cannot remain unaffected, and it is anticipated that they will wish to take part in the constitution-making process and be represented in the all India Union. It does not, however, lie within our province to decide these matters in advance as they will have to be the subject of negotiation with the States before action can be taken.

During the making of the constitution, the administration must be carried on and we attach, therefore, the greatest importance to the setting up at once of an Interim Government having the support of the major political parties. The Viceroy has already started discussions to this end and he hopes to bring them shortly to a successful issue.

During the interim period the British Government,

recognising the significance of the changes in the Government of India, will give the fullest measure of co-operation to the Government so formed in the accomplishment of its tasks of administration and in bringing about as rapid and smooth a transition as possible.

The essence of statecraft is to envisage the probable course of future events but no statesmen can be wise enough to frame a constitution which will adequately meet all the requirements of an unknown future. We may be confident, therefore, that the Indians on whom falls the responsibility of creating the initial constitution will give it a reasonable flexibility and will make provision for it to be revised and amended as required from time to time.

In this short talk you will not expect me to go into further details regarding our proposals which you can read in the statement which has been released for publication this evening. But in conclusion I will repeat and emphasise what to me is the fundamental issue. The future of India and how that future is inaugurated are matters of vital importance not only to India herself but to the whole world. If a great new sovereign State can come into being in a spirit of mutual goodwill both within and without India, that of itself will be an outstanding contribution to world stability.

The Government and people of Britain are not only willing, they are anxious to play their full part in achieving this result. But the constitution for India has to be framed by Indians and worked by Indians when they have brought it into being. We appreciate to the full the difficulties which confront them in embarking on this task. We have done and we will continue to do all that lies in our power to help them to overcome these difficulties. But the responsibility and the opportunity is theirs and in their fulfilment of it we wish them God-speed."

7. EXTRACTS FROM STATEMENT OF SIR STAFFORD CRIPPS, PRESS CONFERENCE, NEW DELHI, MAY 16, 1946.

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"Let me remind you that this is not merely the Mission's statement, that is the statement of the four signatories, but is

the statement of His Majesty's Government in the United Kingdom. Now the statement does not purport to set out a new constitution for India. It is of no use asking us, "How do you propose to do this or that?" The answer will be we don't propose to do anything as regards decision upon a constitution, that is not for us to decide.

What we have had to do is to lay down one or two broad principles of how the constitution might be constructed and recommend those as foundations to the Indian people. You will notice we use the word "recommend" with regard to the ultimate constitutional forms with which we deal.

You may quite fairly ask: "But why do you recommend anything? Why not leave it to the Indians?" The answer is that we are most anxious to get all Indians into some constitution-making machinery as quickly as possible and the block at present is in this matter. We are, therefore, by this means trying to remove the block so that the constitution-making may start and progress freely and rapidly. We hope very earnestly that will be the effect. Now that it has been finally and absolutely decided that India is to have the complete independence she desires, whether within or without the British Commonwealth as she chooses, we are anxious that she shall have it as soon as possible and the soonest is when there is a new constitutional structure decided upon by the Indian people.

But of course we cannot just stand by and wait till that time comes. It is bound to take some time to reach that point of completion of the new constitutional structure.

So, as you know, the Viceroy, in whose province Government-making primarily lies, has already started his talks with a view to the immediate setting up of a representative Indian Government. We hope that with the other issues out of the way on the basis of our statement he will be able very rapidly to get that new Government representative of the main parties set up and in operation.

* * * *

It has been decided to make a start with the constitution-making right away. This does not mean a decision as to what the constitution shall finally be, that is for decision by the

representatives of the Indian people. What it does mean is that the deadlock which has prevented a start on the process of constitution-making is to be removed once and for all.

The form in which we propose that the constitution-making bodies should be assembled is important for this reason. It permits of arriving at constitutions in the recommended form. It goes a little further than that in one respect. As we believe and hope that the two parties will come into this constitution-making on the basis of our recommendation, it would not be fair to either of them if the fundamental basis which we recommend could be easily departed from. So we stipulate that a departure from that basis which is laid down in Paragraph 15 of the statement should only be made if majority of both communities agree to it. That I think is eminently fair to both parties. It does not mean that no departure can be made from the recommendations, but it does mean that the special provisions I have mentioned will apply to such resolutions in the Constituent Assembly of the Union. That is one special provision as to particular majorities, the only other is in relation to matters raising any major communal issue when a similar rule will apply. All the rest is left to the free play of discussion and vote.

The question, I am sure, will occur to all of you and that is why have we named the three sections of provinces into which the Assembly will break up to formulate the provincial and Group constitutions.

There was a very good reason for this. First of all, of course, somehow or other those Groups had to be formed before they could proceed to their business. There were two ways of dealing with that matter. Either let the present Provincial Governments opt themselves into Groups or—after seeing the constitutions produced—let the new Governments after the whole constitution-making is complete opt themselves out if they wish.

We have chosen the second alternative for two reasons. First, because it follows the suggestion Congress put forward as regards the provinces and a single federation. They suggested that all the provinces should come in at the beginning but could opt out if they did not like the constitution when they had seen it. We think that this principle should apply

to the Groups. Secondly, the present legislatures are not truly representative of the whole population because of the effect of the Communal Award with its weightages.

We have tried to get a scheme as near as possible to the full adult suffrage which would be fairest but which would take probably two years to work out—and no one believes that we could wait that length of time before starting on constitution-making. So we discard the present legislatures as decisive for the option and say: let it be exercised when the first new elections have taken place, when no doubt there will be a much fuller franchise and when, if necessary, the precise issue can be raised at the election. So the three sections will formulate the provincial and Group constitutions and when that is done they work together with the States representatives to make the Union constitution. That is the final phase.

Now a word about the States. The statement in Paragraph 14 makes the position quite clear that Paramountcy cannot be continued after the new constitution comes into operation, nor can it be handed over to anyone else. It is not necessary for me to state—I am sure—that a contract or arrangement of this kind cannot be handed over to a third party without the consent of the States. They will, therefore, become wholly independent but they have expressed their wish to negotiate their way into the Union and that is a matter we leave to negotiation between the States and the British Indian parties.

There is one other important provision which I would like to stress as it is somewhat novel in constitution-making. We were met by the difficulty of how we could deal fairly with the smaller minorities, the tribal and the excluded areas. In any constitution-making body it would be quite impossible to give them a weightage which would secure for them any effective influence without gravely upsetting the balance between the major parties. To give them a tiny representation would be useless to them. So we decided that minorities would be dealt with really in a double way. The major minorities, such as the Hindus in Muslim provinces, and the Muslims in Hindu provinces, the Sikhs in the Punjab and the Depressed Classes who had considerable representation in a number of provinces, would be dealt with by proportional representation in the main construction of the constitution-making bodies.

But in order to give these minorities and particularly the smaller minorities like the Indian Christians and the Anglo-Indians and also the tribal representatives a better opportunity of influencing minority provisions, we have made provision for the setting up by the constitution-making body of an influential Advisory Commission which will take the initiative in the preparation of the list of fundamental rights, the minority protection clauses and the proposals for the administration of tribal and excluded areas. This Commission will make its recommendations to the constitution-making body and will also suggest at which stage or stages in the constitution these provisions should be inserted, that is whether in the Union, Group or provincial constitutions or in any two or more of them".

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8. STATEMENT OF LORD PETHICK-LAWRENCE AT PRESS CONFERENCE, NEW DELHI, MAY 17, 1946.

Speaking easily and with even temper and occasionally helped by Sir Stafford Cripps who sat to his left, Lord Pethick-Lawrence, Secretary of State for India, answered scores of questions at a two-hour Press conference attended by over a hundred Indian and foreign pressmen who sought clarification on aspects of yesterday's announcement.

Lord Pethick-Lawrence made it clear that what the Mission and the Viceroy had announced was not an award. "It is a recommendation," he added, "as to certain bases of the constitution, and a decision to summon Indian representatives to make their own constitution and therefore, quite clearly there is no question of enforcing an award in these circumstances. The question of the use of British troops does not arise at all."

The Secretary of State said the constitution recommended by the Mission could not be modified in favour of one party to the disadvantage of another.

The question of the right of the provinces vis-a-vis the proposed Union was one of about a hundred questions which the Secretary of State for India, Lord Pethick-Lawrence, answered.

He was asked: Just as the provinces have the right to opt out of the Groups, will they have the right to secede from the Indian Union, say within two years?

Lord Pethick-Lawrence replied: "They will not have the right to opt out in a period of two years. What they will have the right to do is to ask for a revision of the constitution at the end of ten years".

Question:—Supposing Assam, which has a Congress Ministry, decided not to come into Group with Bengal, which has a Muslim League Ministry, would Assam be allowed to join any other Group?

Ans.:—The right to opt out comes later, for this reason, that the whole picture should be understood before the option is exercised.

Question:—Can a province, if it opts out of one section, go into another section?

Lord Pethick-Lawrence replied that if the right was given to a province to opt into another section and that other section did not want to receive it, a rather awkward situation would arise. An answer to the question was not laid down in the statement but it would be open to the Constituent Assembly to deal with it at the appropriate time.

Question:—If any province does not wish to join the Group in which it has been put, can it stay out?

Ans.: The provinces automatically come into the sections "A," "B" and "C" which are set out in the statement. Initially they are in the particular sections to which they are allocated in the statement and that particular section will decide whether a Group shall be formed and what should be the constitution. The right to opt out of the Group formed by that section arises after the constitution has been framed and the first election to the legislature has taken place after that constitution. It does not arise before that.

Question: There is a provision whereby any province could, by a majority vote of its legislative assembly, call for a reconsideration of the terms of the constitution after an initial period of ten years. Is there included in the words "call for a reconsideration of the terms of the constitution" any right to have secession considered?

Ans. : If you revise the constitution, quite clearly the whole basis of the constitution can be considered again. Any province can ask for a revision of the constitution. And so far as I can see, when that revision is undertaken, all questions in the constitution are open to re-discussion.

Question : If the provinces in section "B," which formed a Muslim majority area, decided to form a Group but would not come into the Union, what would be the position?

Ans : It would be a breach of the condition under which all these people met together for the purpose of making the constitution and, therefore, the constitution-making machinery would break down if it was persisted in. That is contrary to the understanding on which these people came together. If they are coming together on an understanding, presumably honourably accepting the major premise, and if they were to refuse that later on, it will be a breach of the understanding and we do not contemplate such a thing.

Question : Could the provinces in Section "B" at the end of ten years decide to be a separate sovereign state?

Ans. : If the constitution is being revised, of course all proposals for its revision will be open for discussion. Whether they would be carried through is quite another question.

Question : Supposing a Group decides not to come into the Union Constitution Assembly, what would be the position as far as that Group is concerned?

Ans : This is a purely hypothetical question. You cannot forejudge exactly what would be done in the event of people not co-operating but there is every intention to proceed with the constitution-making machinery as it is set out in the statement. What will happen if one person or any person or groups of people in some way tried to put spanners in the wheels I am not prepared at this stage precisely to say, but the intention is to get on with the job.

Question : Will it be open to the Constituent Assembly to endow the Union with all powers of taxation, customs, income tax and other taxes?

Lord Pethick-Lawrence replied that the statement left it open to the Constituent Assembly to interpret the words relating to finance, subject to the condition that any resolution raising a major communal issue should require a majority of

the representatives present and voting of each of the two major communities. Subject to that, and subject to alterations in the basic formula, a bare majority in the Constituent Assembly could carry a proposal.

Most of the questions were directed at the section dealing with Indian States. These have a special position in India since they are ruled by Princes who technically have a certain amount of status as independent rulers.

At the same time, the Ministers made it clear that once the constitution-making body was in session, its powers were virtually unlimited. In reply to scores of questions, they said that the Viceroy would take on the job of forming the Interim Government at once. During the interim period in which the constitution will be in the making, British troops will remain in India. Lord Pethick-Lawrence said that the Government would remain responsible to preserve law and order until the new Indian constitution was finished and could not give up the means of enforcing such law and order.

As to the princely States, he agreed that their status was left intentionally vague in the constitutional plan published last night. He said they had a special position and must be brought into the proposed Indian Union by negotiating between the constitution-making body and the representatives of the Indian States.

To a direct question whether certain princely States might choose to remain independent and stay out of the Indian Union altogether, the Secretary of State pointed out that their relationship with Britain was to terminate immediately upon formation of the Union. Without definitely denying that they might remain out as islands of independence within Indian Union, he pointed out that they had agreed to co-operate in forming the Union.

These questions were prompted by the situation which developed during the negotiations of four years ago, when a provision was made to permit the States to remain out as independent countries with treaty relations with Britain. This time, no such special provision is made.

A big question remained unanswered at the end of the session and that was whether the Congress and the Muslim League would participate in the setting up of the constitutional

machinery. Lord Pethick-Lawrence said, the Cabinet Delegation would remain in India, because their next job was to get the plan accepted by the two main bodies.

Lord Pethick-Lawrence said it was possible for recalcitrant groups to wreck the constitutional procedure, but expressed the hope that "good-intentioned wise people would not try to tie the convention into knots."

To a question he said, no time limit had been fixed for completing the constitution since it was the affair of Indians to decide and not for the Cabinet Mission.

To a question as to what would happen to French and Portuguese colonies, the Secretary of State explained that this was a question for the Indian Union to determine when it took charge of its own foreign relations.

Finally, he said liquidation of India Office was already proceeding and would keep pace with constitution-making. Records will ultimately be given to India so that there will be no necessary break in procedures.

9. MR. JINNAH'S STATEMENT, MAY 22, 1946.

"I have now before me the statement of the British Cabinet Delegation and His Excellency the Viceroy dated 16th of May issued at Delhi. Before I deal with it I should like to give a background of the discussions that took place at Simla from the 5th of May onwards till the Conference was declared concluded and its breakdown announced in the official communique dated May 12.

We met in the Conference on May 5 to consider the formula embodied in the letter of the Secretary of State for India dated April 27 inviting the League representatives.

The formula was as follows:—

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

The Muslim League position was that, firstly, the zones comprising Bengal and Assam in the North-East and the Punjab, North-West Frontier Province, Sind and Baluchistan in the North-West of India constituted Pakistan zones and should be constituted as a sovereign independent State and that an unequivocal undertaking be given to implement the establishment of Pakistan without delay ; secondly, that separate constitution-making bodies be set up by the peoples of Pakistan and Hindustan for the purpose of framing their respective constitutions ; thirdly, that minorities in Pakistan and Hindustan be provided with safeguards on the lines of the Lahore resolution ; fourthly, that the acceptance of the League demand and its implementation without delay were a "sine qua non" for the League co-operation and participation in the formation of an interim Government at the Centre ; fifthly, it gave a warning to the British Government against any attempt to impose a Federal constitution on a United India basis or forcing any interim arrangement at the Centre contrary to the League demand and that Muslim India would resist if any attempt to impose it were made. Besides, such an attempt would be the grossest breach of the faith, of the declaration[1] of His Majesty's Government made in August 1940 with the approval of the British Parliament and subsequent announcements by the Secretary of State for India and other responsible British statesmen from time to time, reaffirming the August declaration.

We accepted the invitation to attend the Conference without prejudice and without any commitment and without accepting the fundamental principles underlying this short formula of the Mission on the assurance given by the Secretary of State for India in his letter dated April 29 wherein he said : "We have never contemplated that acceptance by the Muslim League and the Congress of our invitation would imply as a perliminary condition full approval by them of the terms set out in my letter. These terms are our proposed basis for a settle-

[1] In a statement dated August 8, 1940, Lord Linlithgow said : His Majesty's Government "could not contemplate the transfer of their present responsibilities for the peace and welfare of India to any system of Government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a Government."

ment and what we have asked the Muslim League Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Congress in order to discuss it."

The Congress position in reply to the invitation was stated in their letter of April 28, that a strong Federal Government at the Centre with present provinces as federating units be established and they laid down that Foreign Affairs, Defence, Currency, Customs, Tariffs "and such other subjects, as may be found on closer scrutiny to be intimately allied to them," should vest in the Central Federal Government. They negatived the idea of grouping of provinces. However, they also agreed to participate in the Conference to discuss the formula of the Cabinet Delegation.

After days of discussion no appreciable progress was made and finally I was asked to give our minimum terms in writing. Consequently we embodied certain fundamental principles of our terms in writing as an offer to the Congress in the earnest desire for a peaceful and amicable settlement and for the speedy attainment of freedom and independence of the peoples of India. It was communicated to the Congress on the 12th of May and a copy of it was sent to the Cabinet Delegation at the same time.

The following were the terms of the offer made by the Muslim League Delegation.

(1) The six Muslim Provinces (Punjab, N.-W. F. P., Baluchistan, Sind, Bengal and Assam) shall be grouped together as one Group and will deal with all other subjects and matters except Foreign Affairs, Defence and Communications necessary for Defence which may be dealt with by the constitution-making bodies of the two Groups of provinces, Muslim provinces (hereinafter named Pakistan Group) and Hindu provinces, sitting together.

(2) There shall be a separate constitution-making body for the six Muslim provinces named above which will frame constitutions for the Group and the Provinces in the Group and will determine the list of subjects that shall be Provincial and Central (of the Pakistan Federation) with residuary sovereign powers vesting in the provinces.

(3) The method of election of the representatives to the constitution-making body will be such as would secure proper representation to the various communities in proportion to their population in each province of the Pakistan Group.

(4) After the constitutions of the Pakistan Federal Government and the provinces are finally framed by the constitution-making body, it will be open to any province of the Group to decide to opt out of its Group provided the wishes of the people of that province are ascertained by a referendum to opt out or not.

(5) It must be open to discussion in the joint constitution making body as to whether the Union will have a Legislature or not. The method of providing the Union with finance should also be left for decision of the joint meeting of the two constitution-making bodies but in no event shall it be by means of taxation.

(6) There should be parity of representation between the two Groups of provinces in the Union Executive and the Legislature, if any.

(7) No major point in the Union constitution which affects the communal issue shall be deemed to be passed in the joint constitution-making body unless the majority of the members of the constitution-making body of the Hindu provinces and the majority of the members of the constitution-making body of the Pakistan Group present and voting are separately in its favour.

(8) No decision, legislative, executive or administrative, shall be taken by the Union in regard to any matter of controversial nature except by a majority of three-fourths.

(9) In Group and provincial constitutions fundamental rights and safeguards concerning religion, culture and other matters affecting the different communities will be provided for.

(10) The constitution of the Union shall contain a provision whereby any province can, by a majority vote of its legislative assembly, call for reconsideration of the terms of the constitution and will have the liberty to secede from the Union at any time after an initial period of ten years.

The crux of our offer, as it will appear from its text, was inter alia that the six Muslim provinces should be grouped together as Pakistan Group and the remaining as Hindustan

Group and on the basis of two Federations we were willing to consider the Union or Confederation strictly confined to three subjects only, *i.e.*, Foreign Affairs, Defence and Communications necessary for Defence, which the two sovereign Federations would voluntarily delegate to the Confederation. All the remaining subjects and the residue were to remain vested in the two Federations and the provinces respectively. This was intended to provide for a transitional period as after an initial period of ten years we were free to secede from the Union.

But unfortunately this most conciliatory and reasonable offer was in all its fundamentals not accepted by the Congress as will appear from their reply to our offer. On the contrary their final suggestions were the same as regards the subjects to be vested with the Centre as they had been before the Congress entered the Conference and they made one more drastic suggestion for our acceptance, that the Centre must also have power to take remedial action in cases of break down of the constitution and in grave public emergencies. This was stated in their reply dated May 12 which was communicated to us.

At this stage the Conference broke down and we were informed that the British Cabinet Delegation would issue their statement which is now before the public.

To begin with, the statement is cryptic with several lacunas and the operative part of it is comprised of a few short paragraphs to which I shall refer later.

I regret that the Mission should have negatived the Muslim demand for the establishment of a complete sovereign State of Pakistan which we still hold is the only solution of the constitutional problem of India and which alone can secure stable government and lead to the happiness and welfare not only of the two major communities but of all the peoples of this sub-continent. It is all the more regrettable that the Mission should have thought fit to advance common-place and exploded arguments against Pakistan and resorted to special pleadings couched in a deplorable language which is calculated to hurt the feelings of Muslim India. It seems that this was done by the Mission simply to appease and placate the Congress because when they come to face the realities, they themselves have

made the following pronouncement embodied in Paragraph 5 of the statement which says:

"This consideration did not however deter us from examining closely and impartially the possibility of a partition of India since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu majority rule.

This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India, it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion and economic or other interests."

And again in Paragraph 12—"This decision does not however blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India in which the Hindus with their greatly superior numbers must be a dominating element."

And now what recommendations have they made to effectively secure the object in view and in the light of the very clear and emphatic conclusion they arrived at in Paragraph 12 of the statement?

I shall now deal with some of the important points in the operative part of the statement:

(1) They have divided Pakistan into two: what they call Section B (for the North-Western Zone) and Section C (for the North-Eastern Zone).

(2) Instead of two constitution-making bodies only one constitution-making body is devised with three Sections A, B and C.

(3) They lay down that "there should be a Union of India embracing both British India and the States which should deal with the following subjects: Foreign Affairs, Defence and Communications and should have the powers necessary to raise the finances required for the above subjects."

There is no indication at all that the Communications would be restricted to what is necessary for Defence nor is there any indication as to how this Union will be empowered to

raise finances required for these three subjects, while our view was that finances should be raised only by contribution and not by taxation.

(4) It is laid down that "the Union should have an Executive and a Legislature constituted from British Indian and States representatives.

Any question raising a major communal issue in the legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting."

While our view was—

(A) That there should be no legislature for the Union but the question should be left to the Constituent Assembly to decide.

(B) That there should be parity of representation between Pakistan Group and the Hindustan Group in the Union Executive and Legislature, if any, and

(C) That no decision, legislative, executive or administrative, should be taken by the Union in regard to any matter of a controversial nature except by a majority of three-fourths. All these three terms of our offer have been omitted from the statement.

No doubt there is one safeguard for the conduct of business in the Union Legislature, that "any question raising a major communal issue in the legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting."

Even this is vague and ineffective. To begin with, who will decide and how as to what is a major communal issue and what is a minor communal issue and what is a purely non-communal issue?

(5) Our proposal that the Pakistan Group should have a right to secede from the Union after an initial period of ten years, although the Congress had no serious objection to it, has been omitted and now we are only limited to a reconsideration of terms of the Union constituiton after an initial period of ten years.

(6) Coming to the constitution-making machinery, here again a representative of British Baluchistan is included in Section B but how he will be elected is not indicated.

(7) With regard to the constitution-making body for the purpose of framing the proposed Union constitution, it will have an overwhelming Hindu majority as in a House of 292 for British India the Muslim strength will be 79 and if the number alloted to Indian States (93) is taken into account, it is quite obvious that the Muslim proportion will be further reduced as the bulk of the State representatives would be Hindus. This Assembly so constituted will elect the Chairman and other officers and it seems also the members of the Advisory Committee referred to in paragraph 20 of the statement by a majority and the same rule will apply to other normal business. But I note that there is only one saving clause which runs as follows:—

"In the Union Constituent Assembly resolutions varying the provisions of paragraph 15 above or raising any major communal issue shall require a majority of representatives present and voting of each of the two major communities. The Chairman of the Assembly shall decide which (if any) of the resolutions raise major communal issues and shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision."

It follows, therefore, that it will be the Chairman alone who will decide. He will not be bound by the opinion of the Federal Court nor need anybody know what that opinion was as the Chairman is merely directed to consult the Federal Court.

(8) With regard to the provinces opting out of their Group it is left to the new Legislature of the province after the first general election under the new constitution to decide instead of a referendum of the people as was suggested by us.

(9) As for paragraph 20 which runs as follows: "The Advisory Committee on the rights of citizens, minorities and tribal and excluded areas should contain full representation of the interests affected and their function will be to report to the Union Constituent Assembly upon the list of fundamental rights, the clauses for the protection of minorities and a scheme for the administration of the tribal and excluded areas and to

advise whether these rights should be incorporated in the provincial, Group or Union constitution."

This raises a very serious question indeed for if it is left to the Union Constituent Assembly to decide these matters by a majority vote whether any of the recommendations of the Advisory Committee should be incorporated in the Union constitution then it will open a door to more subjects being vested in the Union Government. This will destroy the very basic principle that the Union is to be strictly confined to three subjects.

These are some of the main points which I have tried to put before the public after studying this important document. I do not wish to anticipate the decision of the Working Committee and the Council of the All-India Muslim League which are going to meet shortly at Delhi. They will finally take such decisions as they may think proper after a careful consideration of the 'pros and cons' and a thorough and dispassionate examination of the statement of the British Cabinet Delegation and His Excellency the Viceroy".

10. MAULANA AZAD'S CORRESPONDENCE WITH LORD PETHICK-LAWRENCE, MAY 20-22, 1946.

1. From Maulana Azad to Lord Pethick-Lawrence, May 20, 1946.

"My Committee have carefully considered the statement issued by the Cabinet Delegation on May 16 and they have seen Gandhiji after the interviews he has had with you and Sir Stafford Cripps. There are certain matters about which I have been asked to write to you.

As we understand the statement, it contains certain recommendations and procedure for the election and functioning of the Constituent Assembly. The Assembly itself, when formed, will, in my Committee's opinion, be a sovereign body for the purpose of drafting the constitution unhindered by any external authority, as well for entering into a treaty. Further that it will be open to the Assembly to vary in any way it likes the recommendations and the procedure suggested by the Cabinet Delegation. The Constituent Assembly being a

sovereign body for the purposes of the constitution, its final decisions will automatically take effect.

As you are aware some recommendations have been made in your statement which are contrary to the Congress stand as it was taken at the Simla Conference and elsewhere. Naturally we shall try to get the Assembly to remove what we consider defects in the recommendations. For this purpose we shall endeavour to educate the country and the Constituent Assembly.

There is one matter in which my Committee were pleased to hear Gandhiji say that you were trying to see that the European members in the various Provincial Assemblies, particularly Bengal and Assam, would neither offer themselves as candidates nor vote for the election of delegates to the Constituent Assembly.

No provision has been made for the election of a representative from British Baluchistan. So far as we know there is no elected Assembly or any other kind of chamber which might select such a representative. One individual may not make much of a difference in the Constituent Assembly, but it would make a difference if such an individual speaks for a whole province which he really does not represent in any way. It is far better not to have representation at all than to have this kind of representation which will mislead and which may decide the fate of Baluchistan contrary to the wishes of its inhabitants. If any kind of popular representation can be arranged, we would welcome it. My Committee were pleased, therefore, to hear Gandhiji say that you are likely to include Baluchistan within the scope of the Advisory Committee's work.

In your recommendations for the basic form of the constitution[1] you state that provinces should be free to form Groups with executives and legislatures and each Group could determine the provincial subjects to be taken in common. Just previous to this you state that all subjects other than the Union subjects and all residuary powers should vest in the provinces. Later on in the statement, hwoever, you state that the provincial representatives to the Constituent Assembly will divide up into three sections and "These sections shall proceed to settle the

[1] This refers to para 15 of the Statement of the Cabinet Mission of May 16.

provincial constitutions for the provinces in each section and shall also decide whether any Group constitution shall be set up for these provinces." There appears to us to be a marked discrepancy in these two separate provisions. The basic provision gives full autonomy to a province to do what it likes and subsequently there appears to be certain compulsion in the matter which clearly infringes that autonomy. It is true that at a later stage the provinces can opt out of any Group. In any event it is not clear how a province or its representatives can be compelled to do something which they do not want to do. A Provincial Assembly may give a mandate to its representatives not to enter any Group or a particular Group or Section. As Sections B and C have been formed it is obvious that one province will play a dominating role in the Section, the Punjab in Section B and Bengal in Section C. It is coceivable that this dominating province may frame a provincial constitution entirely against the wishes of Sind or the N.-W. Frontier Province or Assam. It may even conceivably lay down rules for elections and otherwise, thereby nullifying the provision for a province to opt out of a Group. Such could never be the intentions and it would be repugnant to the basic principles and policy of the scheme itself.

The question of the Indian States has been left vague and, therefore, I need not say much about it at this stage. But it is clear that State representatives who come into the Constituent Assembly must do so more or less in the same way as the representatives of the provinces. The Constituent Assembly cannot be formed of entirely disparate elements.

I have dealt above with some points arising out of your statement. Possibly some of them can be cleared up by you and the defects removed. The principal point, however, is, as stated above, that we look upon this Constituent Assembly as a sovereign body which can decide as it chooses in regard to any matter before it and can give effect to its decision. The only limitation we recognise is that in regard to certain major communal issues the decision should be by a majority of each of the two major communities. We shall try to approach the public and the members of the Constituent Assembly with our own proposals for removing any defects in the recommendations made by you.

Gandhiji has informed my Committee that 'you' contemplate that British troops will remain in India till after the establishment of the Government in accordance with the instrument produced by the Constituent Assembly. My Committee feel that the presence of foreign troops in India will be a negation of India's independence.

India should be considered to be independent in fact from the moment that the National Provisional Government is established.

I shall be grateful to have an early reply so that my Committee may come to a decision in regard to your statement".

2. From Lord Pethick-Lawrence to Maulana Azad, May 22, 1946.

"The Delegation have considered your letter of May 20 and feel that the best way to answer it is that they should make their general position quite clear to you. Since the Indian leaders after prolonged discussion failed to arrive at an agreement, the Delegation have put forward their recommendations as the nearest approach to reconciling the views of the two main parties. The scheme, therefore, stands as a whole and can only succeed if it is accepted and worked in a spirit of compromise and co-opertaion.

You are aware of the reasons for the grouping of the provinces, and this is an essential feature of the scheme which can only be modified by agreement between the two parties.

There are two further points which we think we should mention. First, in your letter you describe the Constituent Assembly as a sovereign body, the final decisions of which will automatically take effect. We think the authority and the functions of the Constituent Assembly and the procedure which it is intended to follow are clear from the statement. Once the Constituent Assembly is formed and working on this basis, there is naturally no intention to interfere with its discretion or to question its decisions. When the Constituent Assembly has completed its labours, His Majesty's Government will recommend to Parliament such action as may be necessary for the cession of sovereignty to the Indian people, subject only to two provisos which are mentioned in the statement and

which are not, we believe, controversial, namely, adequate provision for the protection of minorities and willingness to conclude a treaty to cover matters arising out of the transfer of power.

Secondly, while His Majesty's Government are most anxious to secure that the interim period should be as short as possible you will, we are sure, appreciate that, for reasons stated above, independence cannot precede the bringing into operation of a new constitution".

11. THE CONGRESS WORKING COMMITTEE'S RESOLUTION, MAY 24, 1946.

"The Working Committee has given careful consideration to the statement dated May 16, 1946, issued by the Delegation of the British Cabinet and the Viceroy on behalf of the British Government as well as the correspondence relating to it that has passed between the Congress President and the members of the Delegation. They have examined it with every desire to find a way for a peaceful and co-operative transfer of power and the establishment of a free and independent India. Such an India must necessarily have a strong central authority capable of representing the nation with power and dignity in the counsels of the world.

In considering the statement, the Working Committee have kept in view the picture of the future in so far as this was available to them from the proposals made for the formation of a provisional Government and the clarification given by the members of the Delegation. This picture is still incomplete and vague. It is only on the basis of the full picture that they can judge and come to a decision as to how far this is in conformity with the objectives they aim at. These objectives are: Independence for India ; a strong, though limited, central authority ; full autonomy for the provinces ; the establishment of a democratic structure in the Centre and in the Units ; the guarantee of the fundamental rights of each individual so that he may have full and equal opportunities of growth, and further that each community should have opportunity to live the life of its choice within the larger framework.

The Committee regret to find a divergence between these objectives and the various proposals that have been made on behalf of the British Government, and, in particular, there is no vital change envisaged during the interim period when the provisional Government will function, in spite of the assurance given in paragraph 23 of the statement. If the independence of India is aimed at, then the functioning of the provisional Government must approximate closely in fact, even though not in law, to that independence, and all obstructions and hindrances to it should be removed. The continued presence of a foreign army of occupation is a negation of independence.

The statement issued by the Cabinet Delegation and the Viceroy contains certain recommendations and suggests a procedure for the building up of a Constituent Assembly, which is sovereign in so far as the framing of the constitution is concerned. The Committee do not agree with some of these recommendations. In their view it will be open to the Constituent Assembly itself at any stage to make changes and variations, with the proviso that in regard to certain major communal matters a majority decision of both the major communities will be necessary.

The procedure for the election of the Constituent Assembly is based on representation in the ratio of one to a million. But the application of this principle appears to have been overlooked in the case of European members of Assemblies, particularly in Assam and Bengal. Therefore, the Committee expect that this oversight will be corrected.

The Constituent Assembly is meant to be a fully elected body, chosen by the elected members of the provincial legislatures. In Baluchistan, there is no elected assembly or any other kind of chamber which might elect a representative for the Constituent Assembly. It would be improper for any kind of nominated individual to speak for the whole province of Baluchistan, which he really does not represent in any way.

In Coorg, the Legislative Council contains some nominated members as well as Europeans elected from a special constituency of less than a hundred electors. Only the elected members from the general constituencies should participate in the election.

The statement of the Cabinet Delegation affirms the basic principle of provincial autonomy and residuary powers vesting in the provinces. It is further said that provinces should be free to form Groups. Subsequently, however, it is recommended that provincial representatives will divide up into sections which 'shall proceed to settle the provincial constitutions for the provinces in each section and shall also decide whether any Group constitution shall be set up for those provinces.' There is a marked discrepancy in these two separate provisions, and it would appear that a measure of compulsion is introduced which clearly infringes the basic principle of provincial autonomy. In order to retain the recommendatory character of the statement, and in order to make the clauses consistent with each other, the Committee read paragraph 15 to mean that, in the first instance, the respective provinces will make their choice whether or not to belong to the section in which they are placed. Thus the Constituent Assembly must be considered as a sovereign body with final authority for the purpose of drawing up a constitution and giving effect to it.

The provisions in the statement in regard to the Indian States are vague and much has been left for future decision. The Working Committee would, however, like to make it clear that the Constituent Assembly cannot be formed of entirely disparate elements and the manner of appointing State representatives for the Constituent Assembly must approximate, in so far as it is possible, to the method adopted in the provinces. The Committee are gravely concerned to learn that even at this present moment some State Governments are attempting to crush the spirit of their people with the help of the armed forces. These recent developments in the States are of great significance in the present and for the future of India, as they indicate that there is no real change of policy on the part of some of the State Governments and of those who exercise paramountcy.

A provisional National Government must have a new basis and must be a precursor of the full independence that will emerge from the Constituent Assembly. It must function in recognition of that fact, though changes in law need not be made at this stage.

The Governor-General may continue as the head of that Government during the interim period, but the Government should function as a Cabinet responsible to the Central Legislature. The status, powers and composition of the provisional Government should be fully defined in order to enable the Committee to come to a decision. Major communal issues shall be decided in the manner referred to above in order to remove any possible fear or suspicion from the minds of a minority.

The Working Committee consider that the connected problems involved in the establishment of a provisional Government and a Constituent Assembly should be viewed together so that they may appear as parts of the same picture and there may be co-ordination between the two, as well as an acceptance of the independence that is now recognised as India's right and due. It is only with the conviction that they are engaged in building up a free, great and independent India, that the Working Committee can approach this task and invite the co-operation of all the people of India. In the absence of a full picture, the Committee are unable to give a final opinion at this stage."

12. STATEMENT OF THE CABINET DELEGATION, MAY 25, 1946.

"The Delegation have considered the statement of the President of the Muslim League dated May 22 and the resolution dated May 24 of the Working Committee of the Congress.

(1) The position is that since the Indian leaders, after prolonged discussion, failed to arrive at an agreement, the Delegation put forward their recommendations as the nearest approach to reconciling the views of the two main parties. The scheme stands as a whole and can only succeed if it is accepted and worked in a spirit of co-operation.

(2) The Delegation wish also to refer briefly to a few points that have been raised in the statement and resolution.

(3) The authority and the functions of the Constituent Assembly, and the procedure which it is intended to follow are clear from the Cabinet Delegation's statement.

(4) Once the Constituent Assembly is formed and working on this basis, there is no intention of interfering with its discretion or questioning its decisions. When the constituent Assembly has completed its labours, His Majesty's Government will recommend to Parliament such action as may be necessary for the cession of sovereignty to the Indian people, subject only to two matters which are mentioned in the statement and which we believe are not controversial, namely, adequate provision for the protection of the minorities (Paragraph 20 of the statement) and willingness to conclude a treaty with His Majesty's Government to cover matters arising out of the transfer of power (Paragraph 22 of the statement).

(5) It is a consequence of the system of election that a few Europeans can be elected to the Constituent Assembly. Whether the right so given will be exercised is a matter for them to decide.

(6) The representative of Baluchistan will be elected in a joint meeting of the Shahi Jirga and the non-official members of the Quetta Municipality.

(7) In Coorg the whole Legislative Council will have the right to vote, but the official members will receive instructions not to take part in the election.

(8) The interpretation put by the Congress resolution on Paragraph 15 of the statement to the effect that the provinces can in the first instance make the choice whether or not to belong to the section in which they are placed, does not accord with the Delegation's intentions. The reasons for the grouping of the provinces are well known and this is an essential feature of the scheme and can only be modified by agreement between the parties. The right to opt out of the Groups after the constitution-making has been completed will be exercised by the people themselves, since at the first election under the new provincial constitution this question of opting out will obviously be a major issue and all those entitled to vote under the new franchise will be able to take their share in a truly democratic decision.

(9) The question of how the State representatives should be appointed to the Constituent Assembly is clearly one which must be discussed with the States. It is not a matter for decision by the Delegation.

(10) It is agreed that the Interim Government will have a new basis. That basis is that all portfolios including that of the War Member will be held by Indians and that the members will be selected in consultation with the Indian political parties. These are very significant changes in the Government of India, and a long step towards independence. His Majesty's Government will recognise the effect of these changes, will attach the fullest weight to them, and will give to the Indian Government the greatest possible freedom in the exercise of the day-to-day administration of India.

(11) As the Congress statement recognises, the present constitution must continue during the interim period ; and the Interim Government cannot therefore be made legally responsible to the Central Legislature. There is, however, nothing to prevent the members of the Government, individually or by common consent, from resigning, if they fail to pass an important measure through the Legislature, or if a vote of non-confidence is passed against them.

(12) There is of course no intention of retaining British troops in India against the wish of an independent India under the new constitution ; but during the interim period, which it is hoped will be short, the British Parliament has, under the present constitution, the ultimate responsibility for the security of India and it is necessary therefore that British troops should remain."

13. MAHATMA GANDHI ON CABINET MISSION'S DECLARATION, MAY 26, 1946.

"After four days of searching examination of the State paper issued by the Cabinet Mission and the Viceroy on behalf of the British Government my conviction abides that it is the best document the British Government could have produced in the circumstances", says Mahatma Gandhi under the caption "An Analysis" in to-day's "Harijan".

Mahatma Gandhi adds: "It reflects our weakness, if we would be good enough to see it. The Congress and Muslim League did not and could not agree. We would grievously err, if at this time we foolishly satisfy ourselves that the differences

are a British creation. The Mission have not come all the way from England to exploit them. They have come to devise the easiest and quickest method of ending British rule. We must be brave enough to believe their declaration until the contrary is proved. Bravery thrives upon the deceit of the deceiver.

My compliment however does not mean that what is best from the British standpoint is also best or even good from the Indian. Their best may possibly be harmful. My meaning will, I hope, be clear from what follows.

The authors of the document have endeavoured to say fully what they mean. They have gathered from their talks the minimum they thought would bring the parties together for framing India's charter of freedom. Their one purpose is to end British rule as early as may be. They would, if they could, by their effort, leave a united India not torn asunder by internecine quarrel bordering on civil war. They would leave in any case.

Since in Simla the two parties, though the Mission succeeded in bringing them together at the conference table (with what patience and skill they could do so they alone could tell), could not come to an agreement, nothing daunted them. They descended to the plains of India and devised a worthy document for the purpose of setting up the Constituent Assembly which should frame India's charter of independence free of any British control or influence. It is an appeal and an advice. It has no compulsion in it. Thus the provincial assemblies may or may not elect the delegates. The delegates having been elected may or may not join the Constituent Assembly.

The Assembly having met may lay down a procedure different from the one laid down in the statement. Whatever is binding on any person or party arises out of necessity of the situation. The separated voting is binding on both the major parties only because it is necessary for the existence of the Assembly and in no other wise. At the time of writing I took up the statement, re-read it clause by clause and came to the conclusion that there was nothing in it binding in law. Honour and necessity alone are the two binding forces. What is binding is that part of it which commits the British Government. When I suppose the 4 members of the British

Mission took the precaution, receiving full approval of the British Government and the two Houses of Parliament, the Mission are entitled to warm congratulations for the first step in the act of renunciation which the statement is. Since other steps are necessary for full renunciation I have called this one a promissory note.

Though the response to be made by India is to be voluntary, the authors have naturally assumed that the Indian parties are well organised and responsible bodies capable of doing voluntary acts as fully as, if not more fully than, compulsory acts. Therefore when Lord Pethick-Lawrence said to a press conference, "if they do come together on that basis it will mean that they will have accepted that basis but they can still change it, if by a majority of each party they desire to do so," he was right in the sense that those who became delegates well knowing the contents of the statement were expected by the authors to abide by the basis unless it was duly altered by the major parties. When two or more rival parties meet together they do so under some understanding. A self-chosen umpire (in the absence of one chosen by the parties the authors constitute themselves one) fancies that the parties will come together only if he presents them with a proposal containing a certain minimum and he makes his proposal, leaving them free to add, to subtract from or altogether change it by joint agreement.

This is perfect so far. But what about the units? Are the Sikhs for whom the Punjab is the only home in India, to consider themselves against their will as part of the section which takes in Sind, Baluchistan and the Frontier Province? Or is the Frontier Province also against its will to belong to the Punjab called "B" in the statement, or Assam to "C" although it is a predominantly non-Muslim province? In my opinion the voluntary character of the statement demands that the liberty of individual Units should be unimpaired. Any member of the Section is free to join it. Freedom to opt out is an additional safeguard. It can never be a substitute for the freedom retained in para 15 which reads:

"Provinces should be free to form Groups with executives and legislatures and each Group could determine the provincial subjects to be taken in common." It is clear that this free-

dom was not taken away by the authors by Section 19 which 'proposes' (does not order) what should be done. It presupposes that the Chairman of the Constituent Assembly at its first meeting will ask the delegates of the provinces whether they would accept the Group principle, and if they do, whether they will accept the assignment given to their province. This freedom, inherent in every province, and that given by 15 (5) will remain intact.

There appears to me no other way of avoiding the apparent conflict between the two paragraphs as also the charge of compulsion which would immediately alter the noble character of the document. I would therefore ask all those who are perturbed by the Group proposal and the arbitrary assignment, that, if my interpretation is vaild there is not the slightest cause for perturbation.

There are other things in the document which would puzzle any hasty reader who forgets that it is simply an appeal and an advice to the nation showing how to achieve independence in the shortest time possible. The reason is clear. In the new world that is to emerge out of the present chaos, India in bondage will cease to be 'the brightest jewel' in the British Crown. It will become the blackest spot in that Crown, so black that it will be fit only for the dustbin. Let me ask the reader to hope and pray with me that the British Crown has a better use for Britain and the world. The brightest jewel is an abrogation.

When the promissory note is fully honoured, the British Crown will have a unique jewel as of right flowing from due performance of duty.

There are other matters outside the statement which are required to back the promissory note. But I must defer that examination to the next issue of 'Harijan'."

14. MAHATMA GANDHI ON THE CABINET MISSION'S PLAN, JUNE 2, 1946.

"Intrinsically and as legally interpreted, the State paper seems to me to be a brave and frank document. Nevertheless, the official interpretation would appear to be different from the

popular. If it is so and prevails, it will be a bad omen," says Mahatma Gandhi writing under the caption "Vital Defects" in to-day's "Harijan".

Mahatma Gandhi adds:

"During the long course of the history of British rule in India the official interpretation has held sway, and, it has been enforced. I have not hesitated before now to say that the office of the law-giver, judge and executioner is combined in one person in India. Is not the State document a departure from the imperialistic tradition? I have answered 'yes'. Be that as it may, let us try to glance at the shortcomings.

The Delegation, after a brief spell in Simla, returned to Delhi on the 14th instant, issued their statement on the 16th and yet we are far from the popular Government at the Centre. One would have thought that they would have formed the Central Government before issuing the statement. But they issued the statement first and then set about the search for the formation of the Interim Government. It is taking a long time coming, whilst the millions are starving for want of food and clothing. This is defect No. 1.

Question of paramountcy is unsolved. It is not enough to say that paramountcy will end with the end of British rule in India. If it persists without check during the interim period, it will leave behind a difficult legacy for the independent Government. If it cannot be ended with the establishment of the Interim Government, it should be exercised in co-operation with it and purely for the benefit of the people of the States.

It is the people who want and are fighting for independence, not the Princes who are sustained by alien power even when they claim not to be its creation for the suppression of the liberties of the people. The Princes, if they are true to their professions, should welcome this popular use of paramountcy so as to accommodate themselves to the sovereignty of the people envisaged under the new scheme. This is defect No. 2.

Troops, it is declared, are to remain during the interim period for the preservation of internal peace and protection against external aggression. If they are kept for such use during the period of grace, their presence will act as a damper on the Constituent Assembly and is more likely than not to

be wanted even after the establishment of independence so called. A nation that desires alien troops for its safety, internal or external, or has them imposed upon it, can never be described as independent in any sense of the term.

It is in effect a nation unfit for self-government. The acid test is that it should be able to stand alone, erect and unbending. During the interim period we must learn to hop unaided, if we are to walk when we are free. We must cease from now to be so spoon-fed.

That these things are not happening as we would wish, is to be accounted as our weakness, be the cause whatever they be, not the cussedness of the British Government or their people. Whatever we get, will be our deserts, not a gift from across the seas. The three Ministers have come to do what they have declared. It will be time to blame them when they go back upon the British declarations and devise ways and means of perpetuating British rule. Though there is ground for fear, there is no sign on the horizon that they have said one thing and meant another."

15. MR. JINNAH'S SPEECH, JUNE 5, 1946.

[*The following extracts indicate the substance of the speech delivered by Mr. Jinnah at the Muslim League Council meeting at New Delhi on June 5, 1946.*]

The Muslim League Council opened this morning. Mr. M. A. Jinnah, the President, in a speech, explained that the Working Committee had discussed the pros and cons of the Cabinet Mission's proposals but thought that it should not anticipate the verdict of the Council which, he said, was the Parliament of the Muslim nation. The Working Committee had, therefore, decided that the Council having regard to the gravity of the situation should take the responsibility for whatever decision it might reach. Mr. Jinnah wanted every member of the Council to feel that he was free from embarrassment and was not tied down or fettered in any way which would prevent him from expressing his opinion or from taking that final decision that the situation called for.

"The decision you have to take to-day or to-morrow is going to be of far-reaching importance and consequence." No doubt, he went on, the Working Committee could have followed the normal procedure on the analogy of a Cabinet. It could have, if it had chosen to do so, come to a decision and formulated a resolution of its own after the two days' discussions it had had and it could have presented its decision to the Council for confirmation. But the Working Committee thought that this was an exceptional position of grave importance and, therefore, that was not the course for it to adopt. "If we had taken any decision and placed it before you and if you disapproved of it, there would have been no other course open to us except to resign and we thought that we should not create such a situation when the Council is meeting and when there is no urgency and no necessity for such a course."

Mr. Jinnah suggested that the whole Council should adjourn and form itself into a committee which would sit in camera and come to its decision.

Mr. Jinnah in his speech condemned the Cabinet Mission's treatment of the Pakistan demand and declared: "That is one of the greatest blunders they have made."

"Let me tell you that Muslim India will not rest content until we have established full, complete and sovereign Pakistan. (Loud cheers). The Cabinet Mission have mutilated facts for no other purpose except to please and appease the Congress. In fact, the foundation and the basis of Pakistan are there in their own statement." (Hear, hear).

The Congress press and Hindus, he added, felt jubilant at this "sugar-coated pill" but soon found there was so little sugar that it was a pill minus sugar. (Laughter).

Referring to the demand for Pakistan, Mr. Jinnah further said: "Let me tell you that Muslim India will not rest content until we have established full, complete and sovereign Pakistan (Loud cheers). And I repeat with all the emphasis that I can command that the arguments and the reasons and the way in which the Mission have mutilated the facts are for no other purpose except to please and appease the Congress". (Cries of 'Shame, shame').

Mr. Jinnah went on to refer to his recent remarks at a Muslim reception at Simla and the interpretation put on those remarks. These grave issues, he said, were not to be decided by a word here or a phrase there or by mere sentiment or slogans. It had been reported that he said, "We cannot keep quarrelling all the time". The obtuse mentality of a section of the Press at once jumped to the conclusion: "Mr. Jinnah has come to his senses".

"I am glad I have come to my senses," Mr. Jinnah went on, "but I wish they will also come to their senses. (Laughter). Surely, it requires two parties for a quarrel but in this case there are three and even four parties, leaving smaller minorities. When I say we cannot keep quarrelling all the time, am I not addressing everyone of them, including ourselves? I know and repeat this, that the Mussalmans have suffered, and suffered to an extent that I shudder to think of.

Six years ago the position of the Mussalmans was such that they could have been wiped off. In every department of life the Mussalmans have suffered and are suffering now. I want to say, put an end to this suffering and for us there is no other goal except the establishment of Pakistan (cheers). May be, obstacles will be put in our way but nothing is going to make us flinch or falter in any way or budge by a hair's breadth from doing everything in our power to reach our goal and establish Pakistan."

Mr. Jinnah added: "I repeat from this platform that delay is not good either for the British Government or the Hindus. If they love freedom, if they love the independence of India, if they want to be free, then the sooner they realise the better that the quickest way is to agree to Pakistan. Either you agree or we shall have it in spite of you." (Hear, hear).

What methods they would adopt and what instruments they would use would depend upon the time and circumstances.

Mr. Jinnah's Advice to the League Council :

"I advised you to reject the Cripps proposal, I advised you to reject the last Simla Conference formula. But I cannot advise you to reject the British Cabinet Mission's proposal. I advise you to accept it."

With these words, Mr. M. A. Jinnah wound up the long-drawn debate on the Cabinet Mission's proposal in the secret

session of the Council of the All-India Muslim League. He spoke for 1½ hours before the voting took place.

Mr. Jinnah added: "The Lahore resolution did not mean that when Muslims put forward their demand, it must be accepted at once. It is a big struggle and a continued struggle. The first struggle was to get the representative character of the League accepted. That fight they had started and they had won. Accpetance of the Mission's proposal was not the end of their struggle for Pakistan. They should continue their struggle till Pakistan was achieved."

Mr. Jinnah said, they could create a deadlock in the Constituent Assembly if anything was done against their wishes. They would continue to fight in the Constituent Assembly for their objective. They would also fight for the right of the Units or Groups to rejoin the Group from which they seceded.

As regards Grouping, Mr. Jinnah is reported to have expressed satisfaction and said: "The Groups should have power on all subjects except Defence, Communications and Foreign Affairs. But so far as Defence was concerned, it would remain in the hands of the British till the new constitution was enforced. So they need not worry about it now. They would fight in the Constituent Assembly to restrict 'Communications' to what was absolutely necessary for defence only."

10. RESOLUTION OF THE MUSLIM LEAGUE COUNCIL, JUNE 6, 1946.

"(1) This meeting of the Council of the All-India Muslim League, after having carefully considered the statement issued by the Cabinet Mission and H. E. the Viceroy on May 16 and other relevant statements and documents officially issued in connection therewith, and after having examined the proposals set forth in the said statement in all their bearings and implications, places on record the following views for the guidance of the nation and direction to the Working Committee:

(2) That the references made and the conclusions recorded in paragraphs 6, 7, 8, 9, 10 and 11 of the statement concerning Muslim demand for the establishment of a full sovereign Pakistan

as the only solution of the Indian constitutional problem are unwarranted, unjustified and unconvincing and should not, therefore, have found place in a State document issued on behalf and with the authority of the British Government.

These paragraphs are couched in such language and contain such mutilations of established facts that the Cabinet Mission have clearly been prompted to include them in their statement solely with the object of appeasing the Hindus in utter disregard of Muslim sentiments. Furthermore, the contents of the aforesaid paragaphs are in conflict and inconsistent with the admissions made by the Mission themselves in paragraphs 5 and 12 of their statement which are to the following effect :—

First, the Mission 'were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subject to a perpetual Hindu majority rule.'

Second, 'this feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards.'

Third, 'if there is to be internal peace in India, it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion, economic or other interests.'

Fourth, 'very real Muslim apprehensions exist that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be the dominating element.'

In order that there may be no manner of doubt in any quarter, the Council of the All India Muslim League reiterates that the attainment of the goal of a complete sovereign Pakistan still remains the unalterable objective of the Muslims in India for the achievement of which they will, if necessary, employ every means in their power and consider no sacrifice or suffering too great.

(3) That notwithstanding the affront offered to Muslim sentiments by a choice of injudicious words in the preamble to the statement of the Cabinet Mission, the Muslim League, having regard to the grave issues involved, and prompted by its earnest desire for a peaceful solution, if possible, of the Indian constitutional problem, and inasmuch as the basis and the foundation of Pakistan are inherent in the Mission's plan by

virtue of the compulsory Grouping of the six Muslim provinces in sections B and C, is willing to co-operate with the constitution-making machinery proposed in the scheme outlined by the Mission, in the hope that it would ultimately result in the establishment of complete sovereign Pakistan and in the consummation of the goal of independence for the major nations, Muslims and Hindus, and all the other people inhabiting the vast sub-continent.

It is for these reasons that the Muslim League is accepting the scheme and will join the constitution-making body and will keep in view the opportunity and the right of secession of provinces or Groups from the Union which have been provided in the Mission's plan by implication.

The ultimate attitude of the Muslim League will depend on the final outcome of the labours of the constitution-making body and on the final shape of the constitutions which may emerge from the deliberations of that body jointly and separately in its three sections.

The Muslim League also reserves the right to modify and revise the policy and attitude set forth in this resolution at any time during the progress of deliberations of the constitution-making body or the Constituent Assembly or thereafter if the course of events so require, bearing in mind the fundamental principles and ideals hereinbefore adumbrated, to which the Muslim League is irrevocably committed.

(4) That with regard to the arrangements for the proposed Interim Government at the Centre, this Council authorises its President to negotiate with H.E. the Viceroy and to take such decisions and actions as he deems fit and proper."

17. EXTRACTS FROM AZAD-WAVELL CORRESPONDENCE, JUNE 14-15, 1946.

1. From Maulana Azad to Lord Wavell, June 14, 1946.

* * * *

"We came to the conclusion also that, unsatisfactory as were many of the provisions of your statement of May 16th, we would try to work them according to our own interpretation and with a view to achieve our objective.

You are no doubt aware of the strong feeling of resentment which exists among large sections of the people against some of the proposals in the statement, notably the idea of Grouping. The Frontier Province and Assam have expressed themselves with considerable force against any compulsory Grouping. The Sikhs have felt hurt and isolated by these proposals and are considerably agitated. Being a minority in the Punjab, they become still more helpless, as far as numbers go, in Section 'B'. We appreciated all these objections especially as we ourselves shared them. Nevertheless we hoped that according to our interpretation of the clauses relating to Grouping, which we still hold is the correct interpretation, for any other interpretation would endanger the basic principle of provincial autonomy, we might be able to get over some of the obvious difficulties.

But two insuperable obstacles remained and we had hoped that you would be able to remove them. One of these related to the part that European members of the Provincial Assembles might play in the election to the Constituent Assembly. We have no objection to Englishmen or Europeans as such, but we do have a strong objection to persons, who are foreigners and non-nationals and who claim to belong to the ruling race, participating in, and influencing the elections to, the Constituent Assembly. The Cabinet Delegation's statement lays down clearly that the future constitution of India has to be decided by Indians. The basic principle of the statement of May 16th was the election of a member of the Constituent Assembly to represent one million inhabitants. On this basis, the representatives of 146,000 Muslims in Orissa and 180,000 Hindus and 58,000 Sikhs in the North-West Frontier Province have not been given the right to elect any member to the Constituent Assembly. The European population of Bengal and Assam numbers only 21,000 but their representatives can return to the Constituent Assembly by their own vote 7 out of 34 members, thus appropriating to themselves the right to represent seven millions. They are returned to the Provincial Assemblies by a separate electorate of their own and have been given fantastic weightage. This representation of Europeans in the Constituent Assembly will be at the cost of non-Muslims, that is mainly Hindus who are already in a minority in Bengal. To make a minority suffer in this way is utterly wrong. Apart from the

question of principle, it is a matter of the utmost importance in practice and may well affect the future both of Bengal and Assam. The Congress Working Committee attach the greatest importance to this. We would like to add that even if the Europeans themselves do not stand for election, but merely vote, the results will be equally bad. The Cabinet Delegation have informed us that beyond promising to use their persuasive powers they could not hold out any assurance to us that these European members would not exercise the right which, we are advised, they do not possess under the statement of May 16th. But if the Delegation hold otherwise, as evidently they do, we cannot contemplate a legal fight for their exclusion at the threshold of the Constituent Assembly.

Therefore, a clear announcement is necessary that they will not take part as voters or candidates in the election to the Constituent Assembly. We cannot depend on grace or goodwill where rights are concerned."

* * * *

2. From Lord Wavell to Maulana Azad, June 15, 1946.

"I have received your letter of 14th June. You deal with matters on which we have already had much discussion.

We are doing everything possible to further the independence of India. As we have already pointed out, however, there must first be a new constitution drawn up by the people of India.

The Delegation and I are aware of your objections to the principle of Grouping. I would, however, point out that the statement of 16th May does not make Grouping compulsory. It leaves the decision to the elected representatives of the provinces concerned sitting together in sections.

The only provision which is made is that the representatives of certain provinces should meet in sections so that they can decide whether or not they wish to form Groups. Even when this has been done the individual provinces are still to have the liberty to opt out of the Group if they so decide.

I recognise the difficulty about the Europeans who through no fault of their own find themselves in a difficult position. I

still hope that a satisfactory solution of the problem will be found."

* * * *

18. MAHATMA GANDHI ON EUROPEANS' RIGHT TO VOTE FOR CONSTITUENT ASSEMBLY, JUNE 23, 1946.

(Article in the *Harijan*, June 23, 1946).

"No less a person than the President of the European Association has exhibited the lion's paw.[1] That seems to be the naked truth. That the Europeans will neither vote nor offer themselves for election should be a certainty, if a Constituent Assembly worthy of the name is at all to be formed. The British power in India has four arms—the official military, the official civil, the unofficial civil and the unofficial military. So when the ruling class speaks of the unofficial European as not being under their control, it is nonsense. The official exists for the unofficial. The former would have no work if the latter did not exist. The British gunboat came in the wake of British commerce. The whole of India is an occupied country. We have to examine in this light the exploits of the European President. In the intoxication of power he does not seem to have taken the trouble to ascertain whether the State paper has provided for the legal power for his community to vote or be voted for in the proposed Constituent Assembly. For his and his constituents' edification I have secured opinion from the leader of the bar in Delhi. . . . . .

Did the President condescend to inquire of the Mission what his moral and legal position was? Or, did he hold them cheap because he represented the real imperialism which the Cabinet Mission and the Viceroy representing British Labour were struggling to discard?

It is the straw which shows the way the wind is blowing. This unreasonable performance of the European Association is to my mind the greatest disturbing factor to shake the faith in

[1] The reference is to a statement in which it was declared that the Europeans would refrain from voting for themselves but would use their vote for electing Indians.

the reality of the Mission's work. Has the Mission come before its time? Will the gun-protected Europeans of India silence their guns and stake their fortunes, Andrews-like, purely on the goodwill of the masses of India? Or, do they expect in their generation to continue the imposition of foreign rule on India?

How can they say, they 'are not intransigent?' The statement reeks of intransigence. They have a loaded communal franchise, glaringly in Bengal and Assam. What right had they to be in the Assemblies at all? What part have they played in the two Assemblies save to embarrass the people of Bengal and Assam by dividing the communities? This load was not imposed upon them. It would have redounded to their honour if they had repudiated it. Instead, they welcomed the 'white man's burden'. And even now, at the hour of the dawn they would graciously contribute to constitution-making!

Not everyone who says, 'I am not intransigent' is really so; he only is who says nothing but lets his deeds eloquently speak for themselves.

They have been made to look so foolish in their latest statement as to say that they would refrain from voting for themselves but would use their vote for electing their henchmen wearing the Indian skin. They would, if they could, repeat the trick which has enabled them, a handful, to strangle the dumb millions of India. How long will this agony last? Do the Mission propose to bolster up this unholy ambition and yet expect to put to sea the frail barque of their Constituent Assembly? India cannot perform the obvious duty of the Mission for them".

19. PROCEDURE OF ELECTION OF THE CONSTITUENT ASSEMBLY.

(1) Press Note issued by the Government of Bengal.

"In pursuance of the direction referred to in the last paragraph of His Excellency the Viceroy's statement[1] of June 16,

[1] "The Viceroy is also directing the Governors of the Provinces to summon the Provincial Legislative Assemblies forthwith to proceed with the elections necessary for the setting up of the constitution-making machinery as put forward in the statement of May 16th."

His Excellency the Governor of Bengal has summoned the Bengal Legislative Assembly to meet on July 10, 1946, to elect representatives from the Province for the Constituent Assembly. The instructions relating to the election, which are being sent to all members of the Bengal Legislative Assembly, are published for general information.

* * * *

It is stated in sub-paragraph (*i*) of paragraph 19 of the Statement published by the Cabinet Delegation and His Excellency the Viceroy on May 16 that there shall be elected to the Union Constituent Assembly by each Provincial Legislative Assembly, certain representatives, each part of the Chamber (General and Muslim) electing its own representatives by the method of proportional representation with the single transferable vote. The number of representatives from Bengal is:—General 27 and Muslim 33; total 60. The following instructions explain the procedure which will be followed in holding the elections.

I. The Secretary of the Bengal Legislative Assembly shall be the Returning Officer.

II. Any person shall be eligible for election, provided,

(*a*) that he is duly nominated by one member of the Bengal Legislative Assembly and seconded by another member;

(*b*) that the nomination is accompanied by a declaration by the candidate that he has not been proposed for candidature to represent any other province, and that he is willing to serve as a representative of the Province for the purposes of paragraph 19 of the above-mentioned Statement.

III. No person who is not a Muslim shall be eligible for election to fill a Muslim seat. No Muslim shall be eligible for election to fill a General seat.

IV. All nominations shall be submitted by the proposer, seconder, or candidate in person or by registered post so as to

reach the Returning Officer before 11 a.m. on July 3, 1946, preferably in the form appended to these instructions. Nominations should in any case contain the particulars specified in that form and also the declaration set out therein.

V. The Returning Officer shall scrutinize the nominations on July 4, 1936, commencing at 11 A.M., in the Legislative Chamber and shall reject all nominations that are not in accordance with articles II, III and IV of these instructions. Candidates may be present.

VI. It shall be open to any candidate to withdraw his candidature by intimation in writing to the Returning Officer on or before 11 a.m. on July 6, 1946.

VII. On July 10, 1946, when the Provincial Legislative Assembly meets it will receive a message from His Excellency the Governor under Sub-Section (2) of Section 63 of the Government of India Act, 1935, communicating His Excellency the Viceroy's request under paragraph 21 of the above-mentioned Statement. Thereupon the Assembly shall proceed to elect its representatives by proportional representation with single transferable vote. [This system of election is described in Part VI of the Bengal Legislative Council Electoral (Conduct of Elections) Rules, 1936].

VIII. The Returning Officer shall report the result of the election to His Excellency the Governor, who shall cause the names of the candidates declared elected to be published in the Calcutta Gazette on July 15, 1946, or as soon as may be thereafter ; and the persons whose names are so published shall be representatives of Bengal for the purposes of paragraph 19 of the above-mentioned Statement."

(2) Elucidation.

"With reference to the report that a directive has been issued by H. E. the Governor of Bengal that candidates to the Constituent Assembly should sign a declaration that they should bind themselves to work in accordance with clause 19 of the State Paper on the subject, enquiries at Government House,

Calcutta, show that the following are the conditions of eligibility for election to the Assembly :

'Any person shall be eligible for election provided :

A. That he is duly nominated by one member of the Bengal Legislative Assembly and seconded by another member ; and

B. That the nomination is accompanied by a declaration by the candidate that he has not been proposed for candidature to represent any other province, and that he is willing to serve as a representative of the province for the purposes of paragraph 19 of the statement of the Cabinet Delegation and H. E. the Viceroy of 16th May.

No person who is not a Muslim shall be eligible for election to fill a Muslim seat. No Muslim shall be eligible for election to fill a General seat.'

These instructions were published in the Calcutta Press on Tuesday, the 18th June. The Associated Press of India was definitely informed later on that no other directive had been issued by the Governor of Bengal on the matter.

The text of the declaration to be signed by a candidate runs as follows :

'I hereby agree to this nomination and declare that I am willing to serve in the Constituent Assembly as a representative of the (Muslim-General) part of the Bengal Legislative Assembly for the purpose of framing a new constitution for India. I further declare that I have not been proposed as a representative of any part of the Legislative Assembly of any other province in India in the said Constituent Assembly.'

The other reference to Paragraph 19 of the statement in the instructions issued by the Governor of Bengal is with regard to reporting the result of the election. This reads as follows :

'The Returning Officer shall report the result of the election to His Excellency the Governor, who shall cause the names of the candidates declared elected, to be published in the Calcutta Gazette on 15th July, 1946, or as soon as may be thereafter ; and the persons whose names are so published shall be representatives of Bengal for the purposes of Paragraph 19 of the above-mentioned statement'."

20. LAWYERS' OPINIONS ON EUROPEANS' RIGHT TO VOTE FOR CONSTITUENT ASSEMBLY.

(1) Opinion of Mr. K. M. Munshi (published on June 23, 1946).

"The following is the text:

'(*a*) Whether the Europeans who are foreigners and non-nationals are under the terms of the Cabinet Mission's statement entitled to vote at the election of, or

(*b*) Stand as candidate for the election of members for the proposed Constituent Assembly.'

1. The Cabinet Mission came to India for purposes defined in the announcement made in the Parliament by the British Prime Minister on behalf of His Majesty's Government on March 15. The relevant words of the said announcement are as follows:

'My colleagues are going to India with the intention of using their utmost endeavour 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.'

In the said announcement the British Prime Minister expressed a wish that 'India, her people' may elect to remain within the British Commonwealth after the new constitution is framed.

2. The word 'India' in the said announcement can only be construed as meaning Indians. This is made clear by the statement issued by the Mission on May 16, 1946 (hereinafter referred to as the 'statement'). In paragraph 3 it is stated:

'We have accordingly decided that immediate arrangements should be made whereby Indians may decide the future constitution of India.'

The said words in paragraph 3 only amplify the intention contained in the British Prime Minister's announcement and indicate that the word 'India' used therein refers to Indians as the only persons who will frame the new constitution.

3. This view is supported by paragraph 24 of the statement which among other things says—

'We and our Government and countrymen hoped that it would be possible for the Indian people themselves to agree upon the method of framing the new constitution under which they will live.'

In the last portion of the statement the Mission further state, 'We hope in any event that you (Indians) will remain in close and friendly association with our people. But these are matters for your own free choice.'

The British subjects who are in the country as non-national Britishers are clearly included in 'our people' and 'countrymen' and as different from 'they' (Indians) and 'the Indian people.'

4. Paragraph 18 of the statement provides for the machinery for forming the Constituent Assembly and the principles and methods to be followed for election of the members thereof. Sub-clause (B) of the said paragraph provides that the provincial allocation of seats has to be divided between the main communities in each province in proportion to their population. Clause (C) makes a provision that the 'representatives allotted to each community in a province shall be elected by the members of that community in its Legislative Assembly.' For the purpose of the Constituent Assembly the paragraph recognises three main communities of Indians, namely, the General, Muslim and Sikh. The words 'We therefore propose that there shall be elected by each provincial Legislative Assembly' in paragraph 19 (1) mean the same thing as representatives allotted to each of these communities.

5. The general community is deemed to include persons who are neither Muslims, nor Sikhs. It is to consist of Hindus, and other groups of persons referred to therein as 'smaller minorities'. The word 'smaller' as qualifying the word 'minorities' has been used in contradistinction to Muslims and Sikhs who are classified as major communities of Indians. The word 'community' had to be used for 'minority' for the Muslims and the Sikhs only because a new artficial group called general community consisting of the majority, *viz.*, the Hindus and the smaller minorities, has to be formed.

6. The question therefore is whether the European non-nationals are a 'smaller minority'. The word 'minorities' is

used in paragraph 19 sub-clause (iv) and in paragraph 20, both of which deal with the rights of citizens and rights of minorities.

7. The word 'minority' as used in constitutional treatises, enactments and documents means a group of nationals with distinct interests as against the interests of a larger group of nationals called the majority. But in all cases both such groups are treated as always belonging to the same state, having a common domicile and citizenship. The Treaty of June 28, 1919, by the Allied Powers made with Poland contains provisions relating to minorities which Poland undertook to recognise as its fundamental laws. The articles of the Treaty have since then been recognised as a precedent for minority rights. Article 7 of the said Treaty provides that 'all Polish nationals shall be equal before the law' etc. Article 8 provides as follows: 'Polish nationals who belong to racial, religious, or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Polish nationals.' Similar provisions are included in the treaties concluded by the Allies with Czechoslovakia, Rumania, Bulgaria, Turkey, etc. (See M. Wheaton's *International Law*, p. 80). Clearly, therefore, the word 'minorities' used in paragraphs 19 (iv) and 20 of the statement in connection with rights of citizens and fundamental rights means national minorities.

8. It must not be forgotten that the doctrine of minorities and majorities among the nationals of a country is as old as the 'Federaliser' and after the First World War found expression in the Weimar Constitution of Germany. In considering the rights of the minorities provided in the said peace treaties Mr. William Edward Hall, an eminent jurist on International Law, states in his work on *International Law*, that 'too much stress was laid on the rights of minorities while a corresponding duty incumbent by the said minority to co-operate loyally with other fellow citizens was hardly ever stressed'. The learned author at page 64 of his treatise refers to a resolution passed at the Third Assembly of the League of Nations emphasizing the said duty of racial, religious, linguistic minority in a state. (Hall's *International Law*, 8th Edn., p. 64). 'A minority' in the statement, therefore, means a comparatively smaller group of nationals of the state and not a group of nationals of another state living within the boundaries of the former".

(2) Opinion of Sir Bakshi Tek Chand (published on June 24, 1946):

"I have been asked to give my opinion on the following question in connection with the constitution-making body as proposed to be set up in the statement issued by the Cabinet Delegation and H. E. the Viceroy on the 16th of May.

'Whether Europeans, who are foreigners and non-nationals, are entitled (1) to vote at, or (2) be candidate for the election of members for the proposed Constituent Assembly.'

2. My answer to both parts of this question is in the negative.

3. The statement sets out in clear and explicit terms that the purpose and object of the plan is to entrust the task of framing the constitution to Indians alone:

(*a*) Para 1 of the statement opens with a quotation from the speech delivered in the House of Commons on the 15th of March, 1946, by the British Prime Minister, Mr. Attlee, just before the despatch of the Cabinet Delegation to India, when he said, inter alia:—

'What form of Government is to replace the present regime, is for India to decide.'

(*b*) Para 3 of the statement says that immediate arrangements should be made whereby Indians may decide the future constitution of India.

(*c*) In para 16, it is stated that the object of the plan is 'to set in motion the machinery whereby a consitution can be settled by Indians for Indians.'

4. Having thus set out unequivocally the object and purpose of the plan, the statement proceeds in paras 18 and 19 to describe the machinery which is to consist of a certain specified number of representatives elected by the 'main communities' in each provincial legislature, the 'main communities' recognised for the purpose being 'General,' 'Muslim,' and 'Sikh,' and the 'General community' including 'all persons who are not Muslims or Sikhs.' The question for consideration is whether the expression 'all persons who are not Muslims or Sikhs' is limited to Indians only, or it includes Europeans or other foreigners who may

be members of the Provincial Legislatures under the Constitution of 1935.

5. Clearly, para 18 is to be interpreted not as an isolated or independent clause, but in the context, according to the 'character and scheme' of the document as a whole. The rule of construction is 'that language is always used secondum subjectum materium and that it must be understood in the sense which best harmonises with the subject matter'. Where words of a general import are used, the real meaning is to be collected 'ex antecedentibus et consequentibus, that is to say, in reference to that which precedes and follows it'."

21. THE CONGRESS WORKING COMMITTEE'S RESOLUTION, JUNE 26, 1946.

"On May 24 the Working Committee passed a resolution on the statement, dated May 16, issued by the British Cabinet Delegation and the Viceroy. In this resolution they pointed out some defects in the statement and gave their own interpretation of certain parts of it.

Since then the Committee have been continuously engaged in giving earnest consideration to the proposals made on behalf of the British Government in the statements of May 16 and June 16 and have considered the correspondence in regard to them between the Congress President and the members of the Cabinet Delegation and the Viceroy.

The Committee have examined both these sets of proposals from the point of view of the Congress objective of immediate independence and the opening out of the avenues leading to the rapid advance of the masses, economically and socially, so that their material standards may be raised and poverty, malnutrition, famine and the lack of the necessaries of life may be ended, and all the people of the country may have the freedom and opportunity to grow and develop according to their genius. These proposals fall short of these objectives. Yet the Committee considered them earnestly in all their aspects because of their desire to find some way for the peaceful settlement of India's problem and the ending of the conflict between India and England.

The kind of independence Congress has aimed at is the establishment of a united, democratic Indian federation, with a Central authority, which would command respect from the nations of the world, maximum provincial autonomy and equal rights for all men and women in the country. The limitation of the Central authority as contained in the proposals, as well as the system of Grouping of provinces, weakened the whole structure and was unfair to some provinces such as the N. W. F. Province and Assam, and to some of the minorities, notably the Sikhs. The Committee disapproved of this. They felt, however, that, taking the proposals as a whole, there was sufficient scope for enlarging and strengthening the Central authority and for fully ensuring the right of a province to act according to its choice in regard to Grouping, and to give protection to such minorities as might otherwise be placed at a disadvantage. Certain other objections were also raised on their behalf, notably the possibility of non-nationals taking any part in the constitution-making. It is clear that it would be a breach of both the letter and spirit of the statement of May 16 if any non-Indian participated in the voting or stood for election to the Constituent Assembly.

In the proposals for an Interim Government contained in the statement of June 16 the defects related to matters of vital concern to the Congress. Some of these have been pointed out in the letter dated June 25 of the Congress President to the Viceroy. The Provisional Government must have power and authority and responsibility and should function in fact, if not in law, as a 'de facto' independent Government leading to the full independence to come. The members of such a Government can only hold themselves responsible to the people and not to any external authority. In the formation of a provisional or other Government Congressmen can never give up the national character of the Congress, or accept an artificial and unjust parity, or agree to the veto of a communal group. The Committee are unable to accept the proposals for the formation of an Interim Government as contained in the statement of June 16.

The Committee have, however, decided that the Congress would join the proposed Constituent Assembly, with a view to framing the constitution of a free, united and democratic India.

While the Committee have agreed to Congress participation in the Constituent Assembly, it is in their opinion essential that a representative and responsible provisional National Government be formed at the earliest possible date. A continuation of authoritarian and unrepresentative Government can only add to the suffering of famishing masses and increased discontent. It will also put in jeopardy the work of the Constituent Assembly, which can only function in a free environment.

The Working Committee recommend accordingly to the All-India Congress Committee, and for the purpose of considering and ratifying this recommendation they convene an emergent meeting of the A.-I.C.C. in Bombay on July 6 and 7"

22. MAULANA AZAD'S STATEMENT, JUNE 26, 1946.

"In our prolonged negotiations with the Cabinet Delegation and the Viceroy my colleagues and I have throughout been guided by one governing principle. It was the achievement of Indian independence and the solution of all outstanding problems by methods of peaceful negotiations.

"Such methods have both their advantages and their limitations. Independence achieved through violence and conflict may be more spectacular but entails endless suffering and bloodshed and leaves behind a heritage of bitterness and hatred.

"Peaceful methods leave no bitter trail but neither are the results so spectacular as in a violent revolution. The present negotiations have therefore to be judged from this standard. Keeping in mind the methods chosen and the peculiar nature of our problems, dispassionate observers will be forced to admit that though all our hopes have not been fulfilled, the results mark a decisive step forward towards the attainment of our goal. After searching discussion and analysis, this was the conclusion reached by the Congress Working Committee, and they have accordingly accepted the long-term proposals.

"As I have explained in my statement of the 14th April 1946, the Congress scheme for the solution of India's political and constitutional problem rested upon two fundamental bases.

"The Congress held that in the peculiar circumstances of India, a limited but organic and powerful Centre confined to certain basic subjects was inevitable. A unitary Government could no more meet the requirements of the case than a division of India into several independent states.

"A second fundamental principle was the recognition of the complete autonomy of the provinces with all residuary powers vested in them. Congress held that the provinces would administer all excepting the basic central subjects. From the nature of the case, it would be open to the provinces to delegate to the Centre such other subjects as they chose.

"It is an open secret that the Cabinet Mission's long-term proposals are framed according to the principles laid down in the Congress scheme.

"A question about the implication of provincial autonomy was raised during the recent Simla Conference. It was asked that if the provinces were fully autonomous, did not two or more of them have the right, if they chose, of setting up inter-provincial machinery for administering such subjects as they allocated to it?

"The declared views of the Congress on the question of provincial autonomy did not permit a denial of the force in the contention. My correspondence during the Simla Conference has already been released and given to the public a clear exposition of the Congress views on the question.

"The only novel feature in the Cabinet Mission's scheme is the idea of grouping the provinces into three different sections. As soon as the Constituent Assembly meets, it will, according to the proposals of the Cabinet Mission, divide itself into three Committees. Each Committee will be composed of members from provinces in the appropriate section and will together decide whether to form a Group or not. Section 15 of the Cabinet Mission's Proposals have clearly recognised the right of provinces to form Groups or not. The Cabinet Mission intend that the provinces should exercise this right at a particular stage.

"The Congress Working Committee hold that whatever the intention of the Cabinet Mission, the statement of 16th May does not bear such interpretation. They hold that the provinces are fully autonomous and have the right to decide the question

at any stage they like. Section 15 and the general spirit of the proposals support the Congress interpretation.

"The provinces have the right to decide either at the very beginning before the Group Constitution has been framed at all or at the end after they have examined the Group Constitution as it has emerged from the Committee of the Constituent Assembly. I am convinced that the Congress interpretation cannot be challenged.

"If a province decides to remain outside the Group from the very beginning, it cannot be compelled to come in.

"There is the problem of Europeans in Assam and Bengal. The Cabinet Mission's proposals have done away with weightage of representation and have clearly laid down that there is to be one representative for every million of the population. This automatically rules the Europeans out of the picture. Once the weightage is discarded, they have no right to any representation at all on the basis of population. It is in the interests of Europeans themselves to refrain from seeking election or participating in the voting. I am confident that the Europeans in Bengal and Assam will act with wisdom and statesmanship. Since the Europeans in Bengal have already decided to refrain from participating in the elections to the Constituent Assembly, I trust that the Europeans in Assam will follow their example.

"It must, however, be admitted that one grave flaw in this picture is the delay in the formation of a Provisional Government. Such Provisional Government alone can provide the atmosphere in which the Constituent Assembly can function with a sense of full freedom and authority. Their mutual interactions are so intimate that each would suffer in the absence of the other. I earnestly hope that this lacuna in the settlement will be filled and a representative and powerful Provisional Government soon set up.

"In assessing the results of the negotiations we must not forget that the two main objectives of the Congress have been the freedom and the unity of India. The Congress stand has been vindicated on both these points. The constitution-making body will be a purely Indian Assembly elected by Indian votes alone.

"It will have the unfettered right to shape India's future Constitution and decide our relations with the British Commonwealth and the rest of the world. And this sovereign Constituent Assembly will legislate not for a divided but for a united India. All schemes of partition of India have been rejected once and for all. The Union Centre may be limited, but it will be powerful and organic and will integrate into one harmonious whole the many provincial, linguistic and cultural diversities which characterise contemporary India."

23. EXTRACTS FROM PROCEEDINGS OF ALL-INDIA CONGRESS COMMITTEE, BOMBAY, JULY 6-7, 1946.

The newly elected A. I. C. C. met at Bombay on July 6-7, 1946, and ratified the Delhi Resolution of the Working Committee, dated June 26, 1946. 204 members voted in favour of the Resolution, and 51 members voted against it.

(1) Speech of Maulana Azad, July 6, 1946.

Commending the Resolution to the members of the A. I. C. C. Maulana Azad said:

"The way the discussion on the Working Committee's resolution has been going on in the country makes me feel that the people seem to have forgotten the question that the Working Committee was faced with. The Committee had either to accept or reject certain proposals placed before it. It had to be guided by what the Congress had been demanding all these years. The Congress had demanded that India must have the right to chalk out her own future and frame her own constitution. For many years the British Government were not prepared to accept this demand of the Congress to allow Indians to frame their own constitution. But circumstances had now forced the British Government to agree to India's fundamental demand of summoning a Constituent Assembly for the purpose of framing a constitution for a free and independent India.

"The Cabinet Mission's proposals contained in the State Paper issued on May 16 gave us this right to summon a Constituent Assembly to frame our own constitution. This

is what we have been demanding all these years. What will be our position, if we refuse that offer?

"If we refused the offer, then there would be no meaning to our demands. The things that we have been asking for years has been accepted and we have now to work our own way. Therefore, the Committee had no choice. It had to accept the offer so long as the Committee felt convinced that it would lead the country to the end the Congress had before it.

"The plan envisaged by the Cabinet Mission in their White Paper of May 16 consists of two aspects, political and communal. As far as the political implications of the proposals are concerned, the proposals make it clear that the Constituent Assembly will have the fullest rights to frame a constitution for a free and independent India and such a constitution will be accepted by the British Government.

"We have been given the freedom to decide whether we wish to remain within the British Empire or be completely independent. It is for us to decide this vital question and the British Government does not wish to dictate to us in this respect as they have hitherto been doing.

"In my first interview with the Cabinet Mission, I made it absolutely clear to the Delegation that the Constituent Assembly we wished to summon should have unfettered freedom to frame a constitution for a free and independent India. The British Government has accepted this demand and has made it clear that the freedom of India is not under question and it has been granted without any question. Why then should we raise doubts in the face of such unequivocal declarations by the British Government?

"The Cabinet Mission's proposals also have once and for all times cleared all doubts about the question of the division of India. These proposals have made it clear beyond a shadow of doubt that India shall remain undivided, a single unit with a strong Central Government composed of federating units.

"Our main demands having thus been accepted by the Cabinet Delegation you will agree the Working Committee had to accept the proposals after pointing out the defects in them. This is what the Working Committee has done by its resolution of June 26. My answer to those critics who say that we should not have accepted this proposal is that if we reject this proposal

now, it may not be possible at a later date in the future to secure a proposal acceptable to us.

. "For sometime now the Congress had been convinced that a completely unitary form of Central Government was unsuited for India as it is impracticable. The Congress had also felt convinced that a division of India as demanded by the Muslim League would prove disastrous to the country. The Congress had therefore decided to pursue a middle course. That is the reason why the Congress recommended a federal form of Centre with maximum autonomy to the federating units including residuary powers. This helps to keep India undivided, at the same time ensuring utmost autonomy to the units to develop themselves individually and freely to the maximum extent.

"We placed this proposal before the Cabinet Mission which accepted this proposal in principle and produced a scheme with a united Centre with limited powers such as controlling Defence, Foreign Affairs and Communications and Finance to the extent needed to maintain the stability of the Union Centre.

"The Constituent Assembly could now find ways and means of strengthening the Union Centre by conceding to the Centre sufficient powers to levy enough finances to support itself and maintain an efficient defence force to protect the country from external aggression and internal turmoil.

"The only new feature of the Cabinet Mission's proposals to which the Congress had not agreed fully was the one relating to Grouping. The Working Committee has therefore made it clear that there should be no compulsion in the matter of Grouping. The provinces should be free to decide whether they wish to join a particular Group or not. We are confident that the interpretation we have put on the Grouping clause is the correct interpretation.

"The Congress Working Committee has made it clear that it cannot agree to the Europeans of Bengal and Assam participating in the framing of the constitution either by being members of the Constituent Assembly or participating in the elections to the Constituent Assembly by voting. If the Europeans eventually decide to exercise their so-called right of voitng in elections to the Constituent Assembly, then the Congress will have to reconsider its decision."

Maulana Abul Kalam Azad in conclusion welcomed the decision of Bengal Europeans not to exercise their right to vote and hoped that Assam Europeans also would do likewise.

(2) Speech of Sardar Vallabhbhai Patel, July 6, 1946.

Sardar Vallabhbhai Patel seconding the resolution said that the resolution covered the two statements by the Cabinet Mission and the Viceroy of May 16 and June 16. The Working Committee had accepted the Mission's proposals contained in their statement of May 16 but rejected the Provisional Government proposal contained in their statement of June 16.

Making it clear that the resolution just moved by Maulana Abul Kalam Azad could not be amended in any manner Sardar Vallabhbhai Patel said, "We place this resolution before the House for ratification. Either you accept it or reject it in toto."

"Four parties, the Cabinet Mission, the Congress, the Muslim League and the Indian Princes have accepted the constitutional plan envisaged in the State Paper issued by the Cabinet Mission on May 16. All vital details connected with the negotiations have been fully published. You are aware the Muslim League first accepted the May 16 statement of the Cabinet Mission. We deferred our decision until the full picture was available to us, namely, of the Constituent Assembly and the Interim Provisional Government. The Interim Government plan was published in the June 16 statement of the Cabinet Mission and the Viceroy. We decided to reject this proposal as it did not accord with our demands. We however decided to accept the Constituent Assembly scheme contained in the May 16 statement. We have made it clear to the Cabinet Mission that the proposed Constituent Assembly will not prove a success if a responsible, representative Provisional Government at the Centre is not established soon. They have made it clear that the Care-taker Government will be there only for a few days.'

"Consistent with the existing circumstances we have secured the widest franchise possible for the election to the Constituent Assembly. The most dangerous proposal in the Constituent Assembly scheme is the one relating to Grouping.

Our interpretation of the relevant paragraph in the State Paper is that the provinces are free to decide at the initial stage whether they wish to join a particular Group in which they have been placed. No province can be compelled to join any Group against its own wishes.

"The difficulty about Europeans participating in the voting to the Constituent Assembly election has been practically overcome. We have thus secured a Constituent Assembly almost on the lines we have demanded all these years. Furthermore, under the proposed scheme the transfer of power from British to Indian hands will be smooth and peaceful. It is, therefore, our conviction that we should take advantage of the scheme and not plunge the country in a struggle.

"At the very commencement of our negotiations with the Cabinet Delegation we made it clear to them that we could talk to them only on the basis of a free and independent India. The British Cabinet Mission accepted this and made it clear that their acceptance of our demand was without any reservation. In the face of such assurance it is difficult for us not to believe them.

"We have also made sure that there shall be one undivided India with one Central Government. What the shape of that Central Government will be, is a matter for the Constituent Assembly to decide. The Muslim League sees germs of Pakistan in the scheme. We see a United India. It is for the Constituent Assembly to decide who is right".

Sardar Vallabhbhai Patel referred to the great injustice done to the great Sikh community in the Cabinet Mission's proposals and said that the Sikhs had not been consulted before they were thrown, bound hand and foot, into the 'B' Group. Their being put in 'B' Group without their consent naturally placed them at a disadvantageous position and therefore they were smarting under the sense of a grievance. Furthermore, the speaker could not see any reason why the Sikhs were not given the same safeguards and communal veto as had been given to the Muslims. He was opposed to all vetoes but once such a veto had been given to the Muslims he could not see the reason why it was refused in the case of the Sikhs. The Sikhs are a brave people and it is unwise to disregard their just demand.

Referring to the Indian States, Sardar Patel welcomed the Cabinet Mission's statement saying that once India is independent there would be no further paramountcy. The Cabinet Mission's statement had made it clear that in future the States rulers would have to look more and more to their own subjects rather than to the paramount Power if they wanted progress. The question of representation in the Constituent Assembly of States people had not been decided, but he hoped that the Indian princes would provide adequate representation for their people in the Constituent Assembly.

Sardar Vallabhbhai Patel referred to the numerous telegrams he was daily receiving seeking admission into the Constituent Assembly as delegates and said that this urge, coupled with the unanimous support the nationalist Press has given to the Congress in its decision to accept the proposal, clearly showed the verdict of the country in favour of the Congress Working Committee's decision.

(3) Speech of Mr. Jaiprakash Narain, July 6, 1946.

Mr. Jaiprakash Narain, leader of the Congress Socialist party, led the Left Wing opposition to the Congress Working Committee's decision. Opposing the resolution he said that the proposed Constituent Assembly which was being brought into existence by the British Power in India was not going to bring the Swaraj for the people of India for which the Congress had been fighting all these years.

The "Quit India" movement of 1942 had been launched to rid India of British imperial power, but that struggle did not achieve its end though it released new forces which have taken the country far towards its goal. The question today before the country was not whether to accept the so-called Constituent Assembly scheme sponsored by British imperialism but how to utilise the new forces to drive the British out of India.

The British Cabinet Mission had not come to deliver freedom to India but to play the mediator between the Congress and the Muslim League. The British had created the so-called differences and they were still trying to exploit them. The Muslim League may have a large following among Musalmans of India today but the League was still the ally and friend of

the British. The Cabinet Mission was asking the Congress to swallow its principles and compromise with the League whose leaders in 1942 unashamedly declared that the 'Quit India' movement was not against the British but against the Musalmans to perpetuate Hindu domination. How could the Congress settle with such a leader? "I feel confident that the Congress can break the League's hold on the Musalmans by its going direct to the Muslim masses. Instead of making this direct approach we are trying to negotiate with the leaders of the Muslim League whom we know to be the friends of our enemies. I am glad the Working Committee has turned down the proposal for the Interim Government.

"I feel that the acceptance of the Constituent Assembly scheme also foreshadows danger. The Constituent Assembly proposed by the British is far from our original idea which was given to us by our Rashtrapati, Pandit Nehru. This Constituent Assembly is the creation of the British and it can never bring us the freedom that we have been fighting for. The British Government may promise to accept the constitution drawn up by the Constituent Assembly but then the British Government themselves will pull the wires in such a manner as not to allow us to frame a constitution that we all desire for a free and independent India. Whenever a difference of opinion arises between the Congress and the League in the Constituent Assembly, and differences are bound to arise, then we have to go to the British Government for a solution. And do you think we can expect fairplay from the British in such a situation? If on the contrary the Constituent Assembly is the outcome of the strength of the people we can solve all our difficulties by an appeal to our people.

"I am aware that all these and other defects must have been considered by the Working Committee before it came to the final decision. But I see no reason why we should accept such a defective proposal, knowing the pitfalls in advance and also knowing our own real strength. Any Constituent Assembly can succeed only if it works in a free atmosphere and there can be no free atmosphere in India so long as British power remains and British troops continue to be stationed in India.

The only thing we can do is to tell the British Government that we do not want such a restricted and curbed Constituent

Assembly. We shall weaken ourselves, if we accept the British Government's proposals. The acceptance of office in the provinces has weakened us considerably. If we accept these proposals we shall further weaken ourselves. The course of negotiations adopted by the Working Committee in my opinion has not led us to our goal. Why then should we not abandon such negotiations and prepare for another struggle? There is only one way open to us and that is to strengthen the Congress organisation and, when we are sure of our own inherent strength, start a fight with the British Government, compel them to quit India and make them understand that they have to transfer power and that can be done only by negotiating with the Congress.

"I wish to make it clear that I am not opposing the Working Committee's decision merely to discredit the Working Committee but I honestly feel that the decision of the Working Committee is wrong and therefore it should not be approved. The All-India Congress Committee has a chance of righting that mistake and that opportunity should not be missed."

(4) Speech of Mahatma Gandhi, July 7, 1946.

"I have read many things in the newspapers about the recent Delhi negotiations. My advice to you is not to take these reports as gospel truth. The newspaper reports have very often been highly coloured. I do not, therefore, think that you will lose much if you do not read these reports.

"I said in one of my speeches at Delhi that I saw darkness all round me. I told the Working Committee that as I could not see light I could not advise them. At the same time I made it clear to the Working Committee that I was not prepared to advise them to throw out or reject the British Delegation's proposals for summoning a Constituent Assembly. I asked the Working Committee to use their judgment and come to their own conclusions. Though I could not see light, I in my own mind favoured acceptance of the proposals but advised the Working Committee to come to their own decision independently of what I felt or said.

"My mind to-day is dark as it was in Delhi. Therefore I will give the same advice to Mr. Jaiprakash Narain. I want

you to accept or reject this resolution not because I ask you to accept it or Jaiprakash asks you to reject it or the Working Committee wants you to accept it but after giving full and careful thought to the proposition yourselves, I want you to exercise your own judgment and come to final decision on your own.

"The proposed Constituent Assembly, I know, is not a free assembly. There are many defects in the scheme but since we have been fighting for the last so many years, why should we be afraid of the defects in the Constituent Assembly scheme? We can fight the Constituent Assembly itself if we find the defects are unremediable. As true Satyagrahis and fighters, we have no right to be afraid of any hardships or difficulties in our way. I was therefore surprised when I heard Jaiprakash Narain saying yesterday that it is dangerous and useless to go into the Constituent Assembly. Supposing we go into the Constituent Assembly and lose, why should we be afraid? A true Satyagrahi never thinks in terms of losing. No one can defeat him. He can never be deceived or cheated by anyone.

"As Satyagrahis we have no right to say that the British are dishonest. How can we say that? There are good and bad people in all countries. We quarrelled among ourselves in the past and therefore the British who came as traders to this country established themselves as our rulers. We have been fighting them as our rulers, not because the British people are dishonest or bad, but because they have no right to rule over us. They have now told us that they are ready to quit. Our task now is to see how their quitting can be smooth and peaceful."

Mahatma Gandhi referred to the 1942 struggle and said that many things which did not form part of the Congress programme, such as underground activities, cutting of telegraph wires and removal of rails, happened. In doing these things the people showed great courage and bravery. But in his opinion this was a wrong way of showing bravery.

Mahatma Gandhi continued, "These things are not going to carry us any nearer our goal. If non-violence is abandoned, it will not take us any farther on our road to freedom. We have had violent revolutionary activities in the past, but they

have not carried us any farther on our road. True non-violence alone can take us to our goal.

"I agree there has been great awakening in this country. But I am, as a true Satyagrahi, anxious to prevent such awakening resulting in derailment of trains and other forms of violence. I am anxious to utilise all the new awakening to speed our march to freedom. The time for rest and ease is not yet come. We have still to go through difficulties and put up with discomforts. I am sure we are still capable of going through difficulties and therefore I do not see any reason why we should be afraid of going into the Constituent Assembly.

"I know that there are many defects in the Constituent Assembly scheme but then it is in your power to improve it or to bury it. The Constituent Assembly scheme looks like iron ore. We can convert it into pure gold by our own efforts. Whatever loopholes there are can be remedied. My advice to you is to accept the scheme even in spite of its defects. For as Satyagrahis we have no reason to be afraid of anything. I feel that the scheme is capable of improvement and therefore my urge is in favour of its acceptance.

"We have asked the British to quit India. This does not mean that we wish to ill-treat them. We want the British to quit honourably and smoothly. The Constituent Assembly proposal is to enable us to make the British quit India. I therefore feel that we should accept the Constituent Assembly scheme in spite of its defects, as we are competent to remedy the defects. I know it is a British sponsored scheme, but have not the British openly stated that they have done this with an open mind and without any reservation to enable Indians to frame their own constitution for a free and independent India?"

(5) Speech of Maulana Azad, July 7, 1946.

Maulana Abul Kalam Azad dealt with the various criticisms made against the resolution by those who opposed the resolution. He said many of the opposition speakers had stated that the British Government were responsible for sponsoring the Constituent Assembly. This was utterly wrong. "No one can say," declared the Maulana, "that the British Government sent

the Cabinet Mission to India to offer us the Constituent Assembly as a free gift. We have secured the Constituent Assembly as a result of our struggle and sacrifices during the past fifty years. The final struggle that was launched by Mahatma Gandhi in 1942 did, of course, hasten the pace of our freedom movement.

"The British people and their Labour Government have realised that we the people of India are determined to have our freedom and nothing on earth can prevent us from achieving our goal. The British Government had, therefore, to make up their mind whether they should transfer power peacefully and quit or allow us to take it forcibly. They have chosen the wiser course.

"I am unable to agree with those who say that by going into the Constituent Assembly we shall be weakening the Congress organisation. Why should anyone think that by going into the Constituent Assembly we shall weaken ourselves? Whatever difficulties may stand in our way we will overcome them as we are determined to reach our final goal.

"We will not in any event sacrifice any of our fundamental principles. If unfortunately any insuperable difficulties crop up in direct conflict with our fundamental principles, we shall not hesitate to kill the Constituent Assembly.

"Opposition speakers have exhibited a fear complex—vague fear of the unknown. I ask if there is any problem which has no difficulties inherent in it. It is no use approaching any problem with a fear complex. If we do this we shall not be able to achieve anything at all.

"In the proposed Constituent Assembly the Congress will have a definite majority and in spite of this we have fears as to how we are going to settle the fate of the country. We have won our struggle for freedom through sheer sacrifices and suffering and I will ask you now not to falter and fritter away the fruits of victory by adopting a gloomy outlook and fear complex.

"Statesmanship demands that we should be practical in our approach to problems. We must utilise opportunities as they present themselves to further our own ends. Sometimes circumstances may be such that we may have to decide on a struggle. At other times it may be that the door to our

goal may be opened through negotiations and in such a situation it is our duty to enter into negotiations and enter through the doorway that is open.

"The Congress has never departed from its fundamental principle of direct action. We have always sworn by it. We made it clear to the British Government even before the Cabinet Mission was sent to India that they should either give us our freedom or face a struggle. We were then told that we were indulging in threats. We made it clear that it was wrong of the British Government to regard it as mere threat. Against this background we started the Delhi negotiations.

"It has been argued that the Central Government will not be a strong one unless it has within its fold economic relations and finance. These questions will be settled by the Constituent Assembly. I do agree that the Central Government can never be effective unless it has the means to support itself. The Congress will never tolerate a weak Centre.

"I want to make it clear that those who say that the Constituent Assembly is a trap are making a great mistake. There is no question of the Constituent Assembly being a trap. We asked for a Constituent Assembly to frame a constitution for a free and independent India and the Cabinet Mission agreed to our demand. How then can anyone call it a trap?

"I want to emphasise that by accepting the Constituent Assembly proposal we shall lay at rest one of the longest standing communal problems. The Muslim League has been demanding all these years the division of India into Hindustan and Pakistan and two separate Constituent Assemblies to draw up separate constitutions. Both these things have been abandoned by the Muslim League by its acceptance of the Cabinet Mission's proposals of May 16. The result of this proposal is that there shall be one united India and one Constituent Assembly with one Central Government.

"I ask if this is not a great achievement. If you reject the Constituent Assembly as the opposition wants you to do, I ask if we shall not be adding to our problems and quarrels. Victory has come into our hands and, please, do not turn it into a defeat (cheers). The door to the Constituent Assembly is open to enable us to draw up our own constitution. Please

enter it and complete our task of framing our own constitution (applause)".

(6) Speech of Pandit Nehru, July 7, 1946 :

Winding up the proceedings of the Committee Pandit Jawaharlal Nehru answered some of the criticisms of the opposition speakers.

Pandit Jawaharlal Nehru said : "We have been talking of independence for a long time. Different interpretations are given of what that independence means. The Viceroy and the Muslim League also speak of independence of India. But the Congress idea of independence is certainly different from that of what the Muslim League and the Viceroy think. Our idea of independence is that there must be absolutely no foreign domination in India and India may even break her connections with the British. We want to establish a Republic of India.

"Achyut Patwardhan expressed surprise how foreign affairs could be carried on without foreign trade. The surprise was perfectly legitimate. Why should foreign affairs be carried on without foreign trade surprises me. It is astonishing as Maulana stated how inferences are drawn and conclusions are built upon them."

"There is no doubt", continued Pandit Nehru, "that in so far as the resolution which we discussed yesterday and to-day is concerned, a great deal can be said in favour or against. A great deal can be said about the difficulties and complications in which we may get caught. The whole question is ultimately of balancing and coming to a conclusion without loss.

"It is obvious so far as I am concerned that foreign affairs include foreign trade. It is quite absurd to talk of foreign affairs without foreign trade, foreign economic policy and exchange, etc.

"As regards defence and communications, obviously they include all manner of things connected with defence,—defence must include a large number of industries. Apart from foreign affairs, defence and communications, the Union Centre will have power to raise finance. This means the Union Centre will control certain revenue-producing subjects. I cannot say off-hand what these revenue-producing subjects will be. It is

inevitable that a decision will have to be made as to what revenue-producing subjects will go to the Centre.' Presumably, the obvious subjects are customs including tariffs and may be, income tax also.

"Arguments have been advanced on the one side that this is a very satisfactory Constituent Assembly ; something that we have been asking and we have got it. On the other hand, it has been stated that this Constituent Assembly is a futile thing imposed upon us to which we should not attach much importance. If I am asked to give my own point of view, I would say it is not obviously something which we have desired and worked for. There are many difficulties and snags and the scales are weighed against us. On the other hand, it is obvious also that it is not so bad. What will be the outcome of this Assembly? It may be that it does not function for long, it breaks up. It may be we may get something out of it and we go ahead ; it solves some of our problems. And we produce some kind of constitution which is desirable and workable. All these things are possible. But it seems to me rather fantastic for the Cabinet Mission to tell us that after ten years we are going to do this or that. It is fantastic and I cannot imagine anybody laying down any rule for India ten years hence."

Pandit Nehru continued: "When India is free, India will do just what she likes. It is quite absurd and foolish to lay down now what she is going to do a few years hence.

"I do think that some time or other in the future, we may have to summon our own proper revolutionary Constituent Assembly. That does not mean we should not take advantage of this and work it out for our own advantage. If we do not succeed in the Constituent Assembly we change our tactics to suit whatever form we want to do.

"There is a good deal of talk of Cabinet Mission's long-term plan and short-term plan. So far as I can see, it is not a question of our accepting any plan long or short. It is only a question of our agreeing to go into the Constituent Assembly. That is all and nothing more than that. We will remain in that Assembly so long as we think it is good to India and will come out when we think it is injuring our cause and then offer battle. We are not bound by a single thing except

that we have decided for the moment to go to the Constituent Assembly, not certainly to deliver fine speeches but to build something to overcome some of our problems."

As the discussion in the House was about the proposed Constituent Assembly, Pandit Nehru went on to say, he was reminded of other Constituent Assemblies. Perhaps the comparison was not justified. 157 years ago a Constituent Assembly called the "States General" was called in France. It was convened by the King of France himself. He was an autocratic and foolish King and he soon got into trouble with that Assembly and ultimately within a few years the head of that King was cut off. India, of course, would not cut off other people's heads. Again there was the case of the American colonies. "Do you remember", Pandit Nehru asked, "that even after the declaration of war against England there were colonies which continued to send humble petitions of loyalty to the English King? It is only after a hard war things changed. Now in regard to criticisms against the resolution it is strange that one should be afraid of a thing because, at the beginning, it is not exactly to one's liking. It seems to me that we have begun to attach far too much importance to gestures, words and slogans and generally to a certain heroic attitude. It is a dangerous thing. Remember, we are a great nation. We are no longer a tiny people begging for freedom at the hands of the British. We are on the verge of freedom."

Pandit Nehru said: "Of course we have to fight those who come in our way. But we should not forget the fact that while we have to be revolutionary, we also have to think in terms of statesmanship—not in terms of careerists and merely shouting slogans and escaping responsibility, but in terms of facing big problems. I beg of you to look upon all these problems in a spirit of revolutionary statesmanship and not in a spirit of submission to opportunism which is so rampant all over India to-day. There is always a tendency, if we enter these legislatures, for us to get entangled in minor problems and forget big things. Although there is that danger yet it is quite impossible after we have arrived at a certain stage to say that you cannot accept responsibility for solving your own problem. The world looks to you and to the Congress for great decisions and it is no use to sit cursing, fuming and fretting".

24. PANDIT NEHRU AT PRESS CONFERENCE, JULY 10, 1946.

(Bombay)

Relating to the proposed Constituent Assembly Pandit Nehru said that Congress had made no commitment.

Asked to amplify his statement in the A.-I.C.C. that the Congress had made no commitment in regard to either the long-term or the short-term plan except to go into the Constituent Assembly, Pandit Nehru said, "As a matter of fact, if you read the correspondence that has passed between the Congress President and the Cabinet Mission and the Viceroy, you will see in what conditions and circumstances we agreed to go into this Constituent Assembly. The first thing is that we have agreed to go into the Constituent Assembly and we have agreed to nothing else. It is true that in going to the Constituent Assembly, inevitably, we have agreed to a certain process of going into it, *i.e.*, election of the candidates to the Constituent Assembly. What we do there, we are entirely and absolutely free to determine. We have committed ourselves to no single matter to anybody. Naturally, even though one might not agree to commit himself, there is a certain compulsion of facts which makes one accept this thing or that thing. I do not know what that might be in a particular context. But the nature of compulsion of facts would be not of the British Government's desire or intents, but how to make the Assembly a success and how to avoid its breaking-up. That will be certainly a very important consideration. But the British Government does not appear there at all."

"When the Congress had stated that the Constituent Assembly was a sovereign body", Pandit Nehru said, "the Cabinet Mission's reply was more or less 'yes', subject to two considerations. Firstly, proper arrangement for minorities and other, a treaty between India and England. I wish the Cabinet Mission had stated both these matters are not controversial. It is obvious, the minorities question has to be settled satisfactorily. It is also obvious that if there is any kind of peaceful change-over in India, it is bound to result in some kind of treaty with Britain.

"What exactly that treaty will be I cannot say. But if the British Government presumes to tell us that they are going to hold anything in India because they do not agree either in regard to minorities or in regard to treaty, we shall not accept that position. We shall have no treaty if they seek to impose anything upon us and we shall tear up any treaty they try to impose. If they treat us as equals and come to terms there will be a treaty. But if there is the slightest attempt at imposition, we shall have no treaty.

"In regard to minorities it is our problem and we shall no doubt succeed in solving it. We accept no outsider's interference in it, certainly not the British Government's interference in it and therefore these two limiting factors to the sovereignty of the Constituent Assembly are not accepted by us.

"How to make the job in the Constituent Assembly a success or not is the only limiting factor. It does not make the slightest difference what the Cabinet Mission thinks or does in the matter."

Referring to Grouping, Pandit Nehru said, "The big probability is that, from any approach to the question, there will be no Grouping. Obviously, Section A will decide against Grouping. Speaking in betting language, there was 4 to 1, chance of the North-West Frontier Province deciding against Grouping. Then Group B collapses. It is highly likely that Assam will decide against Grouping with Bengal, although I would not like to say what the initial decision may be, since it is evenly balanced. But I can say with every assurance and conviction that there is going to be finally no Grouping there, because Assam will not tolerate it under any circumstances whatever. Thus you see this Grouping business approached from any point of view does not get on at all."

Pandit Nehru also explained how provincial jealousies would work against Grouping. Firstly, he pointed out, "everybody outside the Muslim League was entirely opposed to Grouping. In regard to this matter the Muslim League stands by itself isolated. Applying that principle you will find in the North-West zone there is a kind of balance of pro-Grouping and anti-Grouping.

Secondly, entirely for other reasons, non-political, non-Congress, non-League, there is a good deal of feeling against

Grouping with the Punjab both in the North-West Frontier Province and Sind for economic and other reasons. That is to say, even a Muslim Leaguer in Sind dislikes the idea of Grouping with the Punjab, because he fears that the Punjab will dominate Sind, the Punjab being a dominant party in that Group and more aggressive and advanced in some ways. Apart from the imposed discipline from the Muslim League, both in the Frontier and in Sind, the people are unanimously against Grouping because both these provinces are afraid of being swamped by the Punjab."

Asked when the provisional National Government would be formed at the Centre, Pandit Nehru said: "I cannot just peep into the future and tell what is going to happen. For the moment we are somewhat engaged in the Constituent Assembly elections. But remember this, that the Constituent Assembly is not going to put easily for long with the kind of Caretaker Government that exists to-day. There is bound to be conflict between them. In fact, the Caretaker Government has no stability; nor is there any possibility of its long continuance; how and when and what share the new Government will take I cannot say; it will be just entering into phantasy."

When his attention was drawn to the forthcoming meeting of the All-India Muslim League Council at Bombay, Pandit Nehru said: "Whatever the Congress does is always intended to create new situations. We do not follow other people's situations. I am glad that the Muslim League has realised that we have created a new situation. We propose to create many further new situations. What we shall do if the League decides to do this or that? We will see what the conditions then are and decide accordingly."

Dealing with the powers of the proposed Union Centre, Pandit Nehru said that according to the Cabinet Mission's proposals, there were three or four basic subjects in it—*i.e.*, Defence, Foreign Affairs, Communications and the power to raise finances for these. Obviously, Defence and Communications have a large number of industries behind them. So these industries inevitably come under the Union Government and they are likely to grow. Defence is such a wide subject that it tends to expand its scope and activities more and more. All that comes under the Union Government.

Similarly, External Affairs inevitably include Foreign Trade policy. "You cannot have Foreign Policy if you divorce Foreign Trade from it. They include all manner of things which are not put down there but which can be brought in".

Referring to the question of raising finances for the Union, Pandit Nehru said that it had to be done by taxation. "If any one suggests that some kind of contributions or doles are going to be given by the Provinces or States, it is bunkum. No Central Government carries on doles." He recalled how an attempt to carry on with contribution had ended in failure in the United States in the early days of the American Confederation. "Inevitably, therefore," he added, "any Central Government must raise its finances by taxation. I cannot make a list now but obviously Customs, including Tariff, is connected with Foreign Trade policy. It may be, Income Tax will be another ; I do not know what else."

Pandit Nehru pointed out that the Central Government must be responsible for foreign market, loans and such other subjects. It must also obviously control currency and credit. "Who is going to do it, if not the Centre? You cannot allow each unit or province to carry on a separate type of credit and Foreign Policy."

"Suppose there is trouble between the Provinces or States, or an economic breakdown due to famine conditions. The Centre comes in again inevitably. However limited the Centre might be, you cannot help the Centre having wide powers, because the past few years have shown that if there were no Central authority, the conditions would have been far worse in India. However, the fact that there has been a Central authority has not done much good to the country, because it has been incompetent. It is obvious that without the Central authority, you cannot deal with problems mentioned above. There must be some overall power to intervene in grave crisis, breakdown of the administration, or economic breakdown or famine. The scope of the Centre, even though limited, inevitably grows because it cannot exist otherwise. Though some people might oppose this broadening of the Centre, the Constituent Assembly will have to decide on the point."

Pandit Nehru reiterated the Congress stand in respect of States' participation in the Constituent Assembly and said,

"Our position has been and is that elected representatives of the States' people must go there. The rulers say that they should nominate representatives. What their stand to-day is, I do not know. But, obviously, we cannot accept that position. The real difficulty is that apart from the rulers' position, the Governments in the Indian States are so unrepresentative that a proper procedure must be adpoted to make them representative and representatives of such Governments should go to the Constituent Assembly."

The Congress President's attention was drawn to some of the bigger States like Hyderabad not demobilising their war-time armies. Pandit Nehru said, "It is highly undesirable for all these small, separate armies to continue. They are bound not to continue under the Union Government of India. There will be only one Central Army. May be, during the intervening period of transition some of these may carry on." Pandit Nehru referred to Hyderabad State retaining its war-time army. "The history of Hyderabad's army or the military history of Hyderabad is not one to inspire any body." He said: "Even if I think ever in terms of conflict, the Hyderabad State forces will not cause me the least trouble or loss of sleep."

"Fundamentally, the problem is that of British power supporting these States. Once that is removed, the picture changes completely. No local State army can carry on independently against the rest of India, because it is a physical impossibility."

25. MR. JINNAH'S STATEMENT, JULY 13, 1946.

"Pandit Nehru's interpretation of the Congress acceptance of the Cabinet Mission's proposal of May 16 is a complete repudiation of the basic form upon which the Long-term scheme rests and all its fundamentals and terms and obligations and rights of parties accepting the scheme," said Mr. M. A. Jinnah, President of the All-India Muslim League, in an interview (at Hyderabad, Deccan) to the Associated Press to-day, commenting on the statement made by Pandit Nehru at the recent Press Conference in Bombay.

"The Muslim League," Mr. Jinnah says, "shall have to consider the situation when the Working Committee and the Council of the All-India Muslim League meet on July 26, 27 and 28 and adopt such action as we may think proper in the circumstances that have arisen."

Mr. Jinnah says: "It has been clear from the outset to those who understand from the letter of the President of the Congress of June 25 addressed to the Viceroy and the resolution of the Congress Working Committee that followed it next day rejecting the Interim Government proposals contained in the statement of the Cabinet Delegation and Viceroy dated June 16, that the so-called 'acceptance' by the Congress only of Long-term plan of May 16 was never intended to honour its terms and obligations with the desire to carry out the scheme in the spirit of constructive and friendly co-operation. It ended with covert threat that the successful working of the Constituent Assembly will depend upon the formation of a satisfactory provisional Interim Government. After that they themselves had wrecked the final proposals put forward by the Cabinet Delegation and the Viceroy in their statement of June 16.

"In their resolution they make reservations and put fantastic interpretations upon the fundamentals of Long-term plan and finally they make it clear that they were only going to prevent other people, whom they consider undesirable, from getting into the Constituent Assembly and seek election to wreck the Long-term plan also. Their going into the Constituent Assembly is, as has now been seen, so frankly and clearly defined by Pandit Jawaharlal Nehru, on his assumption of office as the President of the Congress, 'to achieve their objective'. He has also made it quite clear that they are not going to honour any of the terms of the Long-term plan and that they are only entering, to put it shortly, to use it as platform for their propaganda in utter disregard of rights and obligations of those agreeing and who are in honour bound to fulfil or abide by it. This is simply because they have secured a brute majority of 292 against 79 Muslims in the Constituent Assembly.

"What Pandit Nehru says while referring to the correspondence that passed between the Cabinet Mission and Viceroy

and the Congress and of their final decision of June 25-26 is: 'You will see on what conditions and circumstances we agreed to go into Constituent Assembly. We have agreed to go into the Constituent Assembly and we have agreed to nothing else.'

"This is complete repudiation of the basic form upon which the Long-term scheme rests and all its fundamentals and terms and obligations and rights of parties accepting the scheme.

"I understand that there is going to be a debate in the British Parliament very soon on the report of the Cabinet Delegation and it is for the British Parliament and His Majesty's Government to make it clear beyond doubt and remove the impression that the Congress has accepted the Long-term scheme which is sought to be conveyed abroad by the timid efforts of the Cabinet Delegation and the Viceroy, who throughout these negotiations suffered from a fear complex and constant threat of the Congress of resorting to civil disobedience, which is now repeated by Pandit Jawaharlal Nehru in his present statement to the Press Conference and further, in their undue anxiety to secure success of their Mission at any cost and the sacrifice of every body else. In spite of knowing full well the true situation and the intentions of the Congress, the Mission have tried to treat the decision of the Congress as acceptance of a party who did so with real spirit of constructive co-operation to honour their obligations as an honourable organisation, according to spirit and letter of the Long-term scheme."

26. EXTRACTS FROM STATEMENT OF SIR STAFFORD CRIPPS, HOUSE OF COMMONS, JULY 18, 1946.

Following is a summary of Sir Stafford's statement:—

"The House must, I am sure, be fully conscious of the fact that the circumstances of the Spring of 1946 were vastly different from those of 1942, or 1939.

"India has shared to the full in the political awakening which is evident all over the world after the war and nowhere perhaps more than in the Far East.

"Pressures which were sufficiently in evidence before the war and during the war have become greatly accentuated and there is no doubt whatever that since, at any rate, the early months of this year, no other approach would have had any chance of success at all.

"When the Mission first arrived in New Delhi the atmosphere for agreement between the parties was not propitious.

"Apart from the difficulty of arriving at a common view as to the form of the Constituent Assembly and the composition of the Interim Government there was in these initial stages a wide difference of approach on the part of the two parties.

"The Congress held strongly that the question of the Interim Government should first be settled after which a settlement as to the Constituent Assembly should follow.

"The Muslim League on the other hand were equally firm that they could not discuss the composition of the Interim Government until the long-term question associated with the setting up of the constitution-making machinery had been settled.

"It was not practicable to obtain a settlement of both questions simultaneously and we came to the conclusion that the best chance of ultimate agreement upon the whole matter was to deal with the long-term question first and thereafter immediately to tackle the problem of the Interim Government. It was on that basis that we proceeded.

"It therefore became necessary to work out with the leaders of all main parties some basis upon which these parties would be prepared to meet for discussion of the long-term problem.

"Our difficulty here was that the Muslim League were committed up to the hilt to an independent, fully sovereign Pakistan as a separate entity, while the Congress equally were strongly pledged to a unitary India, though they had stated that they could not compel the people of any territorial unit to remain in an Indian Union against their declared will.

"The second stage of our negotiations was, therefore, introduced by a very intense period of personal interviews and conversations during which a joint basis was worked out for discussion, and ultimately both parties, while making it clear

that they were in no way bound, expressed their willingness to meet in Simla to discuss the matter."

Sir Stafford then quoted the basis of the future constitutional structure of British India—a Union Government dealing with Foreign Affairs, Defence and Communications; three Groups of Provinces, one predominantly Hindu and the other two predominantly Muslim, dealing with all other subjects which the Provinces in the respective Groups desired to be dealt with in common; Provincial Governments to deal with all other subjects and have all residuary sovereign rights—and commented:

"It was upon this purposely vague formula, worked out in conjunction with the leaders of the two parties, that we were able to bring together, to confer with us in Simla, four representatives each from the Congress and the Muslim League."

Sir Stafford said that towards the end of the Simla talks, the two sides produced written statements of their rival demands which, he said, showed that both had moved very considerably from their initial standpoints.

Sir Stafford continued: "It was not possible to get the parties any closer to one another at Simla and so, with their consent, the meetings were terminated after lasting a fortnight and the Mission announced that it would return to New Delhi and put out a statement of its own views.

"It is perhaps worth stating that—contrary to the allegations which were made in some quarters in India—we had not gone out to India with any cut-and-dried plan. We went out with open minds, since our object was not to impose a plan on India, but to help Indians to agree on a plan amongst themselves."

* * * *

Sir Stafford said that there were two main points which the Congress were stressing as to the statement of May 16.

"The first was as to whether provinces were compelled to come into sections of the Constituent Assembly in the first instance, or whether they could stay out if they wished. We made it quite clear that it was an essential feature of the scheme that the provinces should go into the sections, though,

if Groups were subsequently formed, they could afterwards opt out of those Groups.

"Fear was expressed that somehow or other the new provincial constitutions might be so manoeuvred as to make it impossible for a province afterwards to opt out. I do not myself see how such a thing would be possible but if anything of that kind were to be attempted it would be clear breach of the basic understanding of the scheme."

Sir Stafford said the essence of the constitution-making scheme was that the provincial representatives should have the opportunity of meeting together and deliberating upon the desirability of forming a Group and upon the nature and extent of the subjects to be dealt with by the Group.

"If, when the pattern of a Group ultimately emerges, any province wishes to withdraw from the Group because it is not satisfied, then it is at liberty to do so after the first election under the new constitution when with, no doubt, a wider electorate than at present that matter can be made a straight election issue.

"The second point which disturbed the Congress was as to the European vote. The Congress took the view that as we had laid down that the constitution was to be made by Indians for Indians, Europeans had no locus at all in the matter."

Sir Stafford Cripps continued: "Before I leave this matter of the Constituent Assembly I must mention some of the recent reports as to the alleged intentions of the parties in joining the Constituent Assembly.

"We saw representatives of both the parties shortly before we left India and they stated to us quite categorically that it was their intention to go into the Assembly with the object of making it work.

"They are, of course, at liberty to advance their views as to what should or should not be the basis of the future constitution—that is the purpose of the Constituent Assembly: to hammer out an agreement from diverse opinions and plans.

"Likewise they can put forward their views as to how the Constituent Assembly should conduct their business, and having agreed to the statement of May 16, and the Constituent

Assembly being elected in accordance with that statement they cannot, of course, go outside the terms of what has been agreed to, as that would not be fair to the other parties who have come in.

"It is on the basis of that agreed procedure that the British Government have said they will accept the decision of the Constituent Assembly.

"As for the States, they need have no anxiety. It is for them to agree to come in or not as they choose. It is for that purpose they have set up a Negotiating Committee, and I am sure the Committee will have the wisdom to work out an acceptable basis of co-operation in the Constituent Assembly.

"It is upon the free consent of many diverse elements of Indian people that the success of the new constitution will depend, and I am confident, from all that was said in India, that all parties appreciate that fundamental fact. A union cannot be forced. It must be by agreement, and it will be the task of the Constituent Assembly to attain that agreement which will be possible if majorities and minorities are tolerant and prepared to co-operate for the future of all India."

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"It was essential that there should be a pause after three and a half months of intense work, and this necessity was further emphasised by the fact that all members of the Congress Working Committee had to leave for the All-India Congress Committee meeting at Bombay on July 8 and that all parties wished to participate in the elections to the Constituent Assembly.

"The House will be familiar with our relationship with Indian States, described by the word 'Paramountcy'.

"We had a series of very interesting talks with the representatives of the Princes and some of the leading States Ministers as well as a good deal of correspondence, and we were most impressed by the co-operative attitude which they adopted throughout. The Chancellor of the Chamber of Princes, His Highness the Nawab of Bhopal, was very helpful and will, I am sure, contribute much to a solution of the problems of Indian States.

"The States are willing and anxious to co-operate and to bring their own constitutions into such conformity with those of British India as to make it possible for them to enter the Federal Union.

"There will, of course, have to be close negotiations between the Negotiating Committee which the States have set up and the major British Indian parties both as to the representation of the States in the Constituent Assembly and as to their ultimate position in the Union.

"If the same reasonable temper continues to be shown about these matters, as was the case while we were in India, we may well hope that accommodation will be arrived at which will enable all India to come within the Union set up by the constitution-making machinery.

"I now pass to the question of the Sikhs. It was a matter of great distress to us that the Sikhs should feel that they had not received the treatment which they deserved as an important section of the Indian people.

"The difficulty arises not from any one's under-estimate of the importance of the Sikh Community but from the inescapable geographical facts of the situation.

"What the Sikhs demand is some special treatment analogous to that given to the Muslims. The Sikhs, however, are a much smaller community, five and a half against ninety millions, and are not geographically situated so that any area as yet devised—I do not put it out of possibility that one may be devised—can be carved out in which they would find themselves in a majority.

"It is, however, essential that fullest consideration should be given to their claims, for they are a distinct and important community, and this we have done. But on the population basis adopted, they would lose their weightage and consequently have only four out of a total of 28 seats in the Punjab or out of 35 in the North-Western section.

"This situation will to some extent, we hope, be remedied by their full representation in the Minorities Advisory Committee."

As regards the Scheduled Castes, Sir Stafford said that "as it was almost universally agreed that members of the Provincial

Legislative Assemblies formed the only possible electorate for the Constituent Assembly, it was not possible, even had we decided to do so, to arrange for Dr. Ambedkar's organisation to have any special right of election to the Constituent Assembly. It had failed in the elections and we could not artificially restore its position. The Depressed Classes will, of course, have their full representation through the Congress-affiliated organisation. We interviewed leaders of that organisation and were convinced of their very genuine and strong desire to support the case of the Depressed Classes.

"Here again, however, the Advisory Committee on minorities can provide an opportunity for reasonable representation of both organisations and we hope very much that the majority of the Constituent Assembly, in setting up that Advisory Committee, will be generous in their allocation of seats to all minorities, but particularly to minority organisations which, though they have a considerable following in the country, have little or no representation in the Constituent Assembly itself.

"Other minorities, though of course each important in their own field, do not, I think, raise any major questions with which I need here deal. They will all, we hope, be fully represented on the Advisory Committee.

"I should perhaps draw the attention of the House to one other matter in this respect. Members will observe that in Paragraph 20 of the statement of May 16, we deal not only with the rights of citizens (fundamental rights) and the minorities, but also with tribal and excluded areas. Here again it was impossible to arrange for any worthwhile representation for these particular interests in the Constituent Assembly and in consequence we felt that having regard to the very special nature of the problems raised, it was far better for them to be dealt with by a more specialised body. We hope that the Advisory Committee will appoint small Committees of specialists to deal with these matters in various areas so that the Constituent Assembly may have the best possible advice before it comes to any decision."

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27. EXTRACTS FROM STATEMENT OF LORD PETHICK-LAWRENCE, HOUSE OF LORDS, JULY 18, 1946.

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"The two great parties in British India, the Congress and the Muslim League, who between them nearly swept the polls in the recent provincial elections, are acutely divided on this matter.

"While the Congress has always stood for one United India, the claim of the Muslim League has been for the division of India into Hindustan and Pakistan.

"Therefore, while the first task of the Mission was to convince Indians of the sincerity of the British people in offering them independence within or without the British Commonwealth according to their choice, their second task was to bridge the apparently unbridgeable gap between the rival views of the two great Indian parties.

"I think I can claim without fear of disagreement that, as for the first, we were entirely successful (cheers).

"All leaders of Indian opinion now realise that the British people mean what they say and will do their part to carry it into effect.

"As to the second, I believe the facts as disclosed in the voluminous Command Papers (White Papers), which I hope to make more clear, speak for themselves.

"We began by getting into direct personal contact orally and by correspondence, with the most representative men and women in India, not only of the great Indian parties and from the States but also of other sections and minorities in British India.

"Their views profoundly influenced us in forming our opinion as to the best way to approach the problem.

"The main difficulty lay in the fact that not only were the major parties differing in their views of the future constitutional structure of India, but this divergence prevented them from agreeing on a Constitution-making machinery.

"The Congress wanted a single Constitution-making body, while the Muslim League wanted two separate Constitution-making bodies—one for Hindustan and one for Pakistan.

"After considerable discussion with them separately, we decided to invite them both to send four representatives each to meet us together at Simla and consider a proposal for forming a constitution on three-tier basis.

"This they agreed to do, while reserving complete freedom of comment and action. The Simla talks were marked by the very welcome spirit of accommodation shown by both parties and although a final agreement was not reached, the talks ended amicably and sufficient progress had been made to justify us in putting out a statement on May 16 which we believed was sufficiently near to the views of both parties to be likely of acceptance.

"That statement did not purport to lay down a constitution for India. This was a matter only for Indians. What we did was to put forward the three-tier suggestion and offer it for a basis for Constitution-making machinery.

"The three-tier basis is nothing more than our recommendation to the Indian peoples but on the basis of these proposals we were asking the parties to join in the formation of a Constituent Assembly. But it was necessary to stipulate that the provisions should not be altered without a majority of the two major communities.

"In Paragraph 18 we gave our reasons for taking a population basis for the allocation of seats on the Constituent Assembly and this method has met with general approval.

"In Paragraph 14 we dealt with the question of the Indian States. We had discussions with the Chancellor of the Chamber of Princes, the Nawab of Bhopal, and were very impressed with the helpful and co-operative attitude he adopted throughout, and to that attitude can be attributed much of the success of the solution of the problem of the Indian States.

"Our attitude to the States is expressed in Paragraph 14 of the statement where we record the willingness of them to co-operate and also their helpful attitude as to the winding up of Parliament's paramountcy relationship.

"This matter was further elaborated in the memorandum handed by us to the Chancellor.

"The views of the States for whom the Chancellor is responsible are given in Command 6862, Document 4. It will be seen that a Negotiating Committee has been set up to

arrange for the participation of the States in the Constitution-making body.

"The May 16 Statement as a whole had an excellent reception, though there were points in it that were criticised on many sides. Neither of the major parties could achieve their whole objects, though it presented a practicable and flexible compromise and we hoped they might both accept it.

"After issuing that statement there followed another period when all the parties in India were discussing among themselves our proposal and weighing up the pros and cons in minute detail as it affected their own principles and the principles of their particular sections.

"There were also verbal exchanges between them and ourselves as to the Constituent Assembly as will be seen in some of their earlier letters published and from the statement issued by the Mission on May 25.

"On June 6 the All-India Muslim League Council passed a resolution which, while critical of the contents of our statement of May 16, particularly on the issue of Pakistan, and while reserving opinion on those points, definitely accepted the scheme put forward by the Mission.

"This was a great step forward and I pay tribute to the courage and statesmanship of Mr. Jinnah that, in advance of the Congress, he should have advocated in his Council and carried through that body acceptance of our proposals, which differed substantially from the views held until then and vigorously expressed by his followers.

"The Congress did not at that time come to any final decision but, if I may anticipate events, they, too, on June 26, in a resolution and in a letter to the Viceroy, while expressing their views on interpretation, announced their acceptance of the proposals set out in our statement of May 16.

"Thus we have secured in the end the acceptance of both the major parties in India to these proposals. Nominations and elections to the Constitution-making body have accordingly been proceeding in the present month and, from the news which reaches me, it would seem that some of the best human material in India are likely to be returned to take part in the deliberations.

"If my expectations in this respect are fulfilled a most valuable start has been made in the creation of a constitutional structure for the future of India.

"Before leaving this I would like to say a few words about some recent reports from India as to the intentions of the parties in joining the Constituent Assembly.

"We saw both parties shortly before we left and they stated to us quite categorically that it was their intention to go into the Assembly with the objective of making it work. They are, of course, at perfect liberty to advance their own views as to what should or should not be the basis of the future constitution.

"That is the purpose of the Constituent Assembly—to hammer out agreement from diverse opinions and plans. Likewise they can put forward their views as to how the Assembly should conduct its business but, having regard to the statement of May 16 and the Constituent Assembly elected in accordance with it, they cannot, of course, go outside the terms of what has been agreed to. That would not be fair to the other parties who go in and it is on the basis of that agreed procedure that the British Government has said they will accept the provisions of the Constituent Assembly.

"As to the States, they need have no anxiety since it is for them to decide freely to come in or not, as they choose. It is for that purpose that they have set up a Negotiating Committee and I am sure that that Committee will have the wisdom to work out an acceptable basis for their co-operation in the Assembly.

"It is on a free consensus of the many diverse elements of the Indian people that the success of the new constitution will depend.

"I am confident from all that was said to me in India that all parties appreciate this fundamental fact. Union cannot be by force. It must be by agreement and it will be the task of the Assembly to obtain that agreement.

"It will be possible for the majority and minorities alike to prepare to co-operate for the good of the future of all-India".

* * * *

"There was the question of the Sikhs. The difficulty arose from the inescapable facts of the geographical position of the Sikhs. Whereas the Sikhs numbered five million, the Muslims numbered ninety million and the Sikhs were not a geographical entity".

Full consideration, he said, should be given to their claim and full consideration had been given to it as a distinct community.

The most the Mission could do was as outlined in the White Paper.

On a population basis they had been given 4 out of 28 seats in the Punjab. The situation could be brought up and considered by the Advisory Committee on minorities.

He appealed to the Sikhs to reconsider their attitude and their decision not to take part in the work that was now being done.

Lord Pethick-Lawrence referred to the Depressed Classes led by Dr. Ambedkar and said that they would have very full representation through the Congress-affiliated organisation. The Mission had interviewed the leaders of the Congress organisation and were convinced of their genuine desire to help the Depressed Classes. It was another matter on which the Advisory Committee on minorities might reach some solution and he hoped that the Committee would be generous in their allocation of seats to minorities.

28. RESOLUTIONS OF THE MUSLIM LEAGUE COUNCIL, JULY 29, 1946.

[The Council of the Muslim League concluded its three-day session to-day at Bombay after passing two resolutions. The Council also called upon Muslim title-holders to renounce the titles conferred on them by the British Government.]

Resolution withdrawing acceptance of Cabinet Mission's Plan :

"On June 6, 1946, the Council of the All-India Muslim League accepted the scheme embodied in the Statement of the

Cabinet Delegation and the Viceroy dated May 16, 1946, and explained by them in their statement dated May 25, 1946. The scheme of the Cabinet Delegation fell far short of the demand of the Muslim nation for the immediate establishment of an independent and fully sovereign State of Pakistan comprising the six Muslim provinces, but the Council accepted a Union Centre for 10 years strictly confined to three subjects, *viz.*, defence, foreign affairs and communications, since the scheme laid down certain fundamentals and safeguards and provided for the Grouping separately of the six Muslim provinces in Sections B and C for the purpose of framing their provincial and Group constitutions unfettered by the Union in any way ; and also with a view to ending the Hindu-Muslim deadlock peacefully and accelerating the attainment of the freedom of the peoples of India.

"In arriving at this decision the Council was also greatly influenced by the statement of the President, which he made with the authority of the Viceroy, that the Interim Government, which was an integral part of the Mission's scheme, was going to be formed on the basis of the formula : five Muslim League, five Congress, one Sikh and one Indian Christian or Anglo-Indian, and the most important portfolios to be distributed equally between the two major parties, the Muslim League and the Congress. The Council authorized the President to take such decision and action with regard to further details of setting up the Interim Government as he deemed fit and proper. In that very resolution, the Council also reserved the right to modify and revise this policy, if the course of events so required.

"The British Government have committed a breach of faith with the Muslim League in that the Cabinet Delegation and the Viceroy went back on the original formula of 5 : 5 : 2 for the setting up of the Interim Government to placate the Congress.

"The Viceroy, having gone back on the original formula upon the faith of which the Muslim League Council came to their decision of June 6, suggested a new basis of 5 : 5 : 3 and, after carrying on considerable negotiations with the Congress and having failed to get the Congress to agree, intimated to the parties on June 15 that he and the Cabinet Delegation would

issue their final statement with regard to the setting up of the Interim Government.

"Accordingly, on June 16, the President of the Muslim League received a statement embodying what was announced to be the final decision for setting up the Interim Government by the Viceroy, making it clear that, if either of the two major parties refused to accept the Statement of June 16, the Viceroy would proceed to form the Interim Government with the major party accepting it and such other representatives as were willing to join. This was explicitly laid down in Paragraph 8 of the Statement of June 16.

"Even this final decision of the Cabinet Mission of June 16 with regard to the formation of the Interim Government was rejected by the Congress, whereas the Muslim League definitely accepted it—although it was different from the original formula *i.e.*, 5 : 5 : 2—because the Viceroy provided safeguards and gave other assurances in his letter dated June 20, 1946.

"The Viceroy, however, scrapped the proposal of June 16 and postponed the formation of the Interim Government on the plea concocted by the legalistic talents of the Cabinet Mission putting a most fantastic and dishonest construction upon Paragraph 8 of the Statement to the effect that, as both the major parties, *i.e.*, the Muslim League and the Congress, had accepted the Statement of May 16, the question of the Interim Government could only be taken up in consultation with the representatives of both the parties de novo.

"Even assuming that this construction was tenable, for which there is no warrant, the Congress, by their conditional acceptance with reservations and interpretations of their own, as laid down in the letter of the President of the Congress dated June 25 and the resolution of the Working Committee of the Congress passed at Delhi on June 26, repudiating the very fundamentals of the scheme had, in fact, rejected the Statement of May 16, and, therefore, in no event was there any justification, whatsoever, for abandoning the final proposals of June 16.

"As regards the proposal embodied in the Statements of May 16 and 25 of the Cabinet Delegation and the Viceroy, the Muslim League alone of the two major parties had accepted it,

"The Congress have not accepted it because their acceptance is conditional and subject to their own interpretation which is contrary to the authoritative statements of the Delegation and the Viceroy issued on May 16 and 25. The Congress have made it clear that they do not accept any of the terms or fundamentals of the scheme, but that they have agreed only to go into the Constituent Assembly and to do nothing else ; and that the Constituent Assembly is a sovereign body and can take such decisions as it may think proper in total disregard of the terms and the basis on which it is to be set up. Subsequently they made this clear beyond doubt in the speeches that were made at the meeting of the A.I.C.C. in Bombay on July 6 by prominent members of the Congress and in the statement of Pandit Nehru, the President of the Congress, to a Press conference on July 10 in Bombay and then again, even after the debate in Parliament, at a public speech by him at Delhi on July 22.

"The result is that, of the two major parties, the Muslim League alone has accepted the Statements of May 16 and 25 according to the spirit and letter of the proposals embodied therein. In spite of the attention of the Secretary of State for India having been drawn to this situation by the statement of the President of the Muslim League on July 13 from Hyderabad (Dn.), neither Sir Stafford Cripps in the House of Commons nor Lord Pethick-Lawrence in the House of Lords, in the course of the recent debate, has provided or suggested any means or machinery to prevent the Constituent Assembly from taking decisions which would be ultra vires and not competent for the Assembly to do. The only reply to this matter that the Secretary of State gave was the mere expression of a pious hope when he said 'that would not be fair to the other parties who go in.'

"Once the Constituent Assembly has been summoned and meets, there is no provision or power that could prevent any decision from being taken by the Congress with its overwhelming majority, which would not be competent for the Assembly to take, or which would be ultra vires of it, and, however repugnant it might be to the letter or spirit of the scheme, it would rest entirely with the majority to take such decisions as they may think proper to suit them ; and the

Congress had already secured by sheer number an overwhelming Caste Hindu majority, and they will be in a position to use the Assembly in a manner which they have already declared, *i.e.*, that they will wreck the basic form of the Grouping of provinces, and extend the scope, powers and subjects of the Union Centre which is confined strictly to three specific subjects as laid down in Paragraph 15 and provided for in Paragraph 19 of the Statement of May 16.

"The Cabinet Delegation and the Viceroy collectively and individually have stated several times that the basic principles were laid down to enable the major parties to join the Constituent Assembly and that the scheme cannot succeed unless it is worked in a spirit of co-operation. The attitude of the Congress already shows that these conditions precedent for the successful working of constitution-making do not exist. This fact, taken together with the policy of the British Government of sacrificing the interests of the Muslim nation and some other weaker sections of the peoples of India, particularly the Scheduled Castes, to appease the Congress, and the way in which they have been going back on their oral and written solemn pledges and assurances given from time to time to the Muslims, leave no doubt that, in these circumstances, participation by Muslims in the proposed constitution-making machinery is fraught with danger ; and the Council, therefore, hereby withdraws its acceptance of the Cabinet Mission's proposals which was communicated to the Secretary of State for India by the President of the Muslim League on June 6, 1946."

Resolution on Direct Action :

"Whereas the League has today resolved to reject the proposals embodied in the statement of the Cabinet Delegation and the Viceroy of May 16, 1946, due to the intransigence of the Congress on the one hand and the breach of faith with the Muslims by the British Government on the other ; and whereas Muslim India has exhausted without success all efforts to find a peaceful solution of the Indian problem by compromise and constitutional means ; whereas the Congress is bent upon setting up a Caste Hindu Raj in India with the connivance of the British ; and whereas recent events have shown that power

politics and not justice and fair play are the deciding factors in Indian affairs ; whereas it has become abundantly clear that the Muslims of India would not rest content with anything less than the immediate establishment of an independent and full sovereign State of Pakistan and would resist any attempt to impose any constitution, long-term or short-term, or setting up of any Interim Government at the Centre without the approval and consent of the Muslim League, the Council of the All-India Muslim League is convinced that the time has now come for the Muslim nation to resort to direct action to achieve Pakistan and assert their just rights and to vindicate their honour and to get rid of the present slavery under the British and contemplated future of Caste Hindu domination.

"This Council calls upon the Muslim nation to stand to a man behind their sole representative organization, the All-India Muslim League, and be ready for every sacrifice.

"This Council directs the Working Committee to prepare forthwith a programme of direct action to carry out the policy initiated above and to organize the Muslims for the coming struggle to be launched as and when necessary.

"As a protest against and in token of their deep resentment of the attitude of the British, this Council calls upon Muslims to renounce forthwith the titles conferred upon them by the alien Government."

Mr. Jinnah's Speech :

Mr. Jinnah immediately after the two resolutions had been passed, declared amid cheers: "What we have done to-day is the most historic act in our history. Never have we in the whole history of the League done anything except by constitutional methods. But now we are forced into this position. To-day we bid good-bye to constitutional methods."

Mr. Jinnah recalled that throughout the fateful negotiations with the Cabinet Delegation and the Viceroy, the other two parties, the British and the Congress, held pistols in their hands—the former a pistol representing authority and arms and the latter a pistol representing mass struggle and non-co-operation.

"To-day," he said, "we have also forged a pistol and are in a position to use it."

Mr. Jinnah said that the decision to reject the Cabinet Mission's proposals and to launch direct action had not been taken in haste. It had been taken with a full sense of responsibility and all the deliberation humanly possible.

"We mean every word of it. We do not believe in equivocation," he declaced.

Mr. Jinnah said that the Congress had accepted the Cabinet Mission's proposals conditionally, while the Cabinet Mission and the Viceroy had committed a flagrant breach of faith. Any honest or self-respecting man could see clearly that the only party which came out honourably from the negotiations was the Muslim League.

When the League accepted the proposals, the statement of May 16, the statement of May 25, and the original formula for an Interim Government, it had done so deliberately and with full responsibility. "Any man who has any sense of fairness and justice will say that the Muslim League was moved by higher and greater considerations than any other party in India."

The League, Mr. Jinnah said, had sacrificed the full sovereignty of Pakistan at the altar of the Congress for securing independence for the whole of India. They had voluntarily delegated three subjects to the Union, and by doing so did not commit a mistake. The League had displayed the highest order of statesmanship in making these concessions, in its anxiety to come to a peaceful settlement with the Congress Party.

Mr. Jinnah added: "I do not think that any responsible man will disagree with me if I assert that we were moved by a desire not to allow the situation to develop into bloodshed and civil war. Such a situation should be avoided if possible. In our anxiety to try to come to a peaceful settlement with the other major party, we made this sacrifice of giving three subjects to the Centre and accepted a limited Pakistan. We offered this unequivocal sacrifice at the altar of the Congress.

"But this has been treated with defiance and contempt. Are we alone to be guided by reason, justice, honesty and fair play when, on the other hand, there are perfidious dealings by the Congress?

"There has been no sign or the slightest gesture of compromise from them. But honour, honesty, statesmanship, justice and fair play always win in the long run, and I may say that to-day Muslim India is stirred as never before, and has never felt so bitterly as to-day because these two parties (the Congress and the British) showed lack of statesmanship.

"But now we realize that this has been the greatest blessing in disguise for Muslim India. We have learnt a bitter lesson—the bitterest I think so far. Now there is no room left for compromise. Let us march on."

Mr. Jinnah then referred to Lord Pethick-Lawrence's statement in the House of Lords that he could not agree to Mr. Jinnah having a monopoly over Muslim nominations, and said: "What made the Secretary of State, in the responsible position that he holds, use such a stupid phrase? Has he got the monopoly for every Briton? On what authority does he speak on behalf of the British people, having only 60% of the people behind his Government? We cannot agree to a Quisling Muslim being nominated by the Congress to the Executive Council.

"What did the British Government do with their own quislings like John Amery and Lord Haw-Haw? These men and many other Englishmen who betrayed their country and became traitors have been hanged for treason. It is impossible for me to agree to a Quisling being nominated".

Mr. Jinnah added that the Cabinet Mission had been "intellectually paralysed", and that their report to Parliament was not even "honest to themselves" and was devoid "not only of political ethics, but of every kind of principle and morality".

Raising his voice, Mr. Jinnah concluded his speech by quoting Firdousi, the Persian poet: "If you seek peace, we do not want war. But if you want war, we will accept it unhesitatingly".

29. SARDAR PATEL ON LEAGUE RESOLUTIONS, AUGUST 1, 1946.

(Extracts from a speech delivered at Bombay on the occasion of Lokamanya Tilak anniversary)

"Sardar Patel at the outset compared the meetings of the All-India Congress Committee and the League Council and said that while at the A.-I.C.C. meeting no attack or insinuation was made on the Muslim League, the speeches at the League Council were full of abuse and insinuations both against the British Cabinet Mission and the Congress. It would serve no useful purpose to reproduce all the vulgar and unparliamentary expressions used by Mr. Jinnah and the other Muslim League speakers. But he referred to them only to demonstrate what mentality these speeches disclosed. They clearly showed that there was no real desire on the part of the Muslim League for a settlement.

Mr. Jinnah now claims that he has placed a pistol in the hands of the League, which can be used both against the British Government and the Congress. Much had been made of the renunciation of titles by members of the League. Such renunciation, in the opinion of the Sardar, is futile in the face of the British declaration to quit India. Such a demonstration could not impress anyone.

Continuing, Sardar Patel said that the threatened direct action by the Muslim League, if it was real, was not aimed at the British but at the Congress because the British have already made it clear that they had no intention of staying in India and, therefore, it could only mean that the threatened action was against the Congress. If it was an attempt at pressure tactics to gain a point over the Congress, it was hardly likely to succeed, because the Congress would never compromise its principles or yield to threats on fundamentals.

Mr. Jinnah has referred to him (speaker) as being responsible for the League's discomfiture and has alleged that some secret deal has been made by the speaker on behalf of the Congress with the Cabinet Delegation. Mr. Jinnah has not been so far able to produce any evidence in support of his allegation. 'In fact I would say it was Mr. Jinnah who entered

into a secret understanding and obtained promises behind the back of the Congress, which in the nature of things could not be fulfilled. He, therefore, complains now of the non-fulfilment of those pledges and assurances and he is naturally angry. The Congress has nothing to hide. It always placed its cards openly on the table. Mr. Jinnah tried to outwit the Congress and failed in his attempt. Sir Stafford Cripps, an eminent lawyer, has put one interpretation on Clause 8 of the June 16 Statement while Mr. Jinnah puts another interpretation. Both are able lawyers, and if they cannot agree on the interpretation of Clause 8 of the June 16 Statement, why should the Congress be blamed?'

Mr. Jinnah's complaint, continued the Sardar, is that the Congress accepted the Cabinet Mission's statement and made it impossible for the Muslim League to form an Interim Government leaving the Congress out. Mr. Jinnah knows, as everyone else does, that the Congress has declared its willingness to let the Muslim League form a Government if it chose but the fact is the Muslim League by itself is unable to form a Government.

'I want to make it clear that there is no possibility of a coalition between the Congress and the League, as they have diametrically opposite aims. Any attempt at a coalition between these two will end in disaster. In England there was a coalition between Labour and the Conservatives during the war, but then they had a common objective, namely, the defeat of Germany and Japan. But here in India Mr. Jinnah comes in with the avowed object of dividing India into Hindustan and Pakistan, whereas the Congress goes in to work for a United Federal India. How can these parties coalesce? There is no common objective'.

'I do not understand what new situation has arisen which entitles the Muslim League to withdraw its acceptance of the Long-term plan. Mr. Jinnah complains against Pandit Jawaharlal Nehru's Press interview in which he has stated that the Congress has agreed to go into the Constituent Assembly and it is free to do what it likes inside the Assembly. Mr. Jinnah forgets that he himself, in his speech at the League Council at Delhi in accepting the Cabinet Mission's plan, said similar, if not worse, things. He said that the Muslim League

was accepting the Long-term plan because it contained the foundation of Pakistan and that the Muslim League hoped to build a full-fledged Pakistan on that foundation. In the very same speech he had said that the Congress had swallowed the sugar-coated pill of Pakistan. The League resolution accepting the Long-term plan also contained similar expressions. Where then is the justification for Mr. Jinnah to complain against the Congress President? The Congress Working Committee's resolution has been endorsed by the All-India Congress Committee in open session after a free and full debate without changing a comma or full stop. No individual expression of opinion or statement can change or alter the solemn resolution of the A.-I.C.C. The Congress is an honourable organisation and it can never renounce its moral obligations. The Congress is not in the habit of going behind its pledged word or withdrawing its acceptance on second thoughts. The British Cabinet Mission's plans for Long-term settlement has been accepted by four parties—the Congres, the Muslim League, the Princes and the British Government.'

'The Congress will never assume responsibility for breaking such a solemn undertaking. If the League chooses to withdraw from its obligations undertaken after full and mature considerations, it should not attempt to find excuses and try to throw the blame and responsibility for such withdrawal on other shoulders. It must be prepared to face the full consequences of such a decision'.

Continuing, Sardar Patel said Mr. Jinnah's secret deal to keep the Congress out of the Interim Government had been fully exposed by the publication of the correspondence. 'What right has Mr. Jinnah now to complain of deception and treachery on the part of the Cabinet Mission?' he asked. Mr. Jinnah had attempted the impossible in trying to make the Congress accept a position in which it would come to be regarded as a communal body. He should have known that the Congress would resist such an attempt. 'Why should he be angry with the British Cabinet Mission for their failure to make the Congress accept such a position?'

'Mr. Jinnah is angry at the Cabinet Mission, because they had openly declared that they never accepted Mr. Jinnah's claim that he had the monopoly of Muslim representation.

Mr. Jinnah now proclaims that he has made his gesture and the next move rests with the British and the Congress. This is adding insult to injury. He has abused both the Congress and the Cabinet Delegation. Does he mean that this is the gesture he has made? Does he expect the British and the Congress to take the next step because he has abused them? In all his life Mr. Jinnah has never made an approach to the Congress ever since he left that organisation. The Congress has made repeated approaches and often conceded his unreasonable demands. It has never yielded to threats in the past and it will not do so in the future.'

'While the Congress is opposed to parity of any kind, I can assure Mr. Jinnah that it will not be opposed to Mr. Jinnah's forming the whole Cabinet in the manner he likes once he drops his communalism and adopts nationalism.'

Sardar Patel then referred to the Pakistan demand and said that up to now the Muslim League was counting on Britain's help to secure Pakistan. The League could not prove its case before the Delegation. It accepted the rejection by the Delegation of the Pakistan demand. It is absurd at this stage to revise the old cry or to flog the dead horse. The Pakistan case was fully examined by the Cabinet Delegation. The League was unable to support it either economicaly or politically. The Cabinet Mission was, therefore, unable to accept it. 'If Mr. Jinnah means business it is for him to make a friendly approach and drop all ideas of threat and insinuation. It is in the interest of Muslims themselves to give up quarrels and to take to the constructive path of co-operation.' "

30. PANDIT NEHRU ON LEAGUE RESOLUTIONS, AUGUST 1, 1946.

[*Extracts from a speech delivered in the University of Allahabad*].

"Pandit Nehru casually referred to the recent decision taken by the Muslim League withdrawing their acceptance of Cabinet Mission's statement of May 16 and said that he was sorry for their decision and the method in which the Muslim League

had expressed it. He, however, cautioned the audience that they need not be worried about it. Such decision could only delay the independence of the country but could not stop it. The country could not remain where it was to-day. It had to march on and on to her independence.

Pandit Nehru felt sorry that when the Congress had asked the British 'you go away' and said, 'we will solve our problems together in the Constituent Assembly, without the intervention of the British, the Muslim League should have stayed behind instead of coming into the Assembly for this mutual settlement and asked the British to remain between our problems.

Undoubtedly the Congress had a majority in the Constituent Assembly, said Pandit Nehru, but it did not mean that it would overlook the interests of the minorities. It could not do that. But supposing it did, added Pandit Nehru, we could have fought, we could have quarrelled together and solved these problems.

Pandit Nehru congratulated the elder statesmen in the Muslim League on their decision to renounce the British titles.

Pandit Nehru refrained from making any detailed comments on the decision of the Muslim League and said that the matter would have to be considered at the coming meeting of the Congress Working Committee.

Pandit Jawaharlal Nehru reiterated his assertion about the sovereign stature of the Constituent Assembly. He said that the sovereignty of the Constituent Assembly was necessary for solving our problems mutually.

Pandit Nehru made it clear that by the sovereignty of the Constituent Assembly he meant that there was to be no interference by the British Government in what the Assembly deliberated and finally put before the country. The sovereignty of the Assembly will be as a whole and against the interference of the British Government. It will not be the sovereignty of one party inside the Assembly over the other.

The Congress could never have accepted to go into the Constituent Assembly if the Assembly had not this sovereign status, said Pandit Nehru. He added that the Cabinet Mission had accepted the 'sovereignty' of the Assembly subject to two matters—treaty between India and Britain and the minorities question. 'Of course, there will have to be a treaty signed

between India and Britain for the transfer of power, and the minorities question to be subsequently settled,' said Pandit Nehru, 'but', he added, 'if the British Government thought they would put clauses or dictate on the terms of a treaty or how the minorities question should be settled, the Congress would not accept it, for that would mean the losing of the sovereign stature of the Assembly.'

'We cannot solve our problems unless this sovereign status of the Constituent Assembly was given to us. By this sovereign status we remove the third party which is coming in our way of solving our problems. My idea of the sovereign status of the Constituent Assembly is that there will be no interference by the British Government. We will sit together without intervention in the Assembly and mutually settle our problems,' said Pandit Nehru."

31. MR. JINNAH'S STATEMENT, AUGUST 5, 1946.

(Interview, Bombay)

"Mr. Vallabhbhai Patel in a recent speech on the Congress Working Committee's resolution at Delhi on June 26 and the A.-I. C. C. at Bombay on July 7, to quote his words, said, 'The Working Committee's resolution said clearly that it accepted the declaration of May 16. It still stood by it. Certainly it had the right to interpret the document.' This is misleading. The document embodied four main proposals. First is the declaration which alone, he says, the Congress has accepted. The basic form and the Grouping of the provinces in paragraph 19 of the document, and the formation of the Interim Government, have not been accepted by the Congress. And this is clear from the letter of the Congress President of June 25 whereby the Congress rejected the statement of June 16 regarding the Interim Government and only accepted the statement of May 16 with reservations and with their own interpretations. This, being a conditional acceptance, was in fact and in law a rejection of the statement of May 16. The letter winds up by saying: 'We also gave our interpretation to some of the provisions of the statement. While adhering to our views

we accepted your proposals and are prepared to work with a view to achieve our objective.' The resolution of the Working Committee proceeds to lay down that there was sufficient scope for enlarging and strengthening the Central Government and for fully ensuring the right of provinces to act according to their choice in regard to Grouping.

Congress leaders have said at the A.-I. C. C. that they have not accepted the Long-term plan of the Cabinet Mission as it was and that they have rejected the Short-term plan of June 16, and now Mr. Patel has the audacity to say that the League has gone back on its pledged word. To whom did we pledge our word and to what had we pledged our word? One of the two major parties has not accepted the Long-term plan and rejected the Short-term plan and this was pointed out by me immediately by my Press statements that I made at Delhi on June 27 and 29 and also by the resolution of the Muslim League Working Committee passed on June 26 accepting both. I had pointed out that the Congress had not accepted the Long-term plan and rejected the Interim Government proposal. The Cabinet Mission had scrapped the Interim Government proposal and had gone back on their word. We, therefore, decided to call a meeting of the All-India Muslim League Council at Bombay on July 27 and 28 to consider and to meet the new situation that had arisen, to which Pandit Nehru retorted that the Congress would create many more new situations. In the meantime Pandit Nehru and other Congress leaders, including Mr. Vallabhbhai Patel himself, made it clear in their speeches and public utterances in Bombay that the Congress had not accepted any of the terms of the statement of May 16 nor committed to anything. Further, on July 10 Pandit Nehru, the Congress President, made it crystal clear to a Press Conference, and the Assam Assembly, in accordance with the instructions of the Congress High Command, after having elected their representatives to the Constituent Assembly, gave them a definite mandate to have nothing to do with C Group from the very start, although there was a very strong opposition to this from the representatives of the minorities including Muslims but it was carried by overwhelming Congress majority. Further, at a public meeting in Delhi on July 22 Pandit Nehru reiterated that they were going to the Constituent Assembly

to achieve their objective and to serve their purpose and if they failed they would kill it.

This was after the debate that took place in Parliament on July 18. This left no doubt that the Congress was going to the Constituent Assembly to achieve their objective as it has been repeatedly stated in the letters and the resolutions of the Congress. It made its intentions clear that it was not bound by the Grouping nor were they confined strictly to the basic form of the document and unequivocally asserted that they were free to enlarge the scope and powers of the Union and add as many subjects as they may wish to do to the Union Government.

We know what is the objective and purpose of the Congress. The Congress believe that they have secured a declaration from the British Government of complete independence of India outside the Commonwealth of Nations and that this constitution-making machinery should be turned into a sovereign body and the only thing for them now remains is to frame a constitution on the basis of a strong united India Federal Government with vital powers and subjects such as defence, foreign affairs, communications, customs, finance, commerce, planning, industry and tariff and further with power to step in when the constitution of any Provincial Government was not working according to their conception, thus reducing the provinces to a position no better than that of municipalities or county councils.

Mr. Patel says that no individual statement or expression of opinion could alter the solemn resolution and the resolution is clear. But are we to disregard the pronouncement of the President of the Congress when he further clarifies a resolution? Then what importance are we to attach to the individual pronouncements like Mr. Patel's?

Mr. Patel says: 'The League and the Congress pull in opposite directions. One wants to divide India into Pakistan and Hindustan while the other yearns for a united India.' 'It was clear', Mr. Patel adds, 'that the two have no common meeting ground and that coalition between the Congress and the League was impossible for the organisations were holding views which were diametrically opposed to each other.' But when we demand Pakistan and division of India into Hindustan and Pakistan our scheme gives freedom and independence to

both the major nations—the Hindus and the Muslims—whereas the Congress and Mr. Patel are adamant and wish to establish a united India with a strong federal Central Government, which means that 100 million Muslims are to be brought under the yoke of Caste Hindu majority rule ; and it means freedom only for the Hindus and slavery for Muslims under Hindu *Raj*. I echo : 'How can then there be a common meeting ground on this basis for which, I have no doubt, many Caste Hindus passionately yearn and Mr. Patel dreams?'

Having declared that we stand poles asunder Mr. Patel advises me that I should change my approach and cease to be a communalist and become a nationalist—I suppose he means a Congress nationalist—and accept that the Congress represents all India, on the imaginary footing that India was one country and one nation, whereas the facts are that the Congress is nothing but a Caste Hindu organisation. But his advice that I should become a nationalist and cease to be a communalist means nothing except that I should bury the Pakistan demand, disown the Muslim nation and appear before him in sack cloth and ashes, and after that, when we have entirely thrown ourselves at their mercy, we can have as many seats in the proposed executive as we like, as their creatures.

Mr. Patel is speaking in terms of contradiction. On the one hand he says there is no meeting ground and coalition is impossible as we are poles asunder ; but on the other hand he says that the Congress had gone to my doors a hundred times. This is not true that I have never deigned to go to them. The truth is that three times in the course of the last eight years Mr. Gandhi came to me with a view to persuade me to accept the Congress demand which I could not. Does Mr. Patel want me to go to the Congress to persuade them to accept the Pakistan demand of the Muslims which he characterised in his speech as a deflated cycle tube? Last time when Mr. Gandhi came to me he came only in his individual capacity, to understand what the Pakistan demand meant, and I spent three weeks with him to convert him but I failed.

This sort of talk is really intended to poison the mind of the Hindus and Mr. Patel is only suffering from inferiority complex. At Simla when it was arranged that Nehru and I should meet, I asked him where we can meet and he himself

said, 'I shall go over to you'. When we met on May 11 during the conference time I pleaded before him for one and a half hours and appealed to him to come to a settlement on the basis of Pakistan but he was adamant. Before parting with me I cautioned him that he should not be poisoned by taunts that he had come to my place and that I was not willing to go to his place. The place really does not matter and it is so petty to trot this out in a manner which Mr. Patel has done. I told Pandit Nehru that if after consulting his colleagues he wished to discuss the matter on the basis of Pakistan and gave me an appointment I would gladly go to his place or anybody else's place that he may wish.

Mr. Patel makes a passionate appeal ; after having made it clear that there was no meeting ground, he invites me to sit with the Congress as brothers and join them to break the statement of the Mission. Well, we have already torn up the statement of May 16. He doubts our desire for freedom when he says that we should join hands with the Congress if we are keen upon freedom. And finally he says, 'When we have sat as brothers and if there is no agreement possible let the matter be referred to arbitration and let us abide by the award of the arbitrator.'

This proposal is made again to impress the ignorant public here and abroad that the Congress is so reasonable and so conciliatory but the Muslim League is intransigent. Mr. Patel knows perfectly well and I have pointed out more than once that the demand for Pakistan is based on the right of self-determination of the Muslims which is their birthright and it is not and cannot be a justiciable issue on principle alone. It is absurd to say that this matter particularly be referred to arbitration. Even on practical grounds who will select the arbitrators and who will enforce their award? No country can run its government unless its constitution is framed by the willing consent of the people concerned. For this very reason the Congress and the Muslim League had demanded Constituent Assemblies of the representatives of the people to frame the constitution.

Is Mr. Patel really serious? Then why talk of Constituent Assembly and why not refer the whole matter regarding the entire framing of the constitution to the arbitration of a few?

Therefore the proposal of arbitration is ludicrous. Mr. Patel knows better than anybody else that it could not be accepted, both on grounds of principle and as a practical proposition.

Mr. Patel has now become the champion of the British whom he says I have traduced, and complains that I have abused the Congress. He does not specify what are those abuses.

I have certainly attacked and criticised the Congress and charged them with disrupting the Muslims and have exposed their false claim that they represent all-India including Muslims, which certainly is not true. All my attacks and criticism have been in self-defence against the most aggressive and arrogant attitude of the Congress.

The Congress has made every effort to mislead people here and abroad aided with its vast and powerful press and organisation and has accused me and the Muslim League that we are a tool in the hands of British imperialism ; and not a day passes when the Congress press does not abuse the League and myself.

There are many inaccuracies in Mr. Patel's statement and they are merely intended as propaganda for the Congress, and to mislead the people abroad by passing off that their's was a conciliatory attitude whereas the League was intransigent."

32. THE CONGRESS WORKING COMMITTEE ON THE LEAGUE RESOLUTIONS, AUGUST 10, 1946.

"The Working Committee regrets to note that the Council of the All-India Muslim League, reversing their previous decision, have decided not to participate in the Constituent Assembly. In this period of rapid transition from dependence on a foreign power to full independence, when vast and intricate political and economic problems have to be faced and solved, the largest measure of co-operation among the people of India and their representatives is called for, so that the change over would be smooth and to the advantage of all concerned.

The Committee realises that there are differences in the outlook and the objective of the Congress and the Muslim League. Nevertheless, in the larger interests of the country

as a whole and the freedom of the people of India, the Committee appeals for the co-operation of all those who seek freedom and the good of the country, in the hope that co-operation in the common tasks may lead to the solution of many of India's problems.

The Committee further notes that criticisms have been advanced on behalf of the Muslim League to the effect that the Congress acceptance of the proposals contained in the statement of May 16 was conditional. The Committee wish to make it clear that while they did not approve of all the proposals contained in this statement, they accepted the scheme in its entirety. They interpreted it so as to resolve the inconsistency contained in it and fill the omissions in accordance with the principles laid down in that statement. They hold that provincial autonomy is a basic provision and each province has the right to decide whether to form or join a Group or not. The question of interpretations will be decided by the procedure laid down in the statement itself and the Congress will advise its representatives in the Constituent Assembly to function accordingly.

The Committee has emphasised the sovereign character of the Constituent Assembly, that is, its right to function and draw up the constitution for India without interference of any external power or authority, but the Assembly will naturally function within the internal limitations which are inherent in its task and will further seek the largest measure of co-operation in drawing up the constitution of free India allowing the greatest measure of freedom and protection for all just claims and interests.

It was with this objective and with the desire to function in the Constituent Assembly and make it a success that the Working Committee passed the resolution of June 26, 1946, which was subsequently ratified by the A.-I. C. C. on July 7. By that decision of the All-India Congress Committee they must stand, and they propose to proceed accordingly with their work in the Constituent Assembly.

The Committee hopes that the Muslim League and all others concerned in the wider interests of the nation as well as of their own will join in this great task."

33. MR. JINNAH ON THE CONGRESS RESOLUTION, AUGUST 12, 1946.

(Statement, Bombay)

"The entire scheme of the British Cabinet Mission consisted of the Long-term plan statements of 16th May and 25th May and the Short-term proposal of setting up the Interim Government and these two formed integral parts of the whole scheme and were interdependent and indivisible. The Muslim League accepted both whereas the Congress rejected the Interim Government proposal of 16th June and accepted the statement of 16th May conditionally with reservations and their own interpretations.

The Cabinet Delegation and the Viceroy scrapped the Interim Government proposal of 16th June and treated the Congress decision communicaetd to them on the 25th and 26th of June wrongly as acceptance. The so-called acceptance was, in fact, a rejection.

After that the Viceroy declined to postpone the election of the Constituent Assembly on the plea that arrangements for it had gone far too ahead. Although the arrangements with regard to the Interim Government were complete and the resignations of his then members of the Executive Council were held by him, and according to the statement of the 16th of June the Interim Government was to be set up on or about the 26th of June, yet it was scrapped. After this the Muslim League was free to take such decision as they thought proper as the entire basis of the scheme had fallen through. It was only the Council of the All-India Muslim League that could finally have decided our attitude and in these circumstances we summoned the Council of the All-India Muslim League at Bombay on 27-29th July and they decided to withdraw our acceptance formally.

In the meantime we decided to contest the elections to the Constituent Assembly in order to prevent undesirable people getting in as Muslim representatives and we captured 95 per cent. Muslim seats. Meanwhile, before the Council of the League had met, Congress leaders including the President in their speeches at the All-India Congress Committee meeting

on the 6th and 7th of July made their pronouncements which created grave apprehensions in the League circles, and these were expressed by Mr. Liaquat Ali Khan, Secretary of the All-India Muslim League, in his statement from Delhi and by me in my statement from Hyderabad on the 13th of July, notably with regard to the pronouncement of Pandit Jawaharlal Nehru on the 10th of July at a press conference which left no doubt as the intentions of the Congress. Both these statements were broadcast in the press by news agencies.

The debate in the Parliament which took place on the 18th of July showed that the British Government approved of the scrapping of the Interim Government by the Cabinet Delegation and the Viceroy and paid no attention whatever to the new situation that had arisen, not only by pronouncements and clarifications and interpretations given by the Congress leaders which were published throughout the country, but also by the fact that the Assam Assembly, while electing the Assam representatives to the Constituent Assembly, had, under the instructions of the Congress High Command, passed a resolution giving a mandate not only to the Congress members but also to the representatives of the Mussalmans elected by a separate bloc of Muslim members, to have nothing to do with the C Group from the very start. This clearly repudiated one of the fundamental terms of the statement of 16th May and this is an instance of how the majority acted although it is highly doubtful whether the Assam Assembly was competent to give such a mandate to the representatives to the Constituent Assembly.

The latest resolution of the Congress Working Committee passed at Wardha on the 10th August does not carry us anywhere, because it is only a repetition of the Congress stand taken by them from the very beginning, only put in a different language and phraseology. This is what they say with regard to their decision on the Long-term plan:

'The Committee further notes that criticisms have been advanced on behalf of the Muslim League to the effect that Congress acceptance of the proposals contained in the statement of May 16 was conditional. The Committee wish to make it clear that while they did not approve of all the proposals con-

tained in this statement, they accepted the scheme in its entirety.'

'The resolution further continues :—

'They interpreted it so as to resolve the inconsistency contained in it and fill the omissions in accordance with the principle laid down in that statement.'

Therefore, to start with, they are free to resolve the inconsistency and fill in the omissions. How can that be in accordance with the principle laid down in that statement? What is the inconsistency and what are the omissions?

The resolution proceeds further and says :

'They hold that provincial autonomy is a basic provision and each province has the right to decide whether to form or join a Group or not.'

Therefore they maintain that it is open to the Congress to decide whether any particular province could join the Group or not. But they go on to say :—

'The question of interpretation will be decided by the procedure laid down in the statement itself and the Congress will advise its representatives to the Constituent Assembly to function accordingly.'

Who will decide this question of interpretation and by what procedure and what is the procedure laid down in the statement for the purpose of interpreting the statement or any clause thereof except by the brute majority? The resolution then goes on further :—

'The Committee have emphasised the sovereign character of the Constituent Assembly, that is, the right to function and draw up the constitution for India without the interference of any external power or authority, but the Assembly will naturally function within the internal limitations which are inherent in its task and will further seek the largest measure of co-operation in drawing up the constitution of free India, allowing the greatest measure of freedom and protection for all just claims and interests.'

Therefore it is obvious that they will hold that this constitution-making machinery is a sovereign Constituent Assembly but they resent any interference of any external power and authority. Whoever has suggested it and where has it been suggested? The question is how this Assembly will function

and they make it clear that it will do so with internal limitations in the statement of May 16th which could not be overruled by a sovereign Constituent Assembly. If any decisions are taken by this Assembly which are repugnant, *ultra vires* or incompetent for the Assembly to adopt, what is the check provided for it either internally or externally except again the brute majority in the Assembly?

They conclude by saying that the resolution of the Working Committee passed on June 26 and confirmed by the A.-I. C. C. 'must stand and they propose to proceed accordingly with their work in the Constituent Assembly.' Therefore it is quite clear that there is no change on the part of the Congress except the startling expression that they had accepted the scheme in its entirety which is immediately contradicted by what follows in the resolution and they have reiterated their repudiation of the Grouping and emphasised once more the sovereign character of the Constituent Assembly, which can only mean that it will not be bound by anything laid down in the statement of 16th May and would be free to decide every question by majority.

I need not deal with the rest of the resolution which is nothing but verbiage and an appeal to the League to join the battle of India's independence. But there is no doubt left as to India's independence now because the statement of May 16th, at any rate, makes it clear on the part of the British and Mr. Patel, in his recent speech in Bombay, said there was no need any longer to fight the British and that the only revolution that was needed was internal revolution. With whom does the Congress ask us to join hands and for what purpose?

I am afraid the situation remains as it was and we are where we were."

34. PANDIT NEHRU ON THE INDIAN STATES, AUGUST 13, 1946.

"In an exclusive interview with the Associated Press of America, Pandit Nehru observed in course of a discussion generally of the princely states and their place in an Indian Union:

'The Congress policy towards the states is that they are to be integral parts of India with the largest possible autonomy.

There being hundreds of states of all sizes, it is impossible to treat them alike. Obviously, only the major states are big enough to form units of a Federation or Union. The others must either form units or be absorbed in some existing unit like a province.

'A state which forms a unit will have exactly the same measure of autonomy as a province. There should be no difference in their status.'

Pandit Nehru commented, 'We have deliberately tried to make a friendly approach to the rulers so as to find a way out by peaceful and co-operative methods, but it is obvious that there can be no autocracy in the future anywhere in India, and the people of the states as well as the rest of India must have the final authority.'

'There has been some response from a few of the rulers', said Pandit Nehru, 'but on the whole this has been feeble. In some notable cases attempts have been made even to put the clock back.'

After referring to Hyderabad, where a scheme of constitutional reforms has been introduced 'to perpetuate the backward and feudal character of the regime', Pandit Nehru said, 'In another major state, Kashmir, there is at present a struggle going on between the people and the Government, and the people's movement has been sought to be repressed by fierce repression.'.

'In one important southern state, however, Cochin, the Maharaja has recently made a statement which it is pleasant to read after so many assertions elsewhere relating to autocracy and the rulers' privileges. He has accepted the objective of responsible government for the state, and I hope he will soon give effect to it.

Nowhere else in the world is there anything like this system of Indian states. Even now they are largely dependent upon the Political Department of the Government of India. With the removal of the British authority from India the whole present basis of the system goes, and inevitably the people of the states will have their say as to their future.

The people's organisation has already made it clear that they want full democratic government within the Union of India'.

At another point, Pandit Nehru said that 'it is also evident that the same measure of democratic liberty will be common to all the federated units of the Indian Union. There may be minor differences in regard to the internal administrative arrangements, but there is bound to be a tendency towards uniformity and the same standards of administration and personal liberty'.

The Congress as well as the states people's organisation have said that 'the rulers may remain as constitutional heads but their people must have full responsible government. It is for the people to decide the inner constitution of the state, and the form of administration'.

In the proposed Constituent Assembly, Pandit Nehru said, 'the states, like the provinces, should be represented by elected persons and not by nominees of the rulers'."

35. THE SIKHS ON THE CONSTITUENT ASSEMBLY, AUGUST 14, 1946.

(Resolution of the Panthic Board, Amritsar)

"The Panthic Pratinidhi Board met on the 11th and 14th of August to consider the situation created by events and developments that have taken place since July 5 when the Board reiterated its decision to boycott the Constituent Assembly. During this period, the Secretary of State for India during the debate in the House of Commons on July 18 made an appeal to the Sikhs to reconsider their boycott decision and His Excellency the Viceroy has also in his replies to communications from certain Sikh gentlemen expressed his willingness for the accommodation of the Sikh viewpoint. The main factor is, however, the resolution of the Congress Working Committee of August 9 in which the Congress has recognised that injustice has been done to the Sikhs by the Cabinet Mission's proposals and has declared that it will give all possible support to the Sikhs in redressing their legitimate grievances and in securing for the Sikhs adequate safeguards for protecting their interests. The Congress Working Committee has further

appealed to the Sikhs to reconsider their resolution of boycotting the Constituent Assembly. This resolution of the Working Committee must be read along with the Lahore Congress resolution of 1929—that no solution of the communal problem in any future constitution would be acceptable to the Congress that did not give full satisfaction to the Sikhs—as well as with the recent speeches and statements of eminent Congress leaders to the effect that the Sikhs must be given similar safeguards as are provided to the two major communities in paras 15 and 19 of the Cabinet Mission Proposals."

[The Board decided to withdraw their previous resolution boycotting the Constituent Assembly].

36. PANDIT NEHRU ON THE CONSTITUENT ASSEMBLY, SEPTEMBER 7, 1946.

(Extracts from first broadcast as Vice-President of the Interim Government)

* * * *

"There has been much heated argument about Sections and Groupings in the Constituent Assembly. We are perfectly prepared to, and have accepted the position of sitting in Sections, which will consider the question of formation of Groups. I should like to make it clear on behalf of my colleagues and myself that we do not look upon the Constituent Assembly as an arena for conflict or for the forcible imposition of one viewpoint over another. That would not be the way to build up a contented and United India. We seek agreed and integrated solutions with the largest measure of goodwill behind them.

We shall go to the Constituent Assembly with the fixed determination of finding a common basis for agreement on all controversial issues. And so, in spite of all that has happened and the hard words that have been said, we have kept the path of co-operation open, and we invite even those who differ from us to enter the Constituent Assembly as equals and partners with us with no binding commitments. It may well be that when we meet and face common tasks our present difficulties will fade away."

37. PANDIT NEHRU ON GROUPING OF ASSAM WITH BENGAL.

(Letter to Mr. Gopinath Bardoloi, Premier of Assam, published in newspapers on September 28, 1946)

"I have your letter of the 12th September. I fully appreciate the feeling in Assam in regard to Sections and Grouping. I think that our position safeguards your sentiment completely. Having accepted the document of May 16 we have inevitably to accept going into Sections but the question is as to how we shall function in these Sections. You are right in saying that I did not go into this matter in my broadcast, because I did not wish to raise controversial issues there. But our position is clear that Provincial Autonomy must be maintained and a Province must decide both about Grouping and about its own constitution.

It is true we have accepted the Federal Court's decision in regard to interpretation, and we must abide by that decision of ours. But in no event we are going to agree to a Province like Assam being forced against her will to do anything.

The Constituent Assembly has now been postponed to December and we do not know what developments might take place by that time. Whatever they might be, if Assam is strong enough nothing can happen to Assam that it does not like."

38. CONDITIONS OF LEAGUE PARTICIPATION IN THE INTERIM GOVERNMENT.

1. Extract from the Viceroy's letter to Mr. Jinnah, October 4, 1946.

"Since the basis for the participation in the Cabinet is, of course, acceptance of the statement of May 16, I assume that the League Council will meet at a very early date to reconsider its Bombay resolution".

2. Extract from Pandit Nehru's letter to the Viceroy, October 23, 1946.

"In my correspondence with you and in your letter addressed to me as well as to Mr. Jinnah it was made clear

that the Muslim League's joining the Interim Government meant inevitably their acceptance of the Long Term Scheme of the Cabinet Delegation contained in the statement of May 16. . . . . It was pointed out then that a formal decision of the Muslim League to this effect would have to be taken by the Council of the League as they had originally passed the resolution of non-acceptance. Nevertheless, it was made clear that the Working Committee of the League would itself recommend the acceptance of this Scheme and the formality could follow soon after. It was on this basis that we proceeded."

3. Extract from the Viceroy's letter to Pandit Nehru, October 23, 1946.

"I have made it clear to Mr. Jinnah . . . that the Muslim League's entry into the Interim Government is conditional on the acceptance of the scheme of the Cabinet Delegation contained in the statement of May 16 and explained in the statement of May 25 and that he must call his Council at an early date to agree to this.

As I told you, Mr. Jinnah has assured me that the Muslim League will come into the Interim Government and the Constituent Assembly with the intention of co-operating. . . ."

4. Extracts from Mr. Jinnah's Statement at Press Conference, Karachi, November 25, 1946.

"It is quite clear that the Congress has not and never had accepted the Long Term plan embodied in the statement of the Cabinet Mission of the 16th May and clarified by their statement of May 25th. . . . . .

Further, I have never for a single moment conveyed to the Viceroy anything by way of assurances or otherwise, except that the Long Term plan could only be considered and decided by the Council of the All-India Muslim League. From the very beginning until we nominated our five representatives I told the Viceroy that the settlement of the Long Term plan could only be taken up when a proper friendly atmosphere was created between the two major organisations. The Congress

has not budged an inch and the Viceroy repeatedly made it clear to me that it was no use discussing this matter further with any hope of persuading the Congress to make an unequivocal statement accepting the Long Term plan as embodied in the statements of 16th and 25th May."

39. EXTRACTS FROM THE PROCEEDINGS OF THE MEERUT CONGRESS, NOVEMBER 21—23, 1946.

1. Pandit Nehru's Speech, November 21, 1946.

In an outspoken declaration in the Subjects Committee Pandit Nehru stated that ever since their entry into the Interim Government the League had pursued their aim to enlist British support and tried to establish themselves as "the King's Party". He charged the Viceroy with failure to carry on the government in the spirit in which he had started. "He is gradually removing the wheels of the car", said Pandit Nehru, "and this is leading to a critical situation". He declared that if these things continued a struggle on a large scale was inevitable.

Pandit Nehru added that if the League did not accept the proposals of May 16 then there was no room for League representatives in the Interim Government. "While they are welcome to join the Constituent Assembly, let me make it clear that whether they come in or keep out, we will go in.

"I am not enamoured of this Constituent Assembly, but we have accepted it and we shall work it and get the fullest advantage out of it. I do not regard it as by any means the last Constituent Assembly. It may be that after India achieves ampler freedom another Constituent Assembly will be called.

"The only good thing about this Constituent Assembly is that British power will not be directly represented in it, though we may not be able to check its indirect representation by the back door."

Pandit Nehru reiterated the determination to go into the Constituent Assembly in full strength and fully organized. "We will enter it not in order to quarrel over petty things but to establish the Indian Republic". (Cheers).

2. Sardar Patel's Speech, November 23, 1946.

In moving a resolution relating to the Interim Government Sardar Vallabhbhai Patel explained the difficulties that stood in the way of the Central Governments' intervention in Provincial matters, such as the Calcutta and Noakhali disturbances. He declared that he had warned Bengal's leaders who saw him after the Calcutta riots that East Bengal was bound to be the next scene of trouble. He told them, "If you want independence you must learn to defend yourselves and your neighbours and other helpless people. You should not run to the army or the police for protection".

Replying to critics who spoke of non-violence and avoidance of civil strife Sardar Patel reiterated his conviction that the sword must be met by the sword. Mahatma Gandhi said it was better to use violence than to be a coward. Non-violence was a weapon which it was beyond the power of ordinary men to use, and, therefore, Sardar Patel urged people to adopt violence in self-defence and only in self-defence, or in defence of neighbours. He gave this advice because the present Central Government during the transference of power was in a state of paralysis. (Laughter).

3. Acharya Kripalani on Pakistan.

In course of his Presidential speech Acharya Kripalani referred to 'the unorganised hysteric violence of the mob' and observed :

"If no Hindu's life, property and honour are safe in a Muslim-majority area and no Muslim's in a Hindu-majority area, then civilised life becomes an impossibility. Even Mr. Jinnah's dream of Pakistan, though it has made the problem what it is, holds out no prospects of its solution, for it leaves the minorities where they are.

* * * *

Even if the Muslims must have a theocratic state of their own, they cannot be allowed to impose it on Hindus, Sikhs and other minorities in their territory. These minorities have at least as much right of self-determination as the Muslims

claim for themselves in India as a whole. Nor can the rest of India be reasonably expected to harbour large sections of population in its midst who openly repudiate their citizenship in that State. If the Muslim League claims Pakistan on religious and communal grounds, let it face all its implications and not try to eat the cake and yet have it. . . . In no case must we allow ourselves to be bullied and blackmailed by a section of the population into sacrificing the just rights of the others."

40. STATEMENT OF LORD PETHICK-LAWRENCE, HOUSE OF LORDS, NOVEMBER 27, 1946.

"The British Government have invited Lord Wavell to come to this country for consultation with regard to the political situation in India and have requested him to invite two representatives of the Indian National Congress, two representatives of the Muslim League and one representative of the Sikh community to accompany him.

* * * *

The House will be aware that Mr. Jinnah has stated that Muslim League representatives will not attend the Constituent Assembly as set up on the basis proposed by the Cabinet Mission which is due to meet on December 9.

This situation is mainly due to differences in view between the Congress and the Muslim League as to the interpretation of certain provisions in the Cabinet Mission's statement of May 16.

The purpose of the proposed discussions is to endeavour to reach a common understanding between the two major parties on the basis on which the work of the Assembly can proceed with the co-operation of all parties."

41. CORRESPONDENCE RELATING TO THE LONDON PARLEY, NOVEMBER 26-30, 1946.

1. Pandit Nehru to the Viceroy, November 26, 1946.

"With reference to our conversation today, in the course of which you conveyed H.M.G.'s invitation to some of us to visit London this week, I have consulted my colleagues and

we have given careful thought to the proposal. I need hardly say that we are grateful to H.M.G. for their invitation, but we feel we cannot at this stage go to London. We would be agreeable to consultations with the representatives of the British Government in India.

It would appear that the proposal involves a reopening and a reconsideration of the various decisions arrived at since the visit of the British Cabinet Delegation to India. The Muslim League accepted places in the Government on the very clear understanding that they also accepted the Long-term proposals contained in the Cabinet Mission's statement of May 16. Indeed they could not join the Government otherwise. But now the League have announced very definitely that they will not participate in the Constituent Assembly.

We attach, as you are aware, great importance to the holding of the meeting of the Constituent Assembly on the date fixed, namely, December 9. The invitation to us to go to London appears to us to reopen the whole problem which was settled to a large extent by the Cabinet Mission's statement and the formation of the Interim Government. Any impression in the public mind that these decisions are reopened would, in our opinion, be fatal.

It was because we felt that it was necessary in the public interest to emphasise that problems have been finally settled that we insisted on the holding of the Constituent Assembly on the date fixed for it.

Even this date, it must be remembered, was given months after the election of the members. Any further postponement in the present context would, in all probability, result in the abandonment of the plan and create a feeling of uncertainty all round which is not only undesirable but actually, at the present juncture, would encourage various forms of violent propaganda.

It is difficult enough at this stage for us to leave the country even for a short while. We have also to prepare for the Constituent Assembly meeting which will take place in less than two weeks. If any useful purpose would have been served by our going out now, we should have done so in spite of these difficulties. We are convinced, however, that our leaving India now would mean that at the instance of the League the

Cabinet Mission's plan is going to be abandoned or substantially varied and that we are parties to it.

It would mean giving in to the League's intransigence and incitement to violence and this would have disastrous consequences. The first thing to be certain about is that plans agreed to will be implemented and that there will be a continuity about policy. There has been suspicion enough. Any addition to it will wreck the whole scheme and make it difficult to replace it by another.

We feel, therefore, that we cannot, at this stage, proceed to London, but we would welcome, whenever necessary, consultations with the representatives of the British Government in India. A brief visit now on our part to England cannot bear fruit. It is likely to have a contrary result.

We, therefore, regret we are unable to accept H.M.G.'s invitation conveyed to us through you. I trust you will convey the contents of this letter to H.M.G."

2. Cable from Mr. Attlee to Pandit Nehru, November 27, 1946.

"I very much hope that you will agree to come to London since it is not possible at present time for me or my colleagues who have already been absent more than three months on Indian affairs this year to go to India. The object of our talks would be to try and ensure a successful meeting of the Constituent Assembly on December 9. There is no intention of abandoning either decision of Assembly to meet or plan put forward by Cabinet Delegation.

It is our desire to see that this is implemented in full and not any desire to abandon or alter it that has prompted us to ask you and your colleagues to come to London.

All three members of Cabinet Delegation individually and collectively have asked me to urge upon you the supreme importance of this opportunity of our meeting and discussing situation before any further untoward actions take place in India.

We ask you to help in this way to make rapid and smooth progress towards the goal of Indian freedom, an objective which we share whole-heartedly with people of India."

3. Cable from Pandit Nehru to Mr. Attlee, November 28, 1946.

"I am grateful to you for your message and appreciate your desire to ensure a successful meeting of the Constituent Assembly on December 9 and onwards. We are all anxious that the Constituent Assembly should meet on the date fixed and should proceed harmoniously to fulfil its task and we shall do our utmost to this end and in co-operation with others.

As we have repeatedly stated, we accept the Cabinet Delegation's plan in its entirety. In regard to certain interpretations we made our position perfectly clear to the Delegation and we have proceeded accordingly since then. We have further stated that in the event of different interpretations the matter should be referred to the Federal Court and we shall abide by Court's decision.

It appears from the statements made on behalf of British Government in Parliament yesterday that only point to be considered is this interpretation. In regard to this our position is quite clear and we are completely committed to it. We are unable to change it and have no authority to do so. Hence our visiting London for this purpose is not necessary.

The first session of the Constituent Assembly will deal with matters of procedure and appointment of committees. The question of interpretation as regards subsequent activities will not arise at this stage. It is, therefore, easily possible for all to co-operate in this session and, if necessity arises, to refer any matter over which agreement has not been reached to Federal Court.

It would be more suitable and convenient for us to visit London, if necessary, after first brief session of the Constituent Assembly. This would allow more time for consultations.

In view of these considerations and also because of great difficulty in leaving India at present we feel that our visit to London now would serve no useful purpose ; but if in spite of this or because you wish to consider other matters you desire us to come, we shall endeavour to do so. But we shall have to return by December 9 in time for the Constituent Assembly"

4. Mr. Attlee's cable to Pandit Nehru, November 28, 1946.

"Thank you for your message. I note what you say about position of Congress but nonetheless we feel that a visit by you before Constituent Assembly meets would be of great value and we appreciate your willingness to meet us in this matter. Arrangements will be made to enable you to return by December 9."

5. Mr. Jinnah's cable to Mr. Attlee, November 29, 1946.

"Your message to Pandit Nehru without disclosing his communication to you delivered to me at nine tonight (November 29) is new position after we had accepted invitation to go to London. We cannot agree to confine only to matters mentioned in your message to Pandit Nehru in the light of what has already taken place which has created entirely new situation. Unless it is open to us to discuss whole situation it will be no use my going to London. Please wire clarify position immediately."

6. Mr. Attlee's cable to Mr. Jinnah, November 30, 1946.

"I trust that you will come to London. Your refusal must be based on the misunderstanding of my telegrams to Nehru. There is nothing in it to prejudice full consideration of all points of view."

7. Mr. Jinnah's cable to Mr. Attlee, November 30, 1946.

"I thank you for your message, received this morning. After your clarification and assurances I have decided to leave for London tomorrow."

42. STATEMENT OF THE BRITISH GOVERNMENT, DECEMBER 6, 1946.

"The conversations held by His Majesty's Government with Pandit Jawaharlal Nehru, Mr. M. A. Jinnah, Mr. Liaquat Ali Khan and Sardar Baldev Singh came to an end this evening as Pandit Nehru and Sardar Baldev Singh are returning to India tomorrow morning.

The object of the conversatoins has been to obtain the participation and co-operation of all parties in the Constituent Assembly. It is not expected that any final settlement could be arrived at, since the Indian representatives must consult their colleagues before any final decision is reached.

The main difficulty that has arisen has been over the interpretation of Paragraph 19 (5) and (8), of the Cabinet Mission's Statement of May 16, relating to meetings in Sections, which runs as follows:—

19. (5):—'These Sections shall proceed to settle Provincial Constitutions for the Provinces included in each Section and shall also decide whether any Group Constitution shall be set up for those Provinces and if so with what Provincial Subjects the Group should deal. Provinces should have power to opt out of the Groups in accordance with the provisions of Sub-Clause (8) below.'

Paragraph 19 (8):—

'As soon as the new constitutional agreements have come into operation, it shall be open to any Province to elect to come out of any Group in which it has been placed. Such a decision shall be taken by the Legislature of the Province after the First General Election under the New Constituent Assembly.'

The Cabinet Mission have throughout maintained the view that decisions of the Sections should, in the absence of an agreement to the contrary, be taken by a simple majority vote of the representatives in the Sections. This view has been accepted by the Muslim League, but the Congress have put forward a different view. They have asserted that the true meaning of the Statement, read as a whole, is that the Provinces have the right to decide both as to Grouping and as to their own constitutions.

His Majesty's Government have had legal advice which confirms that the statement of May 16 means what the Cabinet Mission have always stated was their intention. This part of the statement, as so interpreted, must, therefore, be considered an essential part of the Scheme of May 16 for enabling the Indian people to formulate a constitution which His Majesty's Government would be prepared to submit to Parliament. It should, therefore, be accepted by all parties in the Constituent Assembly.

It is, however, clear that other questions of interpretation of the Statement of May 16 may arise and His Majesty's Government hope that if the Council of the Muslim League are able to agree to participate in the Constituent Assembly, they will also agree, as have the Congress, that the Federal Court should be asked to decide matters of interpretation that may be referred to them by either side and will accept such a decision, so that the procedure, both in the Union Constituent Assembly and in the Sections, may accord with the Cabinet Mission's Plan.

There has never been any prospect of success for the Constituent Assembly except upon the basis of the agreed procedure. Should the Constitution come to be framed by a Constituent Assembly in which a large section of the Indian population had not been represented, His Majesty's Government could not, of course, contemplate—as the Congress have stated they would not contemplate—forcing such a constitution upon any unwilling parts of the country."

43. PROCEEDINGS OF THE CONSTITUENT ASSEMBLY, DECEMBER SESSION, 1946.

1. December 9, 1946.

The Constituent Assembly opened this morning at New Delhi. Some 205 members, including 9 women, from all the provinces were present. They sat in semi-circular rows facing the Presidential dais in the brilliantly lighted domed library of the Council Chamber. Seated in separate Provincial blocs they were a variegated gathering, dressed in the many different garbs of the Provinces they came from.

Muslim League members were absent.

Acharya Kripalani, Congress President, made a brief speech in Hindusthani proposing Dr. Sachchidananda Sinha, the oldest member of the Assembly, to the chair. Dr. Sinha delivered the following address:

Address of Dr. Sachchidananda Sinha.

"Hon'ble Members of the First Indian Constituent Assembly,

I am deeply beholden to you for your having agreed to accept me as the first President of your Constituent Assembly, which will enable me to assist you in transacting the preliminary business of the Assembly—such as the election of a permanent President, and thereafter the framing of the rules of business, the appointment of various Committees, and settling the question of giving publicity to, or keeping confidential, your proceedings —which will ultimately lead you to crown your labours by formulating a suitable and stable constitution for an independent India.

In expressing my sense of appreciation of your great kindness, I cannot conceal from myself that I feel—comparing small things with great—that I am, on the present occasion, in the position in which Lord Palmerston found himself when Queen Victoria offered him the highest Order of Chivalry, namely the Knighthood of the Garter. In accepting the Queen's offer, Lord Palmerston wrote to a friend as follows:— 'I have gratefully accepted Her Majesty's gracious offer as, thank God, there is no question of any damned merit about the honour conferred on me.' I say I find myself more or less in the same position, for you have agreed to accept me as your President on the sole ground that I am, in age, the seniormost member of this Assembly. Whatever the ground, however, on which you have chosen to have me as your first President, I am nonetheless profoundly grateful to you. I have had, in my fairly long life, several honours conferred on me in recognition of my services as a humble worker in public interest, but I assure you that I regard your mark of favour as a signal honour, which I shall cherish throughout the rest of my life.

On this historic and memorable occasion, you will not grudge, I am sure, if I venture to address to you some observations on certain aspects of what is called a Constituent Assembly. This political method of devising a constitution for a country has not been known to your fellow-subjects in Britain, for the simple reason, that under the British Constitution, there is no such thing as a constituent law, it being a cherished privilege of the British Parliament, as the sole sovereign authority, to make and unmake all laws, including the constitutional law of the country.

As such, we have to look to countries other than Britain to be able to form a correct estimate of the position of a Constituent Assembly. In Europe, the oldest Republic, that of Switzerland, has not had a Constituent Law, in the ordinary sense of that term, for it came into existence, on a much smaller scale than it now exists, due to historic causes and accidents, several centuries back. Nevertheless, the present constitutional system of Switzerland has several notable and instructive features, which have strongly been recommended by qualified authorities to Indian constitution-makers, and I have no doubt that this great Assembly will study carefully the Swiss constition, and try to utilise it to the best advantage in the interest of preparing a suitable constitution for a free India.

The only other State in Europe, to the constitution of which we could turn with some advantage, is that of France, the first Constituent Assembly of which (called "The French National Assembly") was convoked in 1789, after the French Revolution had succeeded in overthrowing the French monarchy. But the French Republican system of government had been changed since then, from time to time, and is even now, more or less, in the melting pot. Though, therefore, you may not be able to derive as much advantage from a study of the French system of constituent law as that of the Swiss, that is no reason why you should not seek to derive what advantage you can in the preparation of the task before you by a study of it.

As a matter of fact, the French constitution-makers, who met in 1789 at the first Constituent Assembly of their country, were themselves largely influenced by the work done but a couple of years earlier, in 1778, by the historic constitutional convention held at Philadelphia by the American constitution-makers, for their country. Having thrown off their allegiance to the British King in Parliament, they met and drew up what had been regarded, and justly so, as the soundest, and most practical and workable republican constitution in existence.

It is this great constitution, which had been naturally taken as the model for all subsequent constitutions not only of France, but also of the self-governing Dominions of the British Commonwealth, like Canada, Australia, and South Africa ; and I have no doubt that you will also, in the nature of things, pay in

the course of your work, greater attention to the provisions of the American Constitution than to those of any other.

I have referred above to the self-governing constitutions of the great Dominions of the British Commonwealth being based on, to a large extent, if not actually derived from, the American constitutional system. The first to benefit by the American system was Canada, the historic convention of which country, for drawing up a self-governing constitution, met in 1864 at Quebec. This convention drew up the Canadian constitution, which was subsequently embodied in what is still on the Statute Book as the British North America Act, passed by the British Parliament in 1867.

You may be interested to hear that the Quebec convention consisted of only 33 delegates from all the provinces of Canada, and that convention of 33 representatives issued as many as 74 resolutions, which were afterwards duly incorporated *in toto* in the British North America Act, under the provisions of which the first self-governing Dominion of the British Commonwealth, the Dominion of Canada, came into existence in 1867. The British Parliament accepted the Canadian convention's scheme in its entirety, except for making only one drafting amendment. I hope and pray that your labours may be crowned with a similar success.

The American constitutional system was more or less adopted in the schemes prepared for framing the constitutions of Australia and South Africa, which shows that the results achieved by the American convention, held at Philadelphia in 1787, had been accepted by the world as a model for framing independent federal constitutions for various countries. It is for these reasons that I have felt justified in inviting your attention to the American system of constituent and constitutional law as one which should be carefully studied by you—not necessarily for wholesale adoption but for the judicious adaptation of its provisions to the necessities and requirements of your own country, with such modifications as may be necessary or essential owing to the peculiar conditions of our social, economic and political life.

I have done so as, according to Munro—a standard authority on the subject,—the American constitution is based on 'a series of agreements as well as a series of compromises.' I

may venture to add, as a result of my long experience of public life for now nearly half a century, that reasonable agreements and judicious compromises are nowhere more called for than in framing a constitution for a country like India.

In commending to you for your careful consideration and acceptance, with reasonable agreements and judicious compromises, the fundamental principles of the American system, I cannot do better than quote the striking observations on the subject of the greatest British authority, namely Viscount Bryce, who in his monumental work, called the *American Commonwealth*, writes as follows:—

'Its central, or national, Government is not a mere league, for it does not wholly depend on the component communities which we call the States. It is itself a Commonwealth, as well as a union of Commonwealths, because it claims directly the obedience of every citizen and acts immediately upon him through its courts and executive officers. Still less are the minor communities, the States, mere subdivisions of the Union, mere creatures of the National Government, like the counties of England or the departments of France. They have over their citizens an authority which is their own, and not delegated by the Central Government.'

It may possibly be that in some such scheme, skilfully adapted to our own requirements, a satisfactory solution may be found for a constitution for an independent India, which may satisfy the reasonable expectations and legitimate aspirations of almost all the leading political parties in the country. Having quoted the greatest British authority on the great, inherent, merits of the American Constitution, you will, I hope, bear with me a fairly long quotation from the greatest American jurist, Story.

In concluding his celebrated book called *Commentaries on the Constitution of the United States* he made certain striking and inspiring observations which I present to you as worthy of your attention:—

'Let the American youth never forget, that they possess a noble inheritance, bought by the toils, and sufferings, and blood of their ancestors; and capable, if wisely improved, and faithfully guarded, of transmitting to their latest posterity all the substantial blessings of life, the peaceful enjoyment of

liberty, property, religion, and independence. The structure has been erected by architects of consummate skill and fidelity ; its foundations are solid ; its compartments are beautiful, as well as useful ; its arrangements are full of wisdom and order ; and its defences are impregnable from without. It has been reared for immortality, if the work of man may justly aspire to such a title. It may, nevertheless, perish in an hour by the folly, or corruption, or negligence of its only keepers, The People. Republics are created by the virtue, public spirit and intelligence of the citizens. They fall, when the wise are banished from the public councils, because they dare to be honest, and the profligate are rewarded, because they flatter the people, in order to betray them.'

To quote yet one more leading authority on the almost ideal Constitution of America, James Beck (at one time Solicitor-General of the United States) says in his highly instructive book called *The Constitution of the United States—Yesterday, Today—and Tomorrow* :

'Constitutions, as governmental panaceas, have come and gone ; but it can be said of the American Constitution, paraphrasing the noble tribute of Dr. Johnson to the immortal fame of Shakespeare, that the stream of time which has washed away the dissoluble fabric of many other paper constitutions, has left almost untouched its adamantine strength. Excepting the first ten amendments, which were virtually a part of the original charter, only nine others have been adopted in more than one hundred and thirty years. What other form of government has better stood the test of time?'

My prayer is that the Constitution that you are going to plan may similarly be 'reared for immortality', if the work of man may justly aspire to such a title, and it may be a structure of 'adamantine strength' which will outlast and overcome all destructive forces.

Having invited your attention to some aspects of the question of constitution-making in Europe and America, I may now profitably turn to some aspects of the question in our own country. The first definite reference to a Constituent Assembly (though not under that particular name) I have found in a statement of Mahatma Gandhi, made so far back as 1922. He said, 'Swaraj will not be a free gift of the British Parliament.

It will be a declaration of India's full self-expression, expressed through an Act of Parliament. But it will be merely a courteous ratification of the declared wish of the people of India. The ratification will be a treaty to which Britain will be a party. The British Parliament, when the settlement comes, will ratify the wishes of the pepole of India as expressed through the freely chosen representatives.'

The demand made by Mahatma Gandhi for a Constituent Assembly, composed of the 'freely chosen representatives' of the people of India, was affirmed, from time to time, by various public bodies and political leaders, but it was not till May, 1934, that the Swaraj Party, which was then formed at Ranchi, formulated a scheme in which the following resolution was included :—

'This Conference claims for India the right of self-determination, and the only method of applying that principle is to convene a Constituent Assembly, representative of all sections of the Indian people, to frame an acceptable constitution.'

The policy embodied in this resolution was approved by the All-India Congress Committee, which met at Patna a few days later, in May, 1934 ; and it was thus that the scheme of a Constituent Assembly for framing the Indian Constitution was officially adopted by the Indian National Congress.

The above resolution was confirmed at the session of the Congress held at Faizpur in December, 1936. The confirming resolution declared that 'the Congress stands for a genuine democratic State in India where political power has been transferred to the people as a whole, and the Government is under their effective control. Such a state can only come into existence through a Constituent Assembly having the power to determine finally the constitution of the country.'

In November, 1939, the Congress Working Committee adopted a resolution which declared that 'recognition of India's independence and the right of her people to frame their constitution through a Constituent Assembly is essential.' I may add that in the resolutions from which I have quoted above (those adopted at the Congress Working Committee of November, 1939, and at the Faizpur session of the Congress of 1936) it was declared that the Constituent Assembly should be elected on the basis of adult suffrage. Since the Congress gave a lead

on the subject in 1934, the idea of a Constituent Assembly had come to prevail largely as an article of faith in almost all the politically-minded circles in the country.

But until the adoption of the resolution on Pakistan, in March 1940, by the Muslim League, that political organization had not favoured the idea of a Constituent Assembly as a proper and suitable method for framing a constitution. After the adoption of that resolution, however, the attitude of the Muslim League seems to have undergone a change in favour of the idea of Constituent Assembly—one for the areas claimed by the League for a separate Muslim State, and the other for the rest of India.

Thus it may be stated that the idea of a Constituent Assembly, as the only direct means for the framing of a constitution in this country, came to be entertained and accepted by the two major political parties in 1940, with this difference that, while the Congress desired one Constituent Assembly for India as a whole, the Muslim League wanted two Constituent Assemblies, in accordance with its demand for two separate States in the country.

Any way, whether one or two, the idea of a Constituent Assembly being the proper method for the framing of a constitution had clearly dawned by that time on public consciousness in the country, and it was with reference to that great mental upheaval that Pandit Nehru declared that 'it means a nation on the move, fashioning for itself a new Government of its own making through their elected representatives.'

It remains to add that the conception of a Constituent Assembly as the most appropriate method for framing the constitution of India had also found favour with the members of the Sapru Committee in the report of which, issued last year (1945), is formulated a definite scheme for the composition of a Constituent Assembly. We are meeting, however, in this Assembly, under the scheme propounded by the British Cabinet Mission, which, though differing from the suggestions made on the subject by the Congress, the League, and other political organizations, had devised a scheme which, though not by all, had been accepted by many political parties, and also by large sections of the politically-minded classes not belonging to any political party, as one well worth giving a trial, with a view

to end the political deadlock, which had obtained for now many years past, and frustrated our aims and aspirations.

I have no desire to go further into the merits of the British Cabinet Mission's scheme as that might lead me to trespass on controversial ground, which I have no desire to traverse on the present occasion. I am aware that some parts of the scheme, propounded by the British Cabinet Mission, have been the subject of acute controversies between some of the political parties amongst us, and I do not want, therefore, to rush in where even political angels might well fear to tread.

Hon'ble Members, I fear I have trespassed long on your patience, and should now bring my remarks to a close. My only justification for having detained you so long is the uniqueness of this great and memorable occasion in the history of India, the enthusiasm with which this Constituent Assembly had been welcomed by large sections of our politically-minded classes, the keen interest which matters relating to it had evoked amongst various communities, and the prospect which it holds out for the final settlement of the problem of all problems, and the issue of all issues, the political independence of India, and her economic freedom.

I wish your labours success, and invoke Divine blessings that your proceedings may be marked not only by good sense, public spirit, and genuine patriotism, but also by wisdom, toleration, justice, and fairness to all ; and above all with a vision which may restore India to her pristine glory and give her a place of honour and equality among the great nations of the world.

Let us not forget to justify the pride of the great Indian poet, Iqbal, and his faith in the immortality of the destiny of our great, historic, and ancient country, which he summed up in these two beautiful lines :

Yunano Misrao Roma sab mit gaye jahan se,
Baqi abhi talak hai namo nishan hamara.

It means : 'Greece, Egypt, and Rome, have all disappeared from the surface of the Earth ; but the name and fame of our country has survived the ravages of Times and the cataclysms

of ages'. I particularly ask of you for a broad and catholic vision for as the Bible justly teaches us:—'Where there is no vision the people perish'."

2. December 10, 1946.

Rules of Procedure.

In the second day's sitting of the Constituent Assembly a full and animated debate arose on the point whether the rules of procedure framed for the Assembly should be expressly declared to govern the Sections as well.

The point was brought up during the discussion on Acharya Kripalani's resolution for the setting up of a Committee of 15 on rules of procedure and other matters. Dr. Sachchidananda Sinha was in the chair.

An amendment to the effect that the Committee should be empowered to frame rules not only for the Assembly but for the Sections was moved by Dr. Suresh Chandra Banerjee and was eventually adopted.

The resolution with the amendment was passed with only Dr. Ambedkar voting against.

Acharya Kripalani moving the resolution pointed out that in the form in which it was circulated it provided that the Committee should report on "rules of procedure of the Assembly, Sections and Committees". He decided to drop the words "Sections and Committees" because Sectoins and Committees were a part of the Assembly and the addition of those words was, therefore, superfluous.

Dr. Suresh Chandra Banerjee: "Is it the intention of the mover that the rules should also apply to Sections? In my opinion, Sections should be specifically mentioned here, because you know there are difficulties with particular Sections."

Dr. Shyamaprasad Mookerjee, supporting Dr. Bannerjee, said it would be safer to specify clearly that the rules of procedure to the Assembly should apply to Sections and Committees.

Acharya Kripalani: "I think the rules of procedure of the Assembly include rules of procedure of the Sections and Committees."

Dr. Mookerjee said that the resolution as it stood left it in doubt whether, when the Sections met, they would frame their own rules of procedure. The question would then arise whether the Constituent Assembly had authority to frame rules of procedure for the Sections at all. It would then be a question of interpretation whether the Rules Committee was entitled to frame rules for the Sections. At is was the intention that this Committee would frame rules for the Sections, we should make that clear now, so that there might be no ambiguity.

Acharya Kripalani intervening in the debate submitted that the Assembly would make rules of a broad nature and these would apply to Sections and committees. If any committees or Sections wanted any additional rules they would be made subject to the provision that such rules were not inconsistent with the rules made by the Rules Committee.

Mr. K. M. Munshi, supporting Dr. Banerjee's amendment, said that it would be extremely unwise to omit the words "Sections and committees" because that would show that the Assembly was not the self-determining and self-governing institution which we insisted it was.

"Acharya Kripalani himself mentioned that if we leave the thing as it is, rules could be made whereby you can lay down that Sections and committees will not have power to make rules which are contrary to or inconsistent with the rules made by this committee. That itself shows that it is competent for this procedural committee to regulate to some extent the procedure of the Sections and committees."

In view of the debate that had already taken place, it was much better that the words "Sections and committees" stood rather than leave the matter open to further discussion and points of order later on.

"It should be laid down definitely by this House that the Constituent Assembly is one and indivisible, that the Sections, as already pointed out, are the Sections of the Assembly, and that they may not form themselves into independent bodies which can make their own rules inconsistent with the rules of this Assembly.

Pandit Jawaharlal Nehru, intervening in the debate said, "This resolution was considered to be a formal resolution but from the trend of the discussion it appears there are larger,

fundamental issues in the minds of honourable members. Obviously we have got those issues in our minds and many of us hold strong views about them. If this discussion goes on, all manner of things, which no doubt will be considered at various stages in the House, will have to be considered now. In this particular issue, I doubt if there is any difference of opinion in the House."

Undoubtedly, said Pandit Nehru, the various committees and Sections of the Constituent Assembly were a part of the House. Undoubtedly anything that was done in those committees and Sections which came into conflict with the directions of the Assembly would have to be considered by the House. "As this resolution is drafted—and I had something to do with the drafting—, I thought the original draft was the appropriate draft but when this matter is brought up in the shape of an amendment, then obviously it becomes an entirely different matter to oppose that amendment because that becomes an expression of the view of the House."

The member from Assam[1] had brought the advisory committee into the picture. The advisory committee obviously and patently had to report to the Constituent Assembly. He took it that all committees of the House would have to report to it.

Pandit Nehru suggested to Acharya Kripalani to accept the amendment.

Dr. M. R. Jayakar said that on merits, he would have supported the amendment but there were a few considerations which he wished to urge against an express mention of the words "Sections and Committees."

He urged the House to remember that "Sections" included "B" and "C" Sections and further that in the "B" and "C" Sections "there was the likelihood—almost the certainty—of a certain group of men who are not present here today being present when the Sections begin to function." That group of men was not present in the House today owing to a feeling of some hostility.

"Would you like at this stage to legislate for them in advance or would you rather leave this question as included in

[1] Mr. Basanta Kumar Das, Home Minister.

the word Assembly instead of rubbing it in too much by the express mention of the word Sections, which means Sections 'B' and 'C'?"—he asked. He urged the members to consider whether as a matter of expediency they would not let the matter remain where it was, namely, that no rules could be framed by Sections "A" and "B" and also "C" which were in conflict with the rules of the Assembly. "Would you rather not let it rest on this very, very wise provision? Or would you go further and rub the point in by saying that we here today in the absence of that group of men make it necessary that the rules framed by the Assembly will also apply to the Sections, which is absolutely unnecessary, because all the rules of the Assembly include the rules of the Sections?"

"I would, therefore, suggest this cautious proceeding in the absence of an important group of men who are not present here but who are watching these proceedings with a very jealous and suspicious eye to discover whether you are taking anything out of their hands. In deciding this anticipation of their arrival, may it not interfere with their future arrival in a friendly atmosphere? Therefore I suggest that the words stand as in the original resolution of Acharya Kripalani instead of going further to mention expressly that Sections and Committees are included in the word Assembly."

Mr. Sarat Chandra Bose urged that to settle all future disputes the House should accept the amendment. Referring to Dr. Jayakar's speech he said: "I do not think it will introduce any conflict at all in future if this Assembly were to lay down rules of procedure which would govern not only the main Assembly but its Sections and Committees as well."

"On the contrary, I feel that it would resolve many a conflict in advance. If we are thinking that any conflict may arise between the main Assembly and Sections we had better resolve that conflict now by including the words Sections and Committees."

Mr. B. G. Kher said that the House ought not to leave any doubt that the Assembly was the supreme body so far as the procedure of the Sections was concerned. After the debate that had taken place, it would be impolitic now to refuse to accept the words "Sections and committees."

"We were not at all certain today whether the Sections were going to sit. The way out of it would be to give the proposed committee powers to co-opt so that if the rules framed were not acceptable to any section of members, or if any suggestions were made, the committee might from time to time be able to suggest amendments and alterations which could be confirmed, ratified or rejected by the House."

Mr. Jairamdas Daulatram said that the Union Constituent Assembly was the supreme body and must have the right to frame rules for its Sections and Committees. On this point no room should be left for any interpretation. At the same time we had to deal with the possibility that those men who were not present today might join at a later stage. If those developments took place, the suggestion made by Mr. Kher would meet their requirements.

Replying to the debate, Acharya Kripalani said that there seemed to be some misapprehension about the scope of work of the committee and the time during which it would be in existence.

"We have absolutely no rules for conducting our business. The rules would be more or less such as guide the proceedings of all assemblies and these would be of a general nature. There is no doubt in my mind that more rules will have to be framed by Committees themselves and by Sections. They may be called byerules or by any other name. This Committee will not frame exhaustive rules. As for the question of co-option, it need not arise at this stage. This Committee is not going to be permanent."

"When any section of the House that is absent today decides to join, then, if they have any objection to the rules that have been framed, this House can always order them to be revised. I think it is a bad method to appoint a committee and give it powers to co-opt when that committee is being selected by the single transferable vote".

Referring to Sardar Harnam Singh's suggestion that five representatives of minorities be co-opted, he said: "There is already a provision that members of this Committee be selected by the single transferable vote and that includes all minorities. It is not good that minorities should be appointed by these ten people". He, therefore, opposed the suggestion.

As he found that there was a large body of opinion for including the words "Sections and Committees", he accepted Dr. Banerjee's amendment (cheers).

The amendment was passed, only Dr. Ambedkar voting against it.

The Constituent Assembly also accepted an amendment moved by Sardar Ujjal Singh giving the Committee power to co-opt, if necessary, upto five members.

3. December 11, 1946.

Dr. Sachchidananda Sinha announced that Dr. Rajendra Prasad had been unanimously elected permanent President of the Constituent Assembly. Maulana Azad and Acharya Kripalani brought Dr. Rajendra Prasad to the chair.

Inaugural address of Dr. Rajendra Prasad.

Dr. Rajendra Prasad in his inaugural address stressed the self-governing and self-determining power of the Assembly.

"I am aware," he said, "that this Assembly has been born with certain limitations placed on it from its birth. We may not forget, disregard or ignore these limitations in the course of our proceedings and in arriving at our decisions.

But I know, too, that in spite of these limitations, the Assembly is a self-governing and self-determining independent body in whose proceedings no outside authority can interfere and whose decisions no one outside can upset or alter or modify." (Cheers).

Dr. Rajendra Prasad in his address further said : "Indeed, it is in the power of this Constituent Assembly to get rid of and demolish the very limitations which have been attached to it at its birth, and I hope that you, ladies and gentlemen, who have come here to frame the constitution of an independent and free India, will be able to get rid of these limitations and place before the world a model constitution, that will satisfy the people of all groups and communities and religions inhabiting this vast land and will ensure to everyone freedom of action, of thought, of belief, and of worship, which will guarantee to everyone opportunities of rising to his highest, which will guarantee to everyone freedom in all respects.

I hope and trust that this Constituent Assembly will, in course of time, be able to develop strength as all such assemblies have done.

It is most regrettable that many seats are unoccupied today in this Assembly. I am hoping that our friends of the Muslim League will soon come to occupy these places and will be glad to participate in this great work of creating a constitution for our people, which according to the experience of all other nations of the world and according to our own experience, our own traditions and our own peculiar conditions, will guarantee to everyone all that they can require to be guaranteed and will not leave any room for any complaint from any side. (Cheers).

I am hoping also that you will do your best to achieve this great objective. Above all, what we need is freedom, and as someone has said, nothing is more valuable than the freedom to be free. Let us hope that as a result of the labours of this Constituent Assembly we shall have achieved that freedom and be proud of it." (Cheers).

Speech of Sir S. Radhakrishnan.

Sir Sarvapalli Radhakrishnan[1], in offering his congratulations to Dr. Rajendra Prasad, pointed out that the Constituent Assembly had met to frame a constitution to effect the withdrawal of British control—political, economic and military—and establish a free and independent India. If successful, this transfer of authority would be the biggest and least bloody of all transfers in human history.

Referring to Indo-British relations, Sir Sarvapalli said that the first Britisher to arrive in this country was a Jesuit missionary in 1579. He was followed by other merchants who came to trade but stayed to rule. In 1765 the authority was transferred to the East India Company.

Later it was gradually subordinated to and replaced by the authority of Parliament and it had been continuing till now on the famous principle enunciated by Cecil Rhodes, a principle fundamental to imperialism : philanthropy plus five per cent.

"Right through there were protests against British rule. All these protests became canalised when the Indian National

[1] Vice-Chancellor. Benares Hindu University.

Congress was established. The Congress adopted mild methods till the advent of Mahatma Gandhi, when it became aggressive. In 1930, the Congress adopted the resolution for the independence of India and we are now here to give effect to that resolution."

The British were empirics from beginning to end. It was Lord Palmerston who said: "We have no eternal principles, we have only eternal interests." "When they take any particular line of activity," said Sir Sarvapalli, "you may take it that it is not a willing surrender of power or authority but it is a response to the historic necessities of the case."

The British introduced the communal electorate in India with the intention of keeping the people apart. The higher mind of Britain advised local officials that they would be betraying the trust imposed on them by foisting communal electorates, that they would be injecting poison into the body politic which could only be removed, if at all, at the cost of a civil war. "We know how those anticipations are getting realised today."

The latest statement of H. M. G. on the Cabinet Mission's Plan indicates how it was not in human nature to surrender power easily. (Hear, hear). "The playing of one faction against another was unworthy of a great people and would embitter the relations between this country and Great Britain. It was essential for them to understand that if an act was done, it must be with the utmost grace."

The constitution which the Assembly would be drawing up, Sir Sarvapalli urged, should embody the dreams and passions, the ideals and aspirations, of the people. It must be based on the consent of all and respect the rights of all people belonging to this great land. "We have been kept apart; it our duty now to find each other."

Referring to the Muslim League's abstention from the Assembly, Sir Sarvapalli said, "We all deplore, as the speakers yesterday and the day before deplored, the abstention of the representatives of the Muslim League from this Constituent Assembly. We take it that it will only be temporary, for their co-operation is absolutely essential for the success of any constitution which we may draw up.

But in approaching these matters our attitude should be one of realism. Our hunger, our poverty, our disease, our malnutrition, are common to all. Take the psychological evils from which we suffer, the loss of human dignity, the slavery of the mind, the stunting of sensibilities and the shame of subjection. These are common to all—Hindus or Muslims, Princes or peasants."

The chains may be of gold but they are still chains that matter. Even the Princes will have to realise that they are slaves in this country. (Hear, hear). Again, whether they are Hindus or Muslims, Princes or peasants, they belong to one country. Earth and heaven combined to make them belong to one country. It is essential, therefore, for any constitution which is drawn up, to make all the citizens realise that their basic privileges—educational, social and economic—are afforded to them, that there will be cultural autonomy, that nobody is going to be suppressed.

"It is going to be a Constitution which will be democratic in the true sense of the term, where political freedom will merge into economic freedom and equity, and which will make every individual feel that he should be proud to belong to this great land.

Apart from all this, a nation did not depend on identity of race, sentiment, or ancestry. It depended upon a persistent and continuous way of life that had come down to us. Such a way of life belongs to the very soil of this land.

It is there, indigenous to this country, such as the waters of the Ganges or the snows of the Himalayas, from the very roots of our civilisation, down in the Indus Valley to the present day, when we have representatives of that same great culture among Hindus and Muslims. We have stood for the ideal of comprehension and charity.

This country never adopted inquisitorial methods, it never asked the Parsees or the Jews or the Christians or the Muslims who came and took shelter here to change their creeds and become a uniform Hindu humanity. Live and let live—that has been the great spirit of this country. If we are true to that spirit, if that ideal which has dominated our cultural landscape for five to six thousand years is adhered to by the elected representatives of that great culture, I have no doubt that the crisis

with which we are faced today will be overcome as many other crises in the previous history of this land have been overcome.

We had betrayed and done wrong to millions of our fellow countrymen. The time had now come for us to make atonement for all our past guilts. It was not a question of justice or charity but a question of atonement.

It was not an accident that this year, which constituted the sixtieth year of the Indian National Congress, was also the year of the opening of the Constituent Assembly.

We have to remember with gratitude all those great souls who worked and suffered for the freedom of this country. For the dawn of this day thousands died, more thousands suffered privation, imprisonment and exile. It is their suffering that has cemented and built up this great edifice of the Indian National Congress. (Cheers). We have to remember them all."

He hoped that the spirit of amity, concord and harmony which had come down to us from the image of Siva in the Indus civilisation down to Mahatma Gandhi and Dr. Rajendra Prasad would inspire the Assembly's efforts. (Loud cheers).

Speech of Sir N. Gopalaswamy Ayyangar.

Sir N. Gopalaswamy Ayyanger[1] said, that the most onerous of Dr. Rajendra Prasad's tasks as Chairman would be the "defeating of all attempts at weakening or whittling down the sovereign powers of the Assembly."

For the task which the Assembly had taken upon itself, it was sovereign in every sense of the word. That its members had been brought together by the machinery employed by the present Government of India did not detract from that sovereignty. (Hear, hear). The constitution of the Assembly derived its authority not from the fact that its authors were three members of H.M.G. but from the fact that the proposals made therein had been accepted by the people of this country. (Hear, hear). Any limitation on the powers of the Assembly which were indicated in the Cabinet Mission's statement "are thus self-imposed, imposed by ourselves on this Assembly, and the document and its subsequent exposition by its authors have made it clear that this Assembly has got the constituent power

[1] Former Prime Minister of Kashmir.

of amending its constitution, of varying or adding to what is provided for in that document, not excluding even what are declared to be its fundamentals. The law of the constitution of this Assembly does not vest in any outside authority, judicial or otherwise, the interpretation of any provision."

In one single instance alone it is required that the Chairman should obtain the advice of the Federal Court at the request of the majority of either of the major communities in the Assembly before he took a decision on the issue. "It follows, therefore, that the decision on all questions of interpretation of the law of the constitution of this Assembly will be in the Chairman's hands, subject to such directions as this Assembly itself may give.

Reference to an outside authority for decision or advice in respect of other matters could be made only on authority given by a decision of this Assembly and no such decision would be binding on this Assembly unless it has agreed to abide by that advice. The idea, therefore, adumbrated in the recent statement of H.M.G.[1] that either side is free to ask an outside authority to decide matters of interpretation and that the Assembly should accept whatever decision it may give cannot be implemented except on the authority of a resolution of this Assembly. (Hear, hear). The suggestion made in the statement, if implemented without an affirmative resolution of this Assembly, would detract from its sovereign powers and I have no doubt that Dr. Rajendra Prasad will resist such an attempt to his utmost." (Cheers).

Sir Gopalaswamy went on, "The task before the Assembly is not merely one of settling the constitution ; it also includes deciding the method of its implementation so far as India and her people are concerned. In other words we have to take over power from those who are in possession of it. The method of that taking over of power will be one to be decided by this Assembly. The fact that H.M.G. should claim to decide the mechanics of the transfer of power to which in substance they are already committed does not, in my view, detract from the sovereignty of this Assembly so far as its task is concerned."

Dr. Rajendra Prasad's election, said Sir Gopalaswamy, was

[1] Statement of December 6, 1946.

a supreme mark of the unstinted confidence that the Assembly and the country as a whole reposed in him. "It is not so much an honour to him. He has really honoured us by accepting the invitation that we have extended to him." (Cheers).

Procedure Committee.

The following are the names of the members of the Procedure Committee announced by Dr. Rajendra Prasad today in the Constituent Assembly :

Mr. Jagjivan Ram, Sj. Sarat Chandra Bose, Mr. Frank Anthony, Sir Alladi Krishnaswami Ayyar, Bakshi Sir Tek Chand, Dr. Alban D'souza, Sir N. Gopalaswamy Ayyangar, Babu Purshottamdas Tandon, Mr. Gopinath Bardoloi, Dr. Pattabhi Sitaramayya, Sardar Harnam Singh, Mr. Meharchand Khanna, Mr. K. M. Munshi, Srimati Durgabai and Mr. Rafi Ahmed Kidwai.

4. December 13, 1946.

Declaration of Objectives.

The following resolution was moved by Pandit Nehru :

"Wherein this Constituent Assembly declares its firm and solemn resolve to proclaim India as an independent, sovereign Republic and to draw up for her future government a constitution, the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India as are outside British India and the States, as well as such other territories as are willing to be constituted into the independent, sovereign India shall be a Union of them all ; and

Wherein the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the law of the constitution, shall possess and retain the status of autonomous units, together with residuary powers, and exercise all powers and functions of Government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom ; and

Wherein all power and authority of the sovereign, independent India, its constituent parts and organs of Government, are derived from the people ; and

Wherein shall be guaranteed and secured to all the people of India justice, social, economic and political ; equality of status, of opportunity, and before the law ; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality ; and

Wherein adequate safeguards shall be provided for Minorities, backward and tribal areas, and depressed and other backward classes ; and

Wherein shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea and air according to justice and the law of civilised nations, and this ancient land attain its rightful and honoured place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind."

Pandit Nehru's Speech.

In moving the above resolution Pandit Nehru, speaking in Hindusthani, said :

"We are on the threshold of a new era. This resolution is a message defining our intentions as to what we propose to do. This is a contract with the millions of Indians in particular and the people of the world in general. This is in the nature of an oath that we mean to keep."

"I wish to make it clear," continued Panditji, "that so far as this resolution or declaration is concerned, it does not interfere in any way with any future work that this Constituent Assembly may do or with any future negotiations which it may undertake."

He said : "I hope that the new difficulties that have arisen —for new difficulties have arisen, as everyone knows, because of recent statements made by the British Cabinet and others in authority there—I hope these will not come in our way and we shall yet succeed in going ahead with the co-operation of all of us here and those who have not come.

People have often indulged in and persevered to give us advice, not realising that India, as she is constituted today

wants no one's advice and no one's imposition (hear, hear) and that the only way to influence India is through friendship, co-operation and goodwill. Any element of imposition, the slightest trace of patronage is resented and will be objected to. (Cheers).

So far as our own countrymen are concerned we must inevitably try our utmost to gain their co-operation in the largest measure. Co-operation, yes. But co-operation cannot, does not and will not mean giving up of the fundamental ideals on which the nation should stand (Hear, hear), because that is not co-operation to achieve something, but a surrender of everything that has given meaning to our lives."

Referring to possible criticisms of the resolution itself as limiting the scope of future deliberations in the Constituent Assembly, Pandit Nehru stated :

"Only in one sense, if you like, does it limit our work, if you call that a limitation. That is, we adhere to certain fundamental propositions which are laid down in this declaration and those fundamental propositions, I do submit, are not controversial in any real sense of the word. Nobody challenges them in India ; nobody ought to challenge them ; we accept that challenge and we hold to our position." (Cheers).

Pandit Nehru said that the Constituent Assembly had been meeting for some days and had so far been concerned with details of procedure and other formal business. "We have been clearing the path that we propose to follow, and clearing the ground where we propose to erect the edifice of a constitution.

Before advancing we must know where we are going and what we intend building. In building we must note with care each brick that we use. But before that, we must have a plan of the structure that we wish to erect. We have had various plans for a Free India in our minds, but now it seems necessary to place that plan in a formal and orderly manner before the people of India and of the world."

It was the aim of the resolution that he was placing before the House to fulfil that need. Pandit Nehru continued, "You know that this Constituent Assembly is not what many of us would have wished it to be. It was born under special conditions and the British Government is also responsible for its

birth. They have attached certain conditions to it. We accepted the plan after serious deliberation and we shall endeavour to remain within its limits.

You must not, however, ignore the source from which this Assembly derives its strength. Governments are not formed by statements. Governments are in fact the expression of the will of the people. We have met here today because of the support of the people who are behind us ; we can only go so far as they will allow us to, and we must not forget these facts."

Panditji said : "This resolution is not a part of the constitution that we are going to draw up ; and it must not be looked upon as such. This House has perfect freedom to draw up a constitution and when others join this House they will have perfect freedom too to fashion out that constitution.

This resolution steers in between two extremes (of saying too much and too little) and lays down only certain fundamentals which I believe no group, no party and hardly any individual in India can dispute."

Speaking with some bitterness about his recent visit to England and its outcome, Pandit Nehru continued :

"I was reluctant to go, for reasons that the House knows well, but I went because of a personal request from the Prime Minister of Great Britain. I went and I met with courtesy everywhere, and yet at this psychological moment in India's history, when we wanted, when we hungered, for messages of cheer, friendship and co-operation from all over the world, and more specially from England, because of the past contact and conflict between us, unfortunately, I came back without any message of cheer and with a large measure of disappointment.

It has been a blow to me, it has hurt me that just when we were going to strike ahead, obstructions were placed in our way, new limitations were mentioned which had not been mentioned previously, new methods of procedure were suggested.

Now I do not wish to challenge the *bona fides* of any person, but I do wish to say this, that whatever the legal aspect of a thing might be, there are moments when law is a feeble reed to rely upon, more especially when you have to deal with a nation which is full of the passion for freedom. Most of us here during these past many years, for a generation or more, have taken part in the struggle for India's freedom. We have

gone through the valley of the shadow of death and, if necessity arises, we shall go through it again. (Cheers).

Nevertheless, through all this long period we have thought of the time when we shall have an opportunity not merely to struggle, not merely to destroy but to construct and create. And now that it appeared that the time was coming for constructive effort in a Free India, we looked forward to it with joy and when fresh difficulties are placed in our way at such a moment it hurts and it shows that whatever the forces behind all this may be, people who are able and clever and very intelligent, somehow lack the imagination which should accompany great offices.

For, if you have to deal with any people you have to understand them imaginatively, emotionally and of course intellectually. And one of the unfortunate legacies of the past has been that there has been no imagination in the understanding of the Indian problem.

We have tried honestly enough in the last few months in spite of difficulties that have faced us to create an atmosphere of co-operation. We shall continue that endeavour, but I do very much fear that that atmosphere will be impaired if there is no sufficient response from others. Nevertheless because we are bent on high tasks, I do trust that we shall continue that endeavour, and I do hope that if we continue that, we shall succeed too.

And we must continue that endeavour, even though in our opinion some countrymen of ours take a wrong path, for, after all, we have to live together in this country, we have to work together and we have inevitably to co-operate, if not today, then tomorrow or the day after. Therefore, we have to avoid in the present anything which may create a new difficulty for the fashioning of that future which we are working for.

Apart from that, as I said, we seek the co-operation of England, even at this stage, which is full of suspicion of each other. We feel that if that co-operation is denied, may be, that will be injurious to India, certainly to some extent, but probably more so to England, and to some extent to the world at large. We live today in a period when, having just come out of a mighty war, people talk vaguely and wildly of new

wars to come. At such a moment this new India is taking birth, renascent, vital, fearless.

Perhaps, it was a suitable moment for this new birth to take place out of the turmoil of the world. But we have to be clear-eyed at this moment, we who have the heavy task of constitution-building. We have to think of the tremendous prospect of the present, and the greater prospect of the future and not get lost in seeking small gain for this group or that.

In this Constituent Assembly we are functioning on a world stage and the eyes of the world are upon us, the eyes of our entire past are upon us, and though the future is still unborn, the future too looks at us. And so, I would beg of this House to consider the resolution in this mighty prospect of our past, of the turmoil of the present and of this great unborn future that awaits us". (Loud cheers).

Referring to Indian States, Pandit Nehru said: "Some people have pointed out to me that the mention of republic in the resolution may somewhat displease the Rulers of Indian States. It is possible that this word may displease them. But I want to make it clear that personally I do not believe in the monarchical system anywhere and that in the world today monarchy is a fast disappearing institution. Nevertheless, it is not a question of my personal belief in this matter.

In regard to the States, our views have been for many years, first of all, that the people of these States must share completely in the freedom to come. It is quite inconceivable to me that there must be different standards or degrees of freedom as between the people in the States and the people outside the States.

The States will be parts of the Union. That is a matter for this House to consider with representatives of the States and I hope in all matters relating to the States this House will deal with real representatives of the States. We are perfectly willing, I take it, to deal in such matters as appertain to them, with the Rulers or their representatives also, but finally when we make a constituiton for India, it must be through the representatives of the people of the States as of the rest of India who are present here.

While we may lay down or agree that the measure of freedom must be the same in the States as elsewhere, personally

I should like a measure of uniformity in regard to the apparatus and machinery of government. Nevertheless, that is a point to be considered in co-operation and consultation with the States. I do not wish, I imagine this Constituent Assembly will not like to impose anything upon the States against their will. If the people of a particular State desire to have a certain form of administration, even though it might be monarchical, it is open to them to have it.

The House will remember that even in the British Commonwealth of Nations today Eire is a republic and yet in many ways it is a member of the British Commonwealth. So it is a conceivable thing. What will happen I do not know. But there is no incongruity or impossibility about a certain different form of administration in the States, provided there is complete freedom and responsible government there and the people really are in charge. If monarchical figure-heads are approved of by the people of a particular State, whether I like it or not, I certainly would not like to interfere."

Pandit Nehru began by saying that the Assembly had to pass its Rules of Procedure, to elect committees and the like, before it could proceed to its real work, embarking upon "high adventure of giving shape in the printed and written word to a nation's dream and aspiration."

"But even at this stage it was surely desirable that we should give some indication to ourselves, to those millions in this country who were looking up to us and the world at large, of what we aimed at, what we sought to achieve, whither we were going.

It is with this purpose that I have placed this resolution before the House. It is something much more than a resolution. It is a declaration ; it is a firm resolve ; it is a pledge and an undertaking and it is for all of us, I hope, a dedication. I wish this House, if I may say so respectfully, to consider this resolution not in a spirit of narrow legal wording but to look at the spirit behind the resolution.

Words are magic things often enough but even the magic of words sometimes cannot convey the magic of the human spirit and of a nation's spirit. And so it cannot be said that this resolution at all conveys the passion that lies in the hearts and the minds of the Indian people today.

It seeks very feebly to tell the world what we have sought and dreamed of for so long and what we now hope to achieve in the near future. It is in that spirit that I venture to place this resolution before this House and it is in that spirit that I trust the House will receive it and ultimately pass it. May I also, with all respect, suggest to you and to the House that when the time comes for the passing of this resolution, that may not be done in the formal way of raising of hands but much more solemnly by all of us standing up and thus taking this pledge anew.

The House knows that there are many absentees here. Many members who have a right to come here have not come. We regret that because we should have liked to associate with ourselves as many representatives of as many different parts of India and as many different groups as possible.

We have undertaken a tremendous task and we seek the co-operation of all people in that task because the future of India that we have envisaged is not a future confined to any group, religious, provincial or other, but comprises all the four-hundred million people of India and it is with deep regret that we find some benches empty, some colleagues, who might have been here, absent.

I do hope that they will come and this House in its future stages will have the benefit of the co-operation of all.

Meanwhile, there is a duty cast upon us and that is to bear the absentees in mind, to remember always that we are here not to function for one party or one group but always to think of India as a whole, always to think of the welfare of the 400 millions that comprise India.

We are all in our respective spheres party men belonging to this group or that and presumably we shall continue to act in our respective parties. Nevertheless, times come when we have to rise above party and think of the nation, think sometimes of even the world at large of which our nation is a great part.

And I think in the work of this Constituent Assembly the time has come when we should, in so far as we are capable of it, rise above all our little selves and party disputes and think of the great problems before us in the widest, most tolerant and the most effective manner, so that whatever we may

propose may be worthy of India as a whole and the world shall recognise that we have functioned as we should have functioned in this high adventure.

There is another person who is absent here and who must be in the minds of many of us, as he is in my mind as I stand here today, the great leader of our people, the father of our nation (Cheers), who has been the architect of this Assembly and all that has gone before it and possibly of much that will follow. He is not here because in pursuit of his ideals he is ceaselessly working in a far corner of India but I have no doubt that his spirit hovers over us and blesses our undertaking. (More cheers).

As I stand, I feel the weight of all manner of things crowding around me. We are at the end of an era, and possibly very soon we shall embark on a new age. My mind goes back to the great past of India, to the 5,000 years of India's history, to the very dawn of that history, which might be considered almost the dawn of human history. All this past exhilarates me and at the same time somewhat oppresses me. Am I worthy of that past? And then I think also of the future, the greater future I hope, and standing on this sword's edge of the present between this mighty past and the mightier future, I stumble a little and feel overwhelmed by this mighty task.

We have come here at a strange moment in India's history. I do feel that there is some magic in this moment of transition from the old to the new, something of that magic that one sees when the night turns into day and even though the day may be a cloudy one, it is a day after all, and the clouds roll away and we can see the sun later on.

And because of all this, I find a little difficulty in addressing this House and putting all my ideas before it and I feel also that in this long succession of thousands of years, I see the mighty figures that have come and gone and I see also that long succession of our colleagues and comrades who have laboured for the freedom of India and are no more."

Referring to the large number of amendments which had been tabled, Pandit Nehru urged that the House should not lose itself in wordy quarrels and squabbles.

Pandit Nehru went on, "Because this is a Constituent Assembly, think also of the various Constituent Assemblies that have gone before, of what took place at the making of the great American nation, when the fathers of that nation met and fashioned out a constitution which has stood the test of these many years—more than a century and half—and of the great nation which has been built up on the basis of that constitution.

And my mind goes back to the mighty revolution which took place, also over 150 years ago, and to that Constituent Assembly that met in that gracious and lovely city of Paris which has fought so many battles for freedom and the difficulties that Constituent Assembly had—how the King and other authorities came in its way and still it continued. The House will remember that when these difficulties came, and even lodging and a place to meet were denied to that Constituent Assembly, they betook themselves to an open tennis court and met there and took the oath which is called the Oath of the Tennis Court.

They continued to meet in spite of Kings and in spite of others and did not disperse till they had finished the great task they had undertaken. I trust that it is in that solemn spirit that we too are met here and that we too, whether we meet in this chamber or other chambers or in the fields or the market place, we shall go on meeting and continuing this work till we complete it. (Loud cheers).

And then the more recent revolution which gave rise to a new type of State, the revolution that took place in Russia and out of which has arisen the Union of Soviet Socialist Republics —another mighty country which is playing a tremendous part in the world, and not only a mighty country but for us in India a neighbour country.

And so our mind goes back to all these great examples and we seek to learn from their successes and to avoid their failures. Perhaps we may not be able to avoid all failures because some measure of failure is inherent in human effort. Nevertheless, we shall advance, I am certain, and in spite of obstruction and difficulty achieve and realise the dream that we have dreamt so long.

We are going to make a constitution for India and it is obvious that what we are going to do in India will have a powerful effect on the rest of the world. Even today, on the

verge of freedom as we are, India has begun to play an important part in world affairs. That part will grow and, therefore, it is right that the framers of our constitution should always bear this larger international aspect too in mind. We approach the world in a friendly way. We want to make friends with all countries, we want to make friends, in spite of the long history of conflict in the past, with England also."

Speech of Sj. P. Tandon.

Seconding the resolution Sj. Purshottamdas Tandon[1] said the underlying theme of the resolution was equality. The different units of the country had been given autonomy, and the resolution added that India should, however, remain one with full sovereignty. There were amendments to the resolution asking for a postponement of its consideration until such time as the Muslim League came into the Assembly. He said that he too was one of those who wanted the League to co-operate with them in their work. But there was such a thing as a suitable occasion. There was no certainty as to when the League would come in and the Assembly could not disperse merely after having appointed a Procedure Committee. In that case there would be no point in their coming together.

Referring to the latest speech of Sir Stafford Cripps, Sj. Tandon was sorry to say that though Sir Stafford professed to help India his real aim was to erect road blocks in the way of the Assembly. "Sir Stafford keeps harping on the theme of our differences, forgetting that after all those differences are only a British creation. We have now to understand the British game. Those who, at present, are playing to their tune are our brothers and we certainly desire their co-operation, but in order to have them on our side we cannot sacrifice our basic principles."

Amendments to Pandit Nehru's Resolution.

As many as 40 amendments were tabled proposing drastic changes and even wholesale substitution of Pandit Nehru's resolution on the Declaration of Objectives to be discussed by the Constituent Assembly.

[1] Speaker, U. P. Legislative Assembly.

One of the two substitute resolutions is in the name of Mr. Somnath Lahiri, the Communist member, and runs to 1,500 words. Dr. M. R. Jayakar heads the list with the other substitute resolution which is a brief one and reads:

"This Assembly declares its firm and solemn resolve that the constitution to be prepared by this Assembly for the future governance of India shall be for a free and democratic sovereign state; but with a view to securing, in the shaping of such a constitution, the co-operation of the Muslim League and the Indian States, and thereby intensifying the firmness of this resolve, this Assembly postpones the further consideraiton of this question to a later date, to enable the representatives of these two bodies to participate, if they so choose, in the deliberations of this Assembly."

Mr. Lahiri's substitute resolution declares India to be an independent country and calls upon the Indian members of the Interim Government, "who, as nominees of the two main popular parties and of the minorities, together enjoy the support of the overwhelming majority of our people, to act as the Free Provisional Government of India and to function henceforth in the name of the Indian people and not as hitherto in the name of the British King-Emperor."

The resolution calls upon the Provisional Government to take steps 'inter alia' to effect the withdrawal of all British troops from India and the withdrawal of Indian troops from outside India and take over all banks, industrial and transport concerns, plantations, mines, etc., owned by British capital and nationalise them.

The Government is asked to pass legislation to enforce a minimum living wage, recognise Trade Unions and penalise defaulting capitalists. People are called upon to be vigilant and report acts of intransigence and sabotage carried out by bureaucrats and officials in the interest of their former masters so that such cases are speedily exposed and the culprits punished.

In order to resolve Congress-League differences, the resolution suggests, first, the setting up of a Boundary Commission to redemarcate existing Provinces and States into linguistically and culturally homogeneous units, and second, plebiscite of the

entire adult population of each such unit to determine whether they will join the Indian Union or form a separate State.

The resolution asks for the establishment in Indian States of popular Interim Governments which should call a Constituent Assembly which in turn should elect delegates to the All-India Constituent Assembly.

Smaller amendments include two by Mr. Shibban Lal Saksena, Leftist from U. P., who opposes the vesting of residuary powers in the units and advocates a declaration that the power and authority of the State are derived from the working people.

Mr. Ram Narayan Singh asks for the addition of a clause to declare unlawful all formations or organisations of parties and cliques, open or secret, on the basis of any ideology, religious or otherwise, for election, administration or any other purpose.

Mr. C. E. Gibbon, Anglo-Indian member from the Punjab, demands freedom for propagation of religion.

Mr. Satya Ranjan Bakshi wants the safeguarding of liberty of the person and immunity from arrest without warrant and detention without trial.

Mr. Vishwambhar Dayal Tripathi, who sponsors more amendments than any other member, favours an explicit declaration that the Constituent Assembly is a sovereign constitution-making body deriving power from the people. He asks that India be proclaimed as an independent Sovereign Socialist Republic envisaged in the original resolution.

5. December 16, 1946.

Dr. Jayakar's Speech.

Dr. Jayakar said that his purpose in moving his amendment was to save the work of the Assembly from frustration. He was anxious that the work of the Assembly should not be made infructuous by their neglecting one or two difficulties which lay in their way.

He contended that at this stgae, at this preliminary meeting of the Constituent Assembly, no question laying down the fundamentals of the constitution could be considered.

That the resolution was intended to lay down the fundamentals of the constitution even Pandit Nehru had admitted with usual frankness. Even a cursory view of the resolution would reveal to them that a few things mentioned in the resolution were fundamentals of the constitution, *e.g.*, mention of a Republic, Union, present boundaries, residuary powers, powers being derived from the people, minroity rights, etc.

Within the limits of the Cabinet Mission's statement, the Assembly had no power to lay down any fundamentals, however sketchy they might be, of the constitution at this stage. That must wait till the stage at which the States and the Muslim League would be present.

"We are no doubt a sovereign body", said Dr. Jayakar, "but we are sovereign within the limitations of the Paper by which we are created. We cannot go outside those limitations except by agreement, and two parties (States and League) being absent, no agreement can be thought of.

If the idea of some people is to ignore those limitations altogether and turn this Constituent Assembly into a force for gaining political power, irrespective of the limitation of this Paper, to seize power and thereby create a revolution in the country, that is outside the present plan and I have nothing to say about it. But as the Congress has accepted this Paper in its entirety, it is bound by the limitations of that Paper."

The Indian States, said Dr. Jayakar, were absent for no fault of theirs, because in terms of the White Paper they could not be present at this stage.

As regards the Muslim League, the position was rather difficult and, he thought, very grave too. The Muslim League had obtained three or four important concessions. He understood that the question of interpretation about Grouping and Sections was going to be referred to the Federal Court, but it was clear that they could not go to the Federal Court on the last point made by the Muslim League, namely, that if a large section of people was not represented at the constitution-making, H.M.G. would not be willing to force such a constitution upon unwilling parts of the country.

It was not a question of interpretation but an additional point which had been given to the Muslim League by way of addition to the statement of May 16.

"It is a substantive point which has been conceded to the Muslim League contrary to what Mr. Attlee, Prime Minister, on March 15 this year in the House of Commons said in so many words that we (H.M.G.) shall give all protection to minority rights but no minority will be allowed to veto the progress of the majority."

Sardar Valllabhbhai Patel: "May I know whether Dr. Jayakar is interpreting here the policy of His Majesty's Government? All these concessions which he is referring to, are in addition to or over and above the White Paper statement. We have not accepted them and this House is not going to accept any additions."

Dr. Jayakar said that he was not asking Sardar Patel to accept any addition, he was pointing out all difficulties in the way. If Sardar Patel thought this was an addition which they ought to reject, he (Dr. Jayakar) had heard nothing to that effect so far.

If the Assembly proposed to do that, it was welcome to take that course but at present he was perfectly entitled to say that this was a point which the Muslim League had gained in addition to the May 16 document and this point raised a difficulty.

What would happen if a community like the Muslim community was not represented at the constitution-making? Sir Stafford Cripps had interpreted the phrase "unwilling parts of the country" to mean such parts of India where Muslims were in a majority. The effect of this interpretation would be that a constitution framed by the Constituent Assembly in the absence of the Muslim community would not be forced on those parts of the country.

Whether any other community could take advantage of Sir Stafford Cripps' dictum he (Dr. Jayakar) did not know. That was a matter for interpretation. This particular addition had been hailed in England by certain sections. Mr. Churchill called it "an important milestone in the long journey." Whether this was an important milestone or a most dubious milestone they were not concerned with, but the fact was that the Muslims had got this right at the present moment.

If they chose to remain absent from the Assembly's deliberations, whatever the reason, whatever constitution the

Assembly might frame in their absence could perhaps be binding upon Section A, but it was very doubtful whether it would bind Sections B and C and the result would be that "if you accept the resolution today in the absence of the Muslim League and Indian States, that is not binding on the Muslim League at all."

That raised the question whether it would not be wise, merely as a means of saving the Assembly's trouble and labour, to postpone the resolution to a future date. It was, to put it at the least, a saving of labour. But it was something more than that ; there were points in the resolution in which the States and the Muslims were most intimately concerned. The resolution spoke of a Republic. He personally had no objection to that expression but certainly the States were entitled to express their view.

If the Muslim League did not come in, the States would not come in. They had made it perfectly clear more than once, and in the House of Commons debate it was stated very clearly that the States would not deal with the Constituent Assembly if it was composed of one party only.

Sardar Vallabhbhai Patel : "Dr. Jayakar is not representing States here and no State representative has yet stated that if the League is not present the States also will not be present."

Dr. Jayakar : "I am not representing the States to you. I am stating what was stated in the House of Commons. Why can't we do that?"

The probability was—and this was made clear in the Commons—that if the League did not come in, the States would not come in. The result might be that there would be another Constituent Assembly—as Mr. Jinnah wanted—for the purpose of framing a constitution for Sections B and C and a third Constituent Assembly for framing a constitution for the States.

He did not want to express any opinion on whether the Hindus and Sikhs of the Punjab and the Hindus of Bengal and Assam could take advantage of the dictum (that the constitution would not be forced on unwilling parts of the country) which had now been interpreted only in reference to the Muslims.

"Instead of having one Hindustan, we may be forced to the necessity of having a Hindustan constitution, a mild or

abbreviated, qualified Pakistan constitution and a Rajastan constitution also.

Your Union at the Centre will go ; it cannot be established."

At present there was provision for a Union Centre, even if it was an attenuated one, and every effort ought to be made to retain it. He urged that Pandit Nehru's plea for continued endeavour to secure the co-operation of all should be translated into action. What was the harm in waiting for a few weeks until the Muslim League, by a formal resolution, declared its intention ?

"You are not meeting till January 20 I understand. What is the harm in postponing the final vote on this resolution till then? Are the heavens going to fall? You are not going to do anything substantial until January 20. By that time the League should have taken its decision.

It is not a question of doing anything which the Muslim League may object to ; it is a question of giving them the right to be there during the deliberations.

Save the work of this Constituent Assembly from being put into jeopardy, made infructuous. Supposing the Muslim League does not come in by January 20, do what you like. But why don't you wait for a little while and make it less difficult for the Muslim League to come in ?

Miles away from here is working that solitary figure whose steps we propose to follow, the great Mahatma. Alone, stinted in sleep, stinted in food, stinted in health, he is trying to win over the Muslim community by an extra dose of co-operation and goodwill. Why can't we follow his example here ?"

Dr. Jayakar said that if they passed the resolution at this stage, it would be "wrong, illegal, premature, disastrous and dangerous" and would lead them into trouble.

Sir Hari Singh Gour's Amendment.

The Chairman, Dr. Rajendra Prasad, ruled out of order an amendment moved by Sir Hari Singh Gour to Dr. Jayakar's substitute resolution.

Sir Hari Singh's amendment sought to delete from Dr. Jayakar's amendment the passage asking for a postponement of

further consideration of the resolution to a later date and expressed the opinion that the demand made by the Muslim League for Pakistan was suicidal and that it was in the interests of the Muslims and other minorities to institute joint electorates with reservation of seats for the next five years. It further laid down that no member of one community be deemed to be elected unless he polled a certain precentage of votes of the other community.

Mr. Somnath Lahiri's Amendment.

The chair also ruled out of order Sj. Somnath Lahiri's (Communist) substitute resolution on the grounds, firstly, it directed the Assembly here and now to declare India a republic, and secondly, it called upon the Interim Government to act in a particular way.

Other Amendments.

There were two other amendments moved by Sj. Shyam Nandan Sahay suggesting *inter alia* the omission of Indian States from the declaration that power and authority are derived from the people. He argued that the view was strongly held by leading Indian States that power originated from the sovereign and he suggested it was desirable to avoid controversial issues at this stage.

6. December 17, 1946.

The debate on Pandit Nehru's resolution was continued.

Speech of Dr. S. P. Mookerjee.

Dr. Shyama Prosad Mookerjee, opposing Dr. Jayakar's amendment, said its effect was that the Constituent Assembly could not pass Pandit Nehru's resolution until the Sections had met, if they ever met at all, and made their recommendations. Dr. Jayakar had maintained that this resolution could not be passed until both the States and the Muslim League were enabled to attend the Assembly.

As for the Indian States, Dr. Mookerjee said they could not come even if they wished to come until the Sections had

met and settled the provincial constitutions which would take many months.

So far as the Muslim League was concerned no doubt every one regretted it had not found it possible to attend the preliminary session of the Assembly and asked what guarantee was there that, if this resolution was postponed till January 20, the Muslim League would come.

Again, did this resolution raise issues which were inconsistent with the Cabinet Mission's statement of May 16?

The passing of the resolution, Dr. Mookerjee argued, would not prejudice the future constitution. When the time actually came for the framing of the constitution it would be open to any member to bring up any matter before the House as an amendment to any particular proposal and such amendments were bound to be considered on their merits.

"If assurances are forthcoming," he added, "that this draft resolution does not go against the main features of the Cabinet Mission Plan and also it does not commit the Constituent Assembly in regard to the details of the constitution that is yet to come, I see no reason why any obstacle should be put to the passing of this resolution.

We are sitting here in our individual capacity and our sanction is not the British Government or Parliament but the people of India.

If that is so we have to say something, not merely frame rules and regulations, as to why we assembled here on December 9, 1946.

If what Dr. Jayakar had said was the correct position then this Constituent Assembly should not have been called at all, and in fact, Dr. Jayakar should not have attended the meeting. He should have informed the Governor-General:

'I feel I cannot attend and I feel you are doing wrong in convening the Assembly when the League is not attending.'

After having come here, for us to raise this issue is practically to walk into the trap of the Muslim League and strengthen the hands of the reactionaries in England.

I know Dr. Jayakar is the last man to do any such thing but we must also respectfully point out to him the great danger that lies in his innocent-looking amendment."

Dr. Jayakar had mentioned the analogy of a dinner party and asked if some of the guests did not come, how could we have a dinner party? Dr. Mookerjee asked the counter-question: "What will be the fate of the guests who have already come?" (Laughter).

He went on to refer to Mr. Churchill's description of the Constituent Assembly as a marriage without the bride. He asked how many brides were there in the Constituent Assembly. Were Indian States one bride and the Muslim League another? And if the League was the bride, was not Mr. Churchill playing the role of seducer, instead of asking Mr. Jinnah to come to the Constituent Assembly? No one had said that the League should not come.

"In fact, we want the League to come in now so that we can meet face to face to solve difficulties. If there are difficulties and differences of opinion, we do not wish always to carry out decisions by a majority vote. That may have to be done in the last resort, but obviously every attempt must be made to come to an agreement.

My charge is that the Muslim League is not coming because of the British attitude. The Muslim League is being encouraged to feel that if it did not come, it will be able to veto the final decision of the Assembly. The power of veto has in some form or other again passed into the hands of the Muslim League. That is the greatest danger that threatens the future activities of this great Assembly."

Though it was a British creation, yet once it came into existence, it had the power, if it had the will, to assert its rights and do what was best for the good of the people of India, irrespective of class or community. The Congress as one of the major parties had said that it stood by the Cabinet Mission's scheme of May 16.

"It gladdened my heart yesterday to hear Sardar Patel say that the Congress had not accepted anything beyond the statement of May 16. That I consider to be an announcement of fundamental importance. (Cheers).

We had to make clear what we were here for. We shall give the Cabinet Mission scheme of May 16 a genuine and honest chance. We shall see if we can come to an agreement

on the basis of that scheme, but subsequent interpretations we are not going to accept.

There has been considerable difference of opinion with regard to one clause of the Statement of May 16, that is, with regard to the question of Grouping. It is for the Congress to decide, as one of the major parties, what interpretation it is going to accept.

If the interpretation given by His Majesty's Government is not accepted and if the Congress considers the interpretation put by itself is correct, then a crisis may come. That, however, is a question which has to be decided apart from a discussion on this resolution.

But the greater delay in deciding that question, the greater will be the unreality of the proceedings of this House.

After that question is decided, supposing H.M.G.'s interpretation is accepted, whether on reference to the Federal Court or not, we shall go on with our work. The Muslim League may come or may not come. Even if it does not come, we must proceed with the business of the Constituent Assembly."

Making a further reference to the crisis that he visualised, Dr. Mookerjee said that if India was to be free it would be not by constitutional means in view of the developments of the last few weeks. The agency should be the Constituent Assembly.

"If ultimately we have to function, we shall function on our own responsibility and prepare a constitution which we shall be able to place before the bar of world opinion and demonstrate that we have treated the people of India including the minorities in a just and equitable manner.

"It we take courage and frame a constitution just and equitable to all, then we shall be able to declare this Constituent Assembly the first Parliament of free, sovereign and independent Indian Republic, able to form our own national Government and enforce our decision on the people of this land. Our sanction is not the British people or the British Government ; our sanction is the people of India."

Talking about minorities, it had been suggested that the Muslim League represented the only minority in India. That was not so. The Hindus also constituted a minority in at least

four provinces in India. If minority rights had to be protected, such protection should be extended to every minority which might vary from province to province.

Dr. Mookerjee contested Lord Simon's statement yesterday that the Constituent Assembly consisted of caste Hindus. So many false statements had been made that it was difficult to count or counteract them. This was one.

Actually in the Assembly were represented at least one Muslim province ; also the province of Assam, which was supposed to be part and parcel of the Muslim majority area ; the Scheduled Castes, including Dr. Ambedkar ; Sikhs, Anglo-Indians, Indian Christians, Parsis and Adibasis.

Every element that had been elected to the Constituent Assembly was here barring the Muslim League. The League might represent a very large section, but was it suggested that if this section of the Indian people chose to be absent from the Assembly India was to continue to remain a slave country? (A Voice : No).

Concluding Dr. Mookerjee said that we should tell the British that in spite of all that had happened in the past, if they really wanted that we should remain friends in the future, we were prepared to accept their co-operation, but it was not for the British Government to interfere in the domestic problems of this country.

Speech of Dr. B. R. Ambedkar.

Dr. B. R. Ambedkar supported Dr. Jayakar's amendment.

"I know", he said, "today we are divided politically, socially and economically. We are in warring camps and I am probably one of the leaders of a warring camp.

But with all this I am convinced that, given time and circumstances, nothing in the world will prevent this country from becoming one and with all our castes and creeds, I have not the slightest hesitation in saying that we shall in some form be a united people. (Cheers).

I have no hesitation in saying that notwithstanding the agitation of the League for the partition of India, some day enough light will dawn upon Muslims themselves, and they too

will begin to think that a united India is better for everybody." (Cheers).

Asserting that the resolution would result in keeping the League out he said he would substantiate it by referring to Clause III in the resolution which envisaged the character of the future constitution of India.

He took it that the resolution, when passed, would act as a sort of directive to the Constituent Assembly in the framing of the constitution. The paragraph in question only dealt with autonomous provinces and Indian States and the Union Government. There was no reference in it to the intermediary structure of Grouping.

Reading the resolution in the light of the State Paper or even in the light of the Congress Working Committee's resolution passed at Wardha, he must confess that he was surprised at the absence of any reference to the idea of Grouping.

"So far as I am personally concerned," Dr. Ambedkar went on to say, "I do not like Grouping (Cheers). I like a strong unitary Centre, much stronger than the Centre which was created in the Act of 1935." (Cheers).

7. December 18, 1946.

The debate on Pandit Nehru's Resolution was continued.

Speech of Sir N. Gopalaswamy Ayyangar.

Sir N. Gopalaswamy Ayyangar, supporting Pandit Nehru's resolution, strongly urged that the resolution be pushed to its conclusion at this sitting. (Cheers). He considered that the motion for adjournment lacked imagination.

"Is such a resolution to be postponed till we reach the last stage of our work in this Assembly? Is it not a resolution which must preface everything substantial that we propose to do in this Assembly? That, I think, is a complete answer to this motion for adjournment."

The resolution, he went on, set out nothing to which either Dr. Jayakar or Pandit Kunzru was prepared to take exception.

"The League's main objection to what we were doing today arose from the different interpretation they had put upon

the clause relating to Grouping. We were not discussing Grouping now. What then prevented the League from taking part in the discussion of other subjects?

Lord Pethick-Lawrence had clinched the matter yesterday by saying that H.M.G. would not budge from their position even if we appealed to the Federal Court.

Of course, it is not within the jurisdiction of H.M.G., in my opinion, to say whether they would accept the Federal Court's view or not, because it is entirely out of their hands.

I suggest that, in view of what has come from H.M.G. both in the statement of December 6 and the speeches in the two Houses of Parliament, in the new circumstances that have been created, the wiser thing to do is not to send a reference to the Federal Court but to take the other course, namely, that you bring up a resolution in this Constituent Assembly proposing a modification of Clause 19 (5) which will provide that the method of voting should be by provinces in the Sections so far as the Grouping matter is concerned.

It is quite possible—and I think it will be an arguable position—for the Muslim League to come here and raise the question that such a modification involves a major communal issue.

If you (Chairman) decide it is a major communal issue, or if after obtaining the advice of the Federal Court you decide that it involves a major communal issue, it would be open to the Muslim League to contend that you cannot carry out that modification without a majority of each of the major communities.

Why, I ask, should we not take that step? We shall take that resolution into consideration at an adjourned sitting of this Assembly, say in January, and properly notify all the members of the Assembly, even those who have not presented their credentials and signed the register, namely, the members of the Muslim League, that we shall move a resolution of that sort. That must be sufficient invitation to them to come and occupy their places in this Assembly and defeat what they may consider to be unconscionable suggestion from the other side.

Going to the Federal Court is absolutely useless and, so far as I can see, it will solve none of our troubles."

Referring to Dr. Jayakar's argument that the preliminary meeting of the Constituent Assembly could not discuss the resolution, he said that "we were not like members of a provincial or Central Legislature working under a statute of Parliament.

We are in a Constituent Assembly and whatever is not said in the document under which we have gathered here is not prohibited to us. We have the residuary power in full for accomplishing the tasks which we have undertaken. (Hear, hear). That being so, I would suggest that we should not rivet our eyes to particular clauses in this document and say that this is not said in this or that clause. I think whatever is not said but is necessary for the accomplishment of our task is within our powers to regulate."

Sir Gopalaswamy replied at length to the objection raised on behalf of Indian States to the inclusion of Indian States in the declaration in the resolution that all power and authority are derived from the people.

He quoted from the report of two authoritative committees set up in Mysore and Hyderabad and explained the views of these two committees as to where sovereignty rested in Indian States.

"The Cabinet Mission stated that on the conclusion of the labours of the Constituent Assembly and the framing of a constitution for India, H.M.G. would recommend to Parliament such action as may be necessary for the cession of sovereignty to the Indian people.

The act of ceding sovereignty, that is, transferring the power that Britain now wields in this country, would therefore relate to the whole of India. When the Cabinet Mission, therefore, spoke of cession to the people of India, they must be held to have included the people of the Indian States also. (Hear, hear).

The Mission's statement, therefore, that when the British power was withdrawn the States would become independent, should be construed to mean that such sovereignty as His Majesty in fact exercised over the Indian States would stand ceded back to the people of Indian States.

The resolution now under consideration put the Indian States on the same level in regard to the subjects not ceded by

them to the Union Centre as the provinces were in respect of provincial subjects, that is to say, it asserted that all power and authority of Indian States as constituent parts of the sovereign, independent, India were derived as much from the people of the States as similar power and authority were in the provinces derived from the people of the provinces.

It would be extremely anomalous if the constituent power in Indian States was vested, in respect of Union subjects, in the people of the States, and in respect of unit subjects, in the rulers of the States.

In the process of building up the new federal structure of India through the Constituent Assembly, it would be found necessary that the written constitution of such States, as already had them, should be overhauled as in the case of the provinces, and that written constitutions should be newly framed for States which did not have them.

It was possible to defer this work and leave it over for subsequent accomplishment, provision being made in the constitution prescribing the steps to be taken and the procedure to be followed in this connection.

If the representatives of the States in the Constituent Assembly so desired, the Union constitution should guarantee the territorial integrity of the States as they existed today, subject to any modifications of boundaries which might be effected later according to prescribed procedure and with the consent of the States and the other areas affected.

The constitution of a State, which would be settled by the people of the States in association with the ruler, might make provision for hereditary succession to the headship of the State of the dynasty which was in possession now in the State, and the Union constitution might contain a provision that if the State's constitution did so, it would not be interfered with, though a stipulation would be necessary that in the overhaul of an existing written constitution or in the framing of a new one in any particular State, the hereditary head of it should in the quickest possible time in the future become a constitutional monarch presiding over an Executive responsible to a Legislature, the members of which were democratically elected.

The existing written constitutions of certain individual States almost invariably contained a section that all rights,

authority and jurisdiction which appertained or were incidental to the government of the territories included in the States were vested in and exercisable by the ruler, subject to the provisions of the constitution which was granted by the fiat of the ruler himself.

These provisions in the State constitutions were remnants of an all-pervasive autocracy and deserved to be swept away and replaced by a provision which declared that all powers of government, legislative, executive and judicial, should be deemed to be derived from the people and exercised by such organs of State, including the hereditery ruler, as might be designated in the written constitution and to the extent authorised by that constitution."

All this, in his view, emphasised the need for inclusion of Indian States in clause 4 of the resolution.

"In fact, until we got into the Assembly representatives of the people of the States, they could not really participate in the work of the Assembly and help in the making of constitutions for their own States as well as in the making of the Union constitution." (Cheers).

8. December 19, 1946.

The debate on Pandit Nehru's Resolution was continued.

Speech of Sir Alladi Krishnaswami Ayyar.

Neither the Muslim League nor the Indian States would have a place in the Constituent Assembly unless they subscribed to the principle of a single Indian Union in the terms of the Cabinet Mission's statement, declared Sir Alladi Krishnaswami Ayyar.[1]

Opposing Dr. Jayakar's amendment, he said it was inconceivable that any constitution could be framed without a directing objective, and the resolution before the House formulated such a directing objective. In doing so it followed the practice of other constituent assemblies.

Referring to the States, Sir Alladi said: "Here again, the States are there in this Assembly only if they subscribe to the creed and article of an independent India, and if they are

[1] Former Advocate-General, Madras.

committed to the task of framing a constitution for an independent India. Otherwise, they have no place.

While I realise there may be a certain incongruity in the States coming in only at a later stage in the proceedings of this Assembly,—that is not our making,—it cannot stand in the way of this Assembly formulating its objective in the form of a resolution at this stage, a resolution which does not commit this Assembly to anything beyond what is contained in the statement of the Cabinet Mission."

Referring to the objection as regards derivation of authority, Sir Alladi said, "The State machinery, be it monarchy or democracy, ultimately derives its sanction from the will of the people concerned. The divine right of Kings is not a legal or political creed in any part of the world at the present day. I do not believe it will be possible for hereditary monarchs to maintain their authority on such a medieval or archaic creed.

The Cabinet Mission was quite alive to this, and in their statement, reference is made throughout to Indians, including both of the Indian States and British India, deciding the future constitution of India, no distinction being drawn between Indians in what is now British tract and what is now native State territory."

As regards Dr. Ambedkar's objection on the ground of omission to mention Groups, Sir Alladi said a close examination of the Cabinet Mission's statement would point to the conclusion that the formation of Groups was not an essential part of the constitutional structure.

"In the most material parts, the main recommendations are that there should be a Union of India dealing with certain subjects, that all subjects other than the Union subjects and residuary powers should vest in the provinces and in the States, the States being assimilated to the position of provinces under the Cabinet Mission scheme. There is nothing in the terms of the resolution to prevent provinces from forming themselves into Groups as contemplated by the Cabinet Mission."

Speech of Sir Hari Singh Gour.

Sir Hari Singh Gour, supporting Pandit Nehru's resolution, said that the Constituent Assembly had been rightly

described as a sovereign body. It was the voice of the people of India and was not a creature of the British Cabinet Mission.

"When that voice became strong, the British Cabinet yielded to the demand for the constitution of this Assembly.

Therefore, let us not dismiss from our minds that while we pay due respect to the wishes of the Cabinet Mission, we are not bound by the conditions that they may have laid down. Our primary and sole duty is to discharge our responsibility to our masters, the people of India."

Referring to the plea for postponement of discussion on the resolution on the ground that the Muslim League members were absent, Sir Hari Singh said that the Constituent Assembly would lose its prestige and dignity if it went about hankering after the support of the League.

"If we owe a duty to the public of India", he said, "that duty must and shall be performed regardless of whether Mr. Jinnah, or Pandit Nehru or anybody else comes in or goes out. To run after them and catch them by their coat tails and say, 'Please do not run away ; if you run away, we will run away with you', would be undignified.

No constituent body, much less the constituent body of Aryavarta, shall demean itself into this position of humiliation and self-negation."

Referring to newspaper reports that Mr. Jinnah had gone to Cairo to influence Muslim nations in favour of Pakistan, Sir Hari Singh expressed a wish that Mr. Jinnah might prolong his visit to the three "Pakistans" in the Middle East, such as Iraq, Iran and Libya.

If Mr. Jinnah followed his advice, Sir Hari Singh was sure that he would come back to this country "thoroughly convinced that Pakistan was suicidal to the best interests of our fellow-countrymen, the Muslims of India."

Perhaps the only independent Muslim country in that region was Turkey, where Kemal Pasha saw the futility and unwisdom of combining politics with religion and put an end to Pakistan and established the Republic of Turkey.

"Let Muslims realise this," he said, "and they will have no difficulty whatsoever in renouncing Pakistan as a dangerous and suicidal move on the part of Mr. Jinnah." He urged that there should be joint electorates.

"Let the Muslims get their quota of seats but let there be a provision that no member of one community shall be deemed to have been duly elected unless he polls a certain percentage of votes of the other community. In this way we shall have introduced democratic and territorial elections and the differences will begin to disappear in course of time."

Referring to the States, he said: "They say they have their treaties with the Crown dating back to 100 or 150 years. But what was the Crown of England 100 or 150 years ago? It was the voice of the British Cabinet and consequently, when they speak of their having had treaties with the Crown, what they do mean is that they have had treaties with the Government of England for the time being in power.

It is an ordinary platitude, if I may say so, that if the Crown of England accepted the advice of the British Cabinet 100 or 150 years ago, is it wrong for the Crown of England today to act on the advice of the Indian Cabinet? Can the Indian princes say that the Crown has no right to change its advisers? When they speak of their treaties with the Crown, their position is, therefore, a futile one.

They say that the Crown has the right of paramountcy, but they forget that the British Government in India has got the right of protecting all the Indian States—from the State of Hyderabad to the smallest State in Kathiawad—and he who has the right of protection enjoys de facto the right of paramountcy.

The defence of British India having been transferred to the Interim Government, it became responsible for the security of the Indian princes, and consequently that right of paramountcy has passed from the King of England or the Parliament of England to the Government.

Even assuming that there was a figurative continuance of paramountcy in the King, it was pointed out in the course of debate in Parliament that when the transfer of power to India takes place, paramountcy will lapse, and consequently Indian States must either join hands with the Interim Government in India or remain isolated and aloof as subordinate creatures of free India.

Therefore, I advise my friends of the Indian States that they are waiting in vain for an invitation from the Constituent

Assembly to come in. If they wish to come in, they are welcome to do so."

In framing the future constitution of India, the Constituent Assembly should not cast its eyes on what the League would do or what the British Government would think or refer its decision to the Federal Court.

"I do not wish to anticipate the decision of the House on the subject of reference to the Federal Court, but I do wish to repeat once more that this House should be sufficiently self-respecting to carry out its duties regardless of the opposition it may meet and the criticism it may arouse, from whatever sources they might come." (Hear hear).

Other Speeches.

The resolution was supported by Mrs. Hansa Mehta, Mr. P. R. Thakur (Scheduled Caste, Bengal), Mr. Jaipal Singh (Adibasi, Bihar), Mr. Dambar Singh Gurung (Gurkha, Bengal) and Mrs. Dakshayani Velayudhan (Scheduled Caste, Madras).

9. December 21, 1946.

Pandit Nehru's resolution was held over until next session.

Dr. Rajendra Prasad stated in the Assembly this morning that Pandit Nehru's resolution defining the Assembly's objectives, which the House had been discussing, would be taken up again after the adjournment.

He said that he had still about 50 names of speakers who desired to take part in the debate on that resolution. It was obviously not possible to carry on that discussion any further without holding up other important business before the Assembly. He, therefore, interrupted the discussion on the resolution and allowed Mr. K. M. Munshi's resolution setting up the Negotiating Committee to be interposed.

"When we meet again", he added, "we may have the advantage of the presence of others who are not here now and we may have the advantage of their views on the matter. Further discussion will thus remain suspended till we meet again."

Mr. K. M.[1] Munshi's Resolution on Indian States.

Mr. Munshi[1], moving his resolution on the Negotiating Committee, said that the purposes for which the Committee was being appointed were set out in Cabinet Mission's statement and the Secretary of State's speech. It was necessary to begin these negotiations at the earliest possible date.

Mr. Munshi emphasised the need for restricting the number of members as the Committee would have to carry on delicate negotiations.

Pandit Nehru on Negotiating Committee.

Pandit Nehru said that Mr. Munshi's resolution had a very definite limited object, namely, fixing of the method of representation in the Assembly for the representatives of the States.

Obviously there were innumerable problems in the States. The States had all the problems that people had in the rest of India plus other problems. The Committee would have nothing to do with the internal structure of the States. That matter would be considered, he hoped, when the States' representatives came to the Assembly.

The amendments urging representation for depressed classes or Adibasis seemed to ignore the fact that they were only considering a limited problem. The depressed classes had their particular interests to be protected but that question did not come up before the Committee.

"I regret, I say frankly, that we have to meet the rulers' Negotiating Committee," Pandit Nehru said, "I think that on the part of the States there should have been on the Negotiating Committee representatives of the people of the States. I think even now that the Negotiating Committee, if it wants to do the right thing, should include some such representatives, but I feel that we cannot insist upon this at this stage.

We are after getting appropriate representation from the States in this Assembly—elected representatives as far as possible. We should insist upon that when the time comes, but we cannot refuse to meet anybody.

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[1] Former Home Minister, Bombay.

Therefore, in this resolution we have said not only that we shall meet the Negotiating Committee set up by the Chamber of Princes, but also other representatives of the States. That gives us scope to meet other people."

Referring to "mechanical difficulties" in providing representation for the States, he said that a State like Hyderabad would get a fair number of representatives on the basis of population. Some of the big States might get two or three or four, but others would get barely one. Most of the others may be grouped together or some other method may be devised.

No doubt the problems would come up at a later stage before the House, when, he hoped, States' representatives would also be present.

Pandit Nehru had no doubt in his mind that the final decision on such matters as those to be dealt with by the Committee should rest with the House. But he drew attention to the fact that usually a country did not reject an agreement arrived at by its plenipotentiaries, unless some vital principle had been broken, because a third party was concerned.

Diwan Chamanlal's Amendment.

Diwan Chamanlal[1] moved an amendment asking the Committee to report to the Constituent Assembly the result of the negotiations with the States' Negotiating Committee. He said it was necessary that the conclusions of the Negotiating Committee should be brought before the House in order that it might be fully seized of the subject.

Mr. K. M. Munshi assured the House that, whatever decision the Committee might arrive at would be placed before the House and there was no reason to fear that the Committee would decide upon something which the House would disapprove. He had no hesitation in accepting Diwan Chamanlal's amendment and requested the movers of other amendments to withdraw theirs.

Other amendments were withdrawn and the Assembly passed the resolution, with Diwan Chamanlal's amendment.

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[1] M.L.A. (Central) from the Punjab.

Procedure Committee.

Mr. Munshi, moving consideration of the Procedure Committee's report, asked that in order to secure informality of discussion and dispatch, the House do go into Committee and its proceedings be held in camera.

He said that the Rules Committee had to work under great pressure, because it was highly essential that before the Assembly dispersed the rules were adopted and the organisation of the Constituent Assembly was functioning.

The members of the Committee had devoted care and attention to every aspect of the rules and it had had the assistance of distinguished jurists like Sir B. N. Rau and others at its disposal. Nevertheless, there might be defects, inaccuracies and omissions of certain points of view, but they were rules which could be altered and amended by the House.

Giving a broad outline of the draft rules, Mr. Munshi mentioned that the Committee had changed the nomenclature of the permanent Chairman into President. He would be the guardian of the privileges of the Assembly, its spokesman and representative and its highest executive authority.

The Assembly would elect two Vice-Presidents and the Chairmen of the three Sections would be ex-officio Vice-Presidents of the Assembly.

In regard to quorum the draft rules provided that two-fifths of the members be present both in the Union Assembly and in its branches, and in the settling of the provincial constitution the required quorum was two-fifths of the representatives of the respective provinces.

The business of the House would be transacted in Hindi, Urdu or English and records would be kept in all three languages.

Rules relating to the Advisory Committee on fundamental rights and minorities and in regard to references to Federal Court were on the lines contained in the State Paper.

Mr. Munshi proceeded to explain the rules under which the whole country including the Indian States would have an opportunity to study the draft of the constitution to be framed.

The relevant portion of the rules in this regard reads: "The Assembly shall, before finally settling the Union constitu-

tion, give an opportunity to the several provinces and States through their Legislatures, to formulate, within such time as it may fix, their views upon the resolutions of the Assembly outlining the main features of the constitution, or, if the Assembly so decides, upon a preliminary draft of the constitution."

In regard to provincial constitutions, it was prescribed that before they were finally settled an opportunity should be given to the provinces to formulate their views on the preliminary decisions of the Sections concerned as to whether a Group constitution shall be set up for the provinces and with what provincial subjects the Group constitution should deal.

"The Constituent Assembly shall not be dissolved except by a resolution of the Assembly by at least two-thirds of the whole number of members of the Assembly," said another rule.

The Assembly adjourned and met again at 3 P.M. in camera.

10. December 22, 1946.

The Constituent Assembly met today in camera to continue the discussion on the Rules and Procedure Committee's report.

The Assembly adjourned this evening to meet again at 11 A.M. tomorrow. It is announced that nomination to the Committee may be filed till 1 P.M. tomorrow.

11. December 23, 1946.

The Secretary to the Constituent Assembly in a Press Note issued this evening says :—

"The preliminary meeting of the Constituent Assembly which began on December 9 has been adjourned to January 20, 1947. This was announced by the President, Dr. Rajendra Prasad, at the afternoon session today.

"The Committee of the whole House having considered the rules of procedure, a plenary session of the Assembly was held and the rules as passed by the Committee, adopted.

A few rules and amendments raising important issues have been held over for discussion at the adjourned session in January.

Dr. Rajendra Prasad announced that no notice of any resolution had been received about a reference to the Federal

Court on the interpretation of the Grouping clause in the State Paper of May 16 and therefore this question would not be taken up.

The following three committees were elected :—

(1) *Credentials Committee* :—Sir Alladi Krishnaswami Ayyar, Bakshi Sir Tek Chand, Mr. Sarat Chandra Bose, Dr. P. K. Sen and Mr. Frank Anthony.

(2) *Staff and Finance Committee* :—Mr. Satya Narayan Sinha, Mr. Jaipal Singh, Mr. V. I. Muniswami Pillai, Mr. C. E. Gibbon, Mr. N. V. Gadgil, Seth Govind Dass, Rajkumari Amrit Kaur, Mr. Sriprakas and Sardar Harnam Singh.

(3) *House Committee* :—Mr. Raddhanath Das, Mr. A. K. Dass, Mr. Deep Narain Sinha, Khan Abdul Ghaffar Khan, Mr. Jairamdas Daulatram, Mr. Nandkishore Das, Mr. Mohanlal Saxena, Mr. H. V. Kamath, Mr. R. R. Diwakar, Mrs. Ammu Swaminathan and Pandit Sriram Sharma.

There was no contest for any of the places on the Committee."

44. DEBATE IN THE HOUSE OF COMMONS, DECEMBER 11-13, 1946.

Mr. Attlee's Statement, December 11, 1946.

The Prime Minister, Mr. Attlee, made the following statement :

"The House will have seen that the conversations with Indian leaders which took place during last week have unfortunately ended without an agreement being achieved.

"As the House knows Government issued a statement at the conclusion of the conversations but members will, no doubt, wish to have some account of the present situation.

"It will be remembered that on May 16 last, the Cabinet Mission made proposals which, it was hoped, would bridge the gap between the Hindu and Muslim points of view and enable Indians to frame their own constitution by the accepted democratic method of Constituent Assembly.

"In order to provide the most hopeful basis for co-operation in constitution-making, the Cabinet Mission found it necessary

to recommend both the outline of the future constitution for India and the particular procedure by which details might be elaborated.

"The essence of their proposals was that while there would be a Union of India limited to Foreign Affairs, Defence and Communications, there would be an opportunity by the adoption of a particular procedure in the Constituent Assembly for the Provinces to form Groups for the administration of such subjects as it was decided should be dealt with in common.

"To provide this opportunity the Mission proposed that the Constituent Assembly, after preliminary meeting to decide the order of business, should divide up into Sections, two of which cover Provinces which, the Muslim League claims, should constitute Pakistan.

"These Sections would settle provincial constitutions and decide whether a Group constitution should be framed for the Provinces within the Section and if so, for what subjects.

"Individual provinces would be free to opt out of a Group after the first election under the new constitution. The intention of the Mission was that the decisions of Sections should be taken by a majority vote.

"Subsequently difference of opinion developed between the Congress Party and the Muslim League[1] as to the meaning of the Cabinet Mission's Statement on the question of procedure within the Sections of the Constituent Assembly and it was largely because of misgivings in regard to this that the Muslim League withdrew its acceptance of the Cabinet Mission's plan at the end of July last.

"The Congress view is that Provinces have the right to decide both as to Grouping and as to their own constitutions and that, therefore, decisions in the Sections cannot be by simple majority vote. The Congress, however, have stated that they are prepared to accept the ruling of the Federal Court as to the proper interpretation of the Cabinet Mission's Statement.

It was mainly in the hope of resolving the difference of view on this matter that the British Government invited the Indian representatives to come to London.

[1] This is not correct. Maulana Azad raised this point in his letter to Lord Pethick-Lawrence, dated May 20, before the League expressed its view. Mr. Jinnah's statement of May 22 does not refer to this point.

"We had very full and friendly discussions with Indian representatives, but I regret to say that up to the present, we have not succeeded in resolving this difficulty. Consequently, the Constituent Assembly which was summoned to meet in India last Monday is holding its preliminary session without representation of the Muslim League.

"In the statement which the Government issued at the conclusion of the conversations, we have said that we have had legal advice which confirms that the Statement of May 16 means what the Cabinet Mission have always said was their intention, namely, that voting in Sections should be by a majority vote. This is the view which is accepted by the Muslim League and on the basis of which they originally accepted the Cabinet Mission's proposals.

"From their point of view, this is an essential element in the plan because if the agreement of all provinces within a Section is required to the framing of a Group constitution, it is probable that the opposition of some of the smaller Provinces will prevent Group constitutions being framed.

"The intention of the Cabinet Mission was that while an individual province might be outvoted in a Section, its freedom would be safeguarded by the right to opt out of the Group after the constitution had been framed.

"His Majesty's Government feel that all parties of the Constituent Assembly should agree to work the scheme in the way intended by the Cabinet Mission, but if the Constituent Assembly desires that this fundamental point should be referred for a decision of the Federal Court, such a reference should be made at a very early date so that the decision can be known before the meetings of the Sections of the Constituent Assembly take place.

"It may seem to the Honourable members that these differences as to matters of procedure are of small importance in relation to the paramount need for securing a constitution for India which has the widest possible measure of consent.

"A peaceful transfer of power to an Indian Government freely set up by agreement among Indians is a matter of supreme importance, not only for India, but for Asia and the world as a whole.

"But it must be remembered that representatives who came to London were not in a position to commit their parties, and that the issues stir deep and passionate feelings. Time must be given for the parties, after full debate, to decide their attitude.

"It may also be that the subject will come under consideration by the Federal Court. In these circumstances Government feel that a general debate on Indian affairs at the present time would be inopportune and might destroy the prospect of settlement.

"I am sure, I am speaking for all parties in this House in making an appeal to all communities in India to co-operate in framing a constitution which, because it is based on consent, will be welcomed by all and worked in a co-operative spirit."

On Mr. Churchill's demand a debate on India was agreed to.

Speech of Sir Stafford Cripps, December 12, 1946.

Sir Stafford Cripps opened a two-day debate on India. He began by moving the following motion:

"That this House takes note of the statement on India made on December 11 by the Prime Minister and expresses its hope that a settlement of the present difficulties between Indian parties will be forthcoming."

Declaring that Britain had now, for over a century and a half, been intimately associated with the development of India Sir Stafford Cripps said: "We have been largely responsible for shaping her destiny and deciding the course of her history. Whether we have conducted ourselves well or ill, we have carried the responsibility in a large measure and today we find that India and her people, like ourselves, are confronted with the most grave problems that arise out of that historical development.

"Do not let us under-estimate the difficulty of its solution. It is sometimes suggested that but for the intransigence of this or that Indian party the matter could be easily solved. That, I do not think is in accordance with the true situation. Everyone, who has shared in the responsibility for the past of India, must likewise share in the responsibility for the present and we as a people share that responsibility and that is why we

are, all of us, most anxious to find a way out of these present difficulties."

The time had now come, said Sir Stafford Cripps, when Britain wanted to hand over power to the Indian people. The difficulty was how to accomplish that objective.

There were two principles, both democratically sound, but which were very hard to match together in a single process.

The first was the right of the majority to determine its own future without any veto or prohibition from any minority. The second was the right of minorities to enjoy freedom and a full voice in the determination of their own future without suppression by the majority.

"The only way in which these two rights can be worked out is in democratic assembly where there is give and take. We know in this House of Commons a degree of tolerance between the parties.

"The fundamental difficulty, I believe, in India today is that the principal bodies have not shown themselves prepared to trust one another or work together on a democratic basis.

"Deep-seated contention, accentuated by the approach of handing over of power, has bitterly separated those, who alone can determine the future of India. There is no use our girding at the facts of history. We must try to overcome or get round them."

Loud cheers greeted a tribute by Sir Stafford Cripps to the Viceroy of India, Lord Wavell, for his "hard and unceasing labour" in the task of forming the Interim Government.

After recalling the events which had led up to this event Sir Stafford Cripps said : " The Government is functioning satisfactorily today and there have been, I am glad to say, no major difficulties within the Government itself. Unfortunately, the position is not helped by speeches made in the country by the supporters of the two parties. It is difficult, as members of the Opposition know, if not impossible, to maintain unity within a Coalition Government if an active and bitter struggle is proceeding throughout the country between partisans of the two sides to that coalition."

Sir Stafford Cripps declared that the position had, of course, been made far worse by the outbreak of violence on a large scale throughout many provinces. It was right to say, Sir

Stafford Cripps added, that the leaders on both sides had roundly condemned these disturbances and had tried by visiting the areas and otherwise to influence their followers to a more calm and less violent frame of mind.

Referring to the riots, Sir Stafford Cripps said: "This terrible toll of casualties is an index of the intensity of the communal feeling that has come into being and though it will be deplored by everyone, who has the interest of India at heart, nevertheless it is a stark and naked fact. It settles nothing. Indeed it only makes settlement more difficult, but is a factor none of us can ignore."

Sir Stafford Cripps recalled that riots broke out in Calcutta after the Muslim League decision to set aside August 16 as Direct Action Day. These riots, he said, shocked the whole world by their intensity. He referred to the death-roll of some 4,000 and of 10,000 injured.

Next came the outbreaks in Eastern Bengal, when gangs of hooligans carried the reign of terror into those parts with the result that 50,000 evacuees were driven out and some 200 deaths caused. This was accompanied by abduction, rape and forced conversions and as a result wild rumours circulated, greatly exaggerating that conduct which was already bad enough.

"Even worse violence and murder broke out in Bihar and spread to the United Provinces. It was not possible to give the casualties in Bihar with any accuracy. It was probably not an exaggeration to put the dead alone at 5,000. It was estimated that since September 1, there had been 445 deaths due to serious rioting in the United Provinces."

Referring to the visit of Indian leaders to London, Sir Stafford Cripps said that it was hoped that even at that eleventh hour some accommodation might be possible in the calmer atmosphere of London. The leaders at these meetings on both sides stated that they genuinely desired co-operation in the Constituent Assembly and that they realised that some aggreement between the parties was essential as the basis for the happy and progressive future of India. Nevertheless, they were unable to come to any agreement as to how the Constituent Assembly should proceed.

Sir Stafford Cripps declared: "The object of the Cabinet Mission was to find means whereby they could balance the

desire of the Congress for a strong unitary Federation on the one hand with the Muslim League's desire for autonomy on the other. That balance was obtained by a limited centre, the constitution of which was to be worked out by a Constituent Assembly, in which the Congress would have a clear majority on the basis of population on which it was constituted on the one side, and Sections B and C in which the Muslims would have their majority on the other hand ; and in which, of course, provincial constitutions, and if so decided Group constitutions, could be worked out for the two groups of provinces. Thus each party had a majority where it was most deeply interested. It was, however, provided that no province could be forced into a Group against its will."

Sir Stafford Cripps added that the dispute which arose, as to how the decision should be arrived at in the Sections, was already a matter of difference when the Mission was in India. Could a province vote itself out of a Group and itself determine its own constitution for the province or were both these matters to be decided by a simple majority of the Section?

The latter view was clearly the correct one in the opinion of the Cabinet Mission, His Majesty's Government and their legal advisers ; and this view was supported by the Muslim League.

Sir Stafford continued: "The Congress took the contrary view. The Congress held that they were prepared to submit this question of interpretation to the Federal Court and accept its decision, but on this, to them, a fundamental point, the Muslim League were not prepared to take that risk. There the matter still remained."

Sir Stafford Cripps said that the Government had asserted definitely their understanding of the document and had stated that if the Constituent Assembly desired to refer the matter to the Federal Court then they hoped they would do it quickly so as to remove any doubts in their minds.

But the Government also had to envisage the possibility in the Clause in the final paragraph of the Statement. This was perhaps a statement of the obvious– that if the Muslim League could not be persuaded to come into the Constituent Assembly, then parts of the country where they were in a majority could not be held to be bound by the results. That position had

always been realised by the Congress who had repeatedly said that they would not coerce unwilling areas to accept the new constitution.

Sir Stafford Cripps continued: "I do not wish the House to gain the impression that the position is therefore hopeless.

"We understand that Mr. Jinnah is prepared to put the matter before his Council with a view to ascertaining whether on the basis of the statement of December 6 they are now prepared to enter the Assembly and we hope that the Constituent Assembly will show their statesmanship and desire for accommodation with the Muslim League by not committing themselves irrevocably to anything that will make it more difficult for the Muslim League to come in at a later date.

"For the moment, therefore, I cannot take that matter any further.

"It is perhaps a little unfortunate that at this tense and delicate moment we should have been induced to stage a debate in this House."

Mr. Churchill: "Are we doing any harm now?"

Sir Stafford Cripps: "I hope not. We still have hope that despite the mutual fears and suspicions which reign, the two parties may eventually find themselves side by side in the Constituent Assembly and in Sections, for we are as convinced now as we have ever been, that it is by such co-operation that a satisfactory new constitution for India can be hammered out."

Sir Stafford Cripps told the House how matters stood with the States and the minorities.

"Regarding Indian States, the Cabinet Mission laid down two principles as to the relationships of States to the Crown during this period of transition, the first, that during the transitional period of the Interim Government paramountcy would remain with the British Crown. The British Government could not and would not, in any circumstances, transfer that paramountcy to any other Government of British India.

"Second, that when the transfer of power takes place in British India, then, if I may quote, 'as logical consequence and in view of desires expressed to them on behalf of Indian States, His Majesty's Government will cease to exercise powers of paramountcy'."

Sir Stafford Cripps said that this quotation was in the Statement made to the States while the Cabinet Mission was in India.

He added: "This means that the rights of the States, which flow from their relationship to the Crown, will no longer exist and that the rights surrendered by the States to the paramount power will return back to the States again.

"Proposals were also put forward as to the participation of representatives of the States in the Constituent Assembly and also for a Negotiating Committee representing the States which could settle outstanding matters with the representatives of major communities in British India.

"These arrangements were welcomed by the Standing Committee of the Chamber of Princes in a Press statement on June 19 and the Negotiating Committee has now been set up. In that Statement they expressed the view that the Mission's plan provided the necessary machinery for attaining by India of independence, as well as a fair basis for future negotiations.

"Not unnaturally Indian States are most anxious that all major communities should be represented in the Constituent Assembly as they do not wish to be in the position of having to deal with one community only. Their ability, indeed, to cooperate must depend to some extent on what happens as regards the entry of the Muslims into the Constituent Assembly."

Dealing with the minorities, Sir Stafford Cripps said that it would be remembered that in the proposals of 1942, it was laid down that one of the conditions of acceptance by Britain of the new constitution was that there should be a treaty which among other things would contain a provision for the protection of minorities.

"In the proposals of the Cabinet Mission this year the conditions of minorities were stated differently. That is, it was stated that a satisfactory provision for their protection should appear in the constitution and this we believe to be a more effective way and indeed, it is in line with the demands put forward by Dr. Ambedkar to the Viceroy in 1942 when he stressed the ineffectiveness of treaty protection and the need for incorporation of protective provisions in the constitution itself.

"The second point of interest is the provision suggested by the Mission for seeing that proper protection of minorities should be incorporated in the constitution.

"At first sight, it might appear that this could be done by giving them weightage in the Constituent Assembly. But when the position is examined, it will be found that if sufficient weightage is given to make the representation really effective for each of the minorities in the Constituent Assembly or in the Sections, then it places the majority parties in an impossible position.

"It would, for instance, deprive the Muslims of their majority in Sections B and C. In fact quite a lot of minority representatives have been elected to the Constituent Assembly owing to proportional representation and with some assistance from the major parties[1]. There are six Indian Christians, three Anglo-Indians, 29 Scheduled Castes of Congress sponsoring and two of other sponsoring. The Sikhs, of course, have been dealt with as a major party in the Punjab, which is their stronghold, and they themselves have elected their own quota of representatives.

"The Mission felt this was not in itself enough and so proposed an advisory committee on, among other things, minorities to attain full representation of all minorities, especially those not otherwise represented in the Assembly and it was the intention that this should be an authoritative body, whose recommendations would carry weight both with the Assembly and the Sections.

"Those are the general provisions with regard to the minorities.

"I would mention two of the special cases, Sikhs and the Depressed Classes. The position of the Sikhs is a very difficult one, because they do not have majority in any single province or area of the country and it is, therefore, impossible to devise any method of giving them any form of autonomy.

"They are, however, a very important community, almost entirely centred in the Punjab.

"They wished that in the Section which contained the Punjab they should be given the right to veto any provision

[1] This is true in case of the Congress, but not in case of the League.

which affected their community, just as the Muslim League had such right in the Constituent Assembly itself. That was not possible, because a similar right would have had to be given to the other minorities and if two such vetoes had existed it would have been a certainty that the Section would not have arrived at any decision at all. By avoiding partition which would have divided the Sikhs into two halves they were saved a worse solution from their point of view. The Sikhs were not perhaps in so bad a position as they have thought. Both the other two communities must be anxious for their support. If that very valiant community will exercise patience they will find they will come very well out of it."

Regarding the Scheduled Castes, Sir Stafford Cripps said, as it turned out, they had got two representatives in the Interim Government, one from the Congress organisation and one (Independent) from Bengal who was in fact a sympathiser with Dr. Ambedkar's federation.

In the Constituent Assembly, there were 29 Congress representatives of the Scheduled Castes and two others. He hoped representation would be given to both the organisations in the Advisory Committee on minorities.

In conclusion he said : "After careful re-examination of the scheme put forward in May last, we are convinced that it is not only a fair but a feasible scheme.

Whatever the scheme, it is clear, it can only succeed by co-operation and a certain degree of tolerance, whether in the Constituent Assembly or in the Sections. Neither community can force the other to accept its decisions, unless there is sufficient mutual trust of the basic democratic intention of both parties. We hope both the parties may arrive at an agreement between them in which they are both honourably bound, not only in letter, but also in spirit."

Mr. Churchill's Speech.

Mr. Winston Churchill, Leader of the Opposition, began by saying that the Opposition associated itself with Sir Stafford in his appeal to the various leaders of parties in India to abstain from violent propaganda, and invective against each other, which might have the effect of bringing about a recrudescence or intensification of the grave disorders, which had occurred.

"Sir Stafford Cripps deplored in moderate terms the fact that we are having a debate on this subject today, but it would be pity if the British Empire in India passed out of life into history without the House of Commons seeming to take any interest in the affair, without any record even in the Hansard of the transaction."

Declaring that the Opposition would not divide the House, Mr. Churchill said: "We must indulge in the hope that an agreement will be reached between the two great Indian religions and their political parties, which give modern expression to their age-long antagonisms."

Apparently referring to his insistence on having a debate Mr. Churchill said: "If we remain silent after all these months, it might be thought that we were in agreement with His Majesty's Government and that the policy they were pursuing was the national policy and not the party policy of the forces they represent. It might be thought that this was the policy which was endorsed and the execution of which was endorsed by the British people as a whole, whereas for good or for ill, the responsibility rests with His Majesty's Government.

"On their heads lies the responsibility not only for execution but for the impulse they have given to a great many tendencies, which are dominant in this matter today.

"I will say nothing to derogate from any utterance or statement made by members of the other parties, but I would be very sorry indeed that as matters unfold in India there should be any question of our being held accountable at the present time for the course of events.

"Therefore, we are bound to take the opportunity of bringing the affair to the light of day."

Mr. Churchill added: "There was and still is a general measure of consent here and throughout the land to the final transference of power from the House of Commons into Indian hands, but that transference, if it is to take place, must be based upon agreement and co-operation of the principal masses and forces among the Indian people. Only in this way could that transference take place without measureless bloodshed out there and lasting descredit to our name in the world.

"Those who are acquainted with the general movement of our relations with India over the last 20 years have hoped that

the desire of many Indians to be rid for ever of British rule and guidance would have brought a melting of hearts among the vast populations inhabiting the Indian continent and that they should have joined together to maintain the peace and unity of India and stride more boldly into their independent future.

"It is necessary to place on record the undoubted fact that no such melting of hearts has occurred. In fact, I think that that would be considered an under-statement. On the contrary, all facts and omens point to the revival in acute and violent form of the internal hatreds and quarrels, which have long lain dormant under the mild incompetence of liberal British control. To me, it would come as no surprise if there was complete failure to agree. As I warned the House in 1931, if we were to wash our hands of responsibility, a fierce civil war would immediately break out between Muslims and Hindus. But this warning like others fell on deaf ears."

Mr. Churchill said that he always bore in mind the words used by his father when Secretary of State for India 60 years ago in 1885—"Our Rule in India is, as it were, a sheet of oil spread out over the surface and keeping calm and quiet and unruffled by storms an immense and profound ocean of humanity."

That was a task, commented Mr. Churchill, which with all their shortcomings and through all their ordeals, they had faithfully and loyally pursued since Queen Victoria assumed the Imperial Crown.

"That is the task which we have now declared ourselves willing to abandon, abandon completely, provided we have such assurances of agreement between Indian races, religious parties and forces as will clear us of the responsibility of leaving India to a hideous collapse and catastrophe. We have no such assurances at the present time." (Conservative cheers).

An agreement in India was an indispensable condition. It was the foundation of the Cripps and Cabinet Missions. "There is no agreement yet before us. I say yet there is only strife and bloodshed and the prospect more worse. That is the first point we must take note of—absence of an agreement, which was the common ground between us and would stand as the foundation of future transference of power."

Mr. Churchill said: "The second point was the cardinal error of the British Government when, on August 12, they invited one single Indian party, the Congress, to nominate all the members of the Viceroy's Council (Conservative cheers), thereby precipitating strife and massacres over a wide region (Conservative cheers and Labour shouts of protest) unparallelled in India since the Indian Mutiny of 1857. Indeed, it is certain that more people have lost their lives or been wounded in India by violence since the Nehru Government was installed in office four months ago than in the previous 90 years, four generations of men, covering a large part of five reigns."

"That", said Mr. Churchill, "was only a foretaste of what might well come in the future. It might be only the first few heavy drops of rain before the thunderstorm broke. This 'frightful slaughter' in wide regions had in the main fallen upon the Muslim minorities."

Quoting reports from "high and creditable witnesses" of what had taken place in Bihar, Mr. Winston Churchill said that it cast into shade the Armenian atrocities with which Gladstone once stirred the moral sense of Liberal Britain.

"We are, of course, cauterised by all we have passed through ourselves, our faculty for wonder is ruptured, our faculty of reason is numb. The world is full of misery and pathos, but it has not stirred us as it would have done our fathers or predecessors in this House."

He doubted very much whether the official figure of 10,000 lives lost since the Interim Administration of Pandit Nehru took over represented half the total of racial and religious murders to date. "This outbreak of animal fury had ravaged many large districts and may, at any time, resume or spread its devastation through the teeming cities and provinces as big as England or the British Isles."

It was some comfort to recall that both Muslim and Hindu leaders had joined together to arrest or at least to mitigate "this appalling degeneration."

Mr. Churchill added: "I have been informed that it was Pandit Nehru himself who gave the order, which the Provincial Government of Bihar had been afraid to give, for the police and troops to fire upon a Hindu mob who were exterminating the Muslim minority in their midst. That is certainly to his credit.

May it be taken as an encouraging sign. Nevertheless, I must record my own belief which I have long held that any attempt to establish the reign of Hindu numerical majority in India will never be achieved without a civil war.

"Perhaps it will not be in fronts of armies or organised forces, but in thousands of different places. Such a war would lead through uncountable agony to an awful abridgement in the population.

"Any attempt by the Congress party to establish Hindu rule on the basis of majority, measured by standards of Western civilisation or what is left of it, by proceeding with the forms and formulas of Government with which we are familiar, will at a very early stage be fatal to any conception of the unity of India".

Mr. Churchill added that disputes and deadlocks were not the issue at stake. They were only symbols of the passion and hatred of thousands of years. The unity of India was a superficial appearance imposed there by long generations of British rule and it would pass away for long periods of time once the impartial element of guidance from outside was withdrawn.

Another new and important fact, said Mr. Churchill, was the declaration by the British Government that a constitution should be framed by the Constituent Assembly, in which each section of the Hindu population had been represented and that the Government could not contemplate forcing such a constitution on unwilling parts of the country.

"If this at least is the settled policy of Government, it will carry them far. It comprises within its scope the discharge of our obligations both to the Muslim inhabitants of India and to those, who are called Scheduled or Depressed Classes.

"How this policy will be carried into effect it is not possible to foresee, still less to foretell at this moment. It is indeed a formidable programme.

"That declaration appears to me to be the most important milestone in this long journey.

"The British Government owed special protection to the Muslims numbering 90,000,000, who comprised the majority of the fighting elements of India, and the Untouchables of anything from 40,000,000 to 60,000,000. They had been outwitted and

outmanoeuvred on this question. The pretence was put forward that they were a small part of the vast Hindu community not entitled to be considered as a minority community in Indian life.

"I must ask the Prime Minister to state the Government's view and intentions on this particular point. Are untouchables to be considered as an entity by themselves entitled to consideration given to entities or are they merely to be used to swell the numerical size of those whom they regard as their oppressors?"

Turning to the character of the Constituent Assembly which, he said, was apparently to proceed to make a Republic for India and engage upon it at once, Mr. Churchill said, "They are dealing with the fortunes of all Indians. A large part is not even to be represented."

Mr. William Cove (Labour) interjected: "Is Mr. Churchill in favour of extending the franchise?"

Mr. Churchill: "Yes, certainly. Mr. Cove laughs. I have always been in favour of extending the franchise. I believe in the will of the people. But I do not believe in perversion of the will of the people—actively organised and engineered minorities who having seized upon power by force or fraud or chicane go forward and use that power in the name of vast masses with whom they have long lost all effective connection."

Mr. Churchill continued: "A decision is to be taken as a result of which British connection with India will come to an end. I am not at all admitting that the decision represents the wish of the people of India. Nor do I admit that the authorities who are going to utter this expression can claim democratic title which in modern days attaches to those who speak for large majorities of universal suffrage electorates.

"But the Cabinet Mission's proposal of May for setting up the Constituent Assembly was essentially a proposal that the main political parties of India should meet and through their representatives endeavour to work out the proposed constitution."

Mr. Churchill asked if the British Government considered that the meetings now taking place in New Delhi, which the Muslim League were not so far attending at all, were in any sense meetings of a valid Constituent Assembly. The fact that

Muslims were refusing to attend remained a fact, whoever was to blame for it, and a meeting of one side without the other was not a conference.

"Indeed, the text of the proposals of the Government and of Sir Stafford Cripps whose ability had been devoted with such disastrous effects to furthering of the whole of this policy. . . ."

Mr. Churchill was interrupted with loud Government cries of "Shame" and one voice called out "Dirty".

In an atmosphere of rapidly increasing excitement, Mr. Churchill said, "I remember when Sir Stafford Cripps went out as representative of the Government of which I was the head and how we had to pull him up because . . . .

Mr. Churchill halted amidst the interruption and then said, "I do not want to say anything"—He was interrupted again by loud Government cries of "Shocking".

Sir Stafford Cripps, red in the face, rose from his seat on the Government Front Bench in the midst of the noise and said, "If Mr. Churchill intends to disclose what passed between me and the Cabinet on that occasion I hope he will disclose it all." (Loud Government cheers).

Mr. Churchill replied, "Sir Stafford Cripps is quite right in what he says and I shall not pursue this point. (Laughter). What is all this laughter? No one impugns the conscientious integrity and virtue of Sir Stafford Cripps, but I must say that in the Cabinet Mission, of which we have results published which have taken place under the present Government, his influence has, I have every reason to believe, been used for altogether undue emphasis being placed on advantages being given to Hindus. (Cries of "No").

"At any rate, Sir Stafford Cripps can defend himself and no one more than he has taken responsibility in this matter, because neither of his colleagues could compare in that acuteness and energy of mind with which he devoted himself to so many topics injurious to the strength and welfare of the State. (Further interruption).

"To return to the validity of the present Constituent Assembly, on which I trust we shall have a statement, the Document of May arranged that if the President of the Assembly should decide that a matter raised is not a major communal issue, the party which objects and maintains it as a major

communal issue may claim that the matter is referred for the opinion of the Federal Court.

"How is it possible that this procedure should work if the party that objects is not there?" Therefore, the meeting at Delhi is not the proposed Constituent Assembly.

"Take a more homely analogy ; if a bride or a bridegroom fails to turn up in the Church the result is not what is called a unilateral wedding. (Laughter). The absolute essence is that both the parties should be there."

Mr. Churchill continuing said: "It is still pertinent to inquire if His Majesty's Government consider that their proposed conference of the Constituent Assembly has begun."

He added, "I feel bound to end on a positive conclusion although I will express it rather in terms of negation. (Government laughter).

"In all this confusion, uncertainty and gathering storm which those who have studied the Indian problem for long years might well have foreseen there appear at the present time three probable choices before the British Parliament.

"The first is to proceed with ruthless logic to quit India regardless of what may happen there. This we can certainly do. Nothing can prevent us if it be the will of Parliament from gathering together our women and children and unarmed civilians and marching under strong rearguards to the sea. That is one choice. The second is to assert the principle so often proclaimed that the King needs no unwilling subjects and that the British Commonwealth of Nations contemplates no compulsory partnership ; and that in default of real agreement partition of India between the two different races and religions, widely differing entities, must be faced".

Mr. Churchill concluded, "Those who wish to make their own lives in their own way may do so and the gods be with them and those who desire to find in variety of systems means of association with our great free Commonwealth may also be permitted to take the course which ultimately they may show themselves ready to take.

"It follows, of course, from this course, this second alternative, that anarchy and massacre must be prevented and that failing measure of agreement not now in sight, an impartial administration responsible to Parliament shall be set up to

maintain the fundamental guarantees of life, liberty and pursuit of happiness of millions, nay, the hundreds of millions of humble folk who now stand in jeopardy, bewilderment and fear. Whether that can be achieved or not by any apparatus of British-controlled Government that we can form from our dislocated resources is again a matter upon which it is now impossible to form a final judgment.

"One thing, however, there is that, whatever happens, we must not do ; we must not allow British troops or British officers in the Indian Army to become agencies and instruments of enforcing Caste Hindu domination upon 90,000,000 Muslims and 60,000,000 untouchables nor must the prestige or authority of the British power in India even in its sunset be used in partnership on either side of these profound and awful cleavages.

"For such a force to be used to enforce religious and party victory upon minorities of scores of millions would seem to combine disadvantages of all policies and lead us ever deeper in tragedy without giving us relief from our burdens or liberation, however sadly purchased, from moral and factual responsibility.

"It is because we feel that these issues should be placed bluntly and plainly before British and Indian peoples even amid their present distresses and perplexities that we thought it our bounden duty to ask for this debate." (Loud Opposition Cheers).

Speech of Mr. A. V. Alexander, December 13, 1946.

Replying to the debate Mr. Alexander declared that the action which the Government had pursued throughout its period of office had in view the implementation of the pledges given by the previous Governments to the Indian people. He rejected Mr. Churchill's assertion that it had not been the national policy or that this policy had not been endorsed by the British people.

Mr. Churchill had suggested that the British Government was responsible for the powerful impulse given to a great many tendencies dominant in the Indian situation today. "If he says it is the action of the Government which gives impulse to all these hatreds or quarrels, then I repudiate this as false."

Turning to Mr. Churchill's charge that Government had committed a cardinal error by inviting the Congress party after having made other efforts to nominate members of the Interim Government, Mr. Alexander said that he was deeply shocked to hear Mr. Churchill say that that action had precipitated a series of massacres over wide regions. He repudiated this charge and pointed out that a Commission of Inquiry was investigating the cause of the riots.

Replying to Mr. Churchill's question whether it was the Government's policy for the Depressed Classes to be treated as a separate political entity, Mr. Alexander said that whether or not any separation of that kind should be given to them was a matter for the Constituent Assembly. The Government did not consider it desirable or in the interests of the Depressed Classes that they should attempt to influence the Assembly in that matter. Their view was that provisions in the constitution were the right methods for providing safeguards for the rights of minority elements. He reminded the House of what the Cabinet Mission had said, *viz.*, that when the Constituent Assembly completed their labours the British Government would recommend to Parliament to take necessary action to enable the new constitution to come into operation, subject to two matters. One of them was adequate provision for the protection of minorities. Both the major parties had declared their intention of making proper provision for protection of minorities in the constitution and the Government saw no reason to doubt that the Constituent Assembly would do so.

In the course of his speech Mr. Alexander once referred to "future India, which we all hope will get complete freedom."

Mr. Churchill, intervening: "By complete freedom, does the Minister mean independence?"

Mr. Alexander: "Yes".

Mr. Churchill: "Why not say so?"

Mr. Alexander: "I am always prepared to take instructions from such a master of the English language as Mr. Churchill on what words ought to be chosen. He knows a great deal about the choice of words, but if independence means freedom it may also be that freedom means independence. But we have always stated our views on this matter in almost precisely the same terms as the offer made by the Secretary of

State for India in June 1945 in which he said he hoped they would be able to get their complete freedom within the Commonwealth or without it. We have not departed either in words or in spirit from that. (Government cheers). I am sure Mr. Churchill, for whom I have such respect for his great leadership during the war, will not make small debating points like that."

Mr. Churchill: "This expression 'full freedom' does require a more precise definition. I saw it was said the other day that India would take a step towards freedom and gain her freedom, but as a matter of fact, as far as freedom is concerned, she has had an immense measure of freedom. But the question of independence has a different aspect of freedom, and at the stage we have reached in these discussions it is necessary to distinguish between the two in the statements which are made. We are at this moment expecting to hear that the Constituent Assembly, with whatever validity attached to it, has declared in favour of an independent Indian republic. That is independence—whether it is freedom is a matter which only the future can show."

Mr. Alexander: "At any rate Indians will be free to choose what is to be the constitution of their Republic and how that will translate freedom to their people. What we have laid upon us is the duty to implement the pledges of Government after Government, that they should have the opportunity to be free."

Mr. Churchill: "In the decision now being taken at Delhi by the Constituent Assembly in favour of an independent Indian Republic, is that to be judged by the Government as a decision of a valid authoritative constituent body although it only represents one major community in India?"

Mr. Alexander: "I am certainly not going to be drawn into a statement this afternoon as to exactly what our position is upon decisions which have not yet been taken. We stand upon our scheme in regard to procedure. We stand upon our interpretation of the position which we gave last week, in our statement of December 6, and are confining our efforts at the moment to doing our best to persuade both the communities to come together to avoid bloodshed and communal strife and get on with fashioning of a free constitution for India. We

will in the light of the scheme of May 16 deal with the decision of the Constituent Assembly appropriately when it has taken its decision. I am not going to make replies to hypothetical questions."

Earl Winterton: "Do I understand that he cannot give the answer to the specific question—Will the Government be bound by decisions in the Assembly in which the Muslim League would not be present?"

Mr. Alexander: "I said I could not answer hypothetical questions. We have made our position perfectly clear in certain respects. In the last paragraph of our statement last week we made it clear we would not contemplate forcing upon an unwilling community anything they did not want. The Congress itself accepts that. In our statement of May 25 we have agreed to leave constitution-making to Indians provided we get proper protection for minorities. We want that in the constitution. We shall adhere to our pledges to the Indian people."

Mr. Churchill: "Are we to understand that the Government at this present moment reserve their decision as to the validity of the proceedings of the Constituent Assembly?"

Mr. Alexander: "I am not going to give a legal answer this afternoon about the validity of the proceedings. I repeat the scheme for election for the Constituent Assembly was carried out and, if the Muslim League abstained from going there, how can you prevent a duly elected Assembly from going on to do its business?"

Mr. Churchill: "I ask a direct and immediate question. Is the issue of the validity of the Assembly reserved by the Government or not?"

Mr. Alexander: "I have great respect for Mr. Churchill's long parliamentary experience, but I still think that the question is hypothetical. We are still labouring to get them to attend the Constituent Assembly, and I am going to make no further statement this afternoon on this point. I do not think I am called upon to do so." (Labour cheers).

Mr. Churchill: "I think he has in fact answered because he has said that the Government have no further statement to make this afternoon. That is another way of saying they have reserved their opinions."

Mr. Alexander: "Mr. Churchill is very clever in these matters. He is good at making commitments. But I am not committed to the statement he has just made. I shall leave that for the Government to deal with in the circumstances they are faced with at the time."

Mr. Alexander concluded: "I beg all leaders of Indian thought, I beg the people of this country, whilst thanking them for supporting our general efforts up to date, to go on maintaining tolerance in this country and to develop greater tolerance in India.

"We have now given them a base on which they can proceed to make their own constitution. Although it is perfectly true that differences on the question of procedure cover a great deal of strife and enmity, the only real difference between this country and India is the difference between Indians themselves on the question of procedure.

"Surely we can beg and plead with them now to come together in the Constituent Assembly and to make a constitution which is free but which allows no damage and no harm to be done to the liberty of the minorities. If they can come to us with a constitution like this, this Government will carry out every word of its pledges to them and recommend the cession of its sovereignty to a body set up which provides complete freedom for all communities and all minorities within its ranks."

[The Government motion was approved without a vote.]

45. DEBATE IN THE HOUSE OF LORDS, DECEMBER 11-16, 1946.

Statement of Lord Pethick-Lawrence, December 11, 1946.

Lord Pethick-Lawrence made a statement identical with that made by Mr. Attlee in the House of Commons today.

Speech of Lord Pethick-Lawrence, December 16, 1946.

Replying to Viscount Simon's speech Lord Pethick-Lawrence said that there was almost complete unanimity throughout Britain on the main issue that the time had come for

Indians to have independence, whether within or without the British Commonwealth according to their desire.

That being so, it was no longer possible for this country to frame a constitution for India, still less to impose one. Their constitution must be made by Indians for Indians and must command the consent of the major communities and be fair to the minorities generally.

The Cabinet Mission recommended what they considered the most hopeful method for constitution-making. But the Government had made it clear that no minority should be able to place a veto on the advance of the majority.

"I would refer Viscount Simon to the last paragraph of the statement of December 6. The Government have nothing to add to it".

Lord Pethick-Lawrence added: "Although the parties took part in the election of the Constituent Assembly, it is well-known that the Muslim League representatives are not taking their seats at the preliminary sittings which are now being held and which are, therefore, clearly not representative of the two major communities. The British Government still hope that before the meetings of the Sections take place, it will become so representative.

"With that object in view they do not think it desirable to make any statement on the hypothetical question beyond that which they have made already.

"I turn now to the suggestion relating to the function of the Constituent Assembly under normal conditions. Viscount Simon asked whether the Assembly now sitting at Delhi is restricted in its endeavour to frame a constitution to the basic form recommended by the Mission".

"Under the Cabinet Mission's proposals," Lord Pethick-Lawrence said, "the Constituent Assembly cannot frame a constitution which departs from the form recommended by the Mission unless agreed upon with the approval of the majority of representatives of each major party.

"It is provided that any resolution varying the provisions of paragraph 15 or raising any communal issue shall require a majority of representatives present and voting of each of the major communities.

"A reference has been made to a speech by Pandit Nehru at Benares.[1] I would not minimise the gravity and importance of the remarks attributed to him. I should be inclined to think that the speech at Benares was a political rejoinder to a very provocative speech made only a few days ago in the House of Commons.

"Be that as it may, I can say that the position of the Government remains unchanged."

"Our intentions stand", Lord Pethick-Lawrence declared, "our conviction stands that only on a fast agreement can a stable constitution be created. Our intention remains to do all in our power to bring the parties together."

Lord Pethick-Lawrence shared the appeal made by Lord Simon both to the Muslims and the Congress to find accommodation which would enable them to sit together in the Constituent Assembly and create a situation which would command the support of all sides.

Dealing with the proposals for the setting up of Sections, he said that the question at issue was as to vote between different provinces in the Sections. It was to resolve this issue that the Indian leaders were invited to this country, regarding which visit the British Government issued their statement on December 6.

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[1] In a speech delivered in the Town Hall grounds, Benares, on December 15, 1946, Pandit Nehru declared that whatever form of constitution was decided in the Constituent Assembly would become the constitution of a Free India, whether Britain accepted that or not.

Pandit Nehru said that the British Government was thinking that the decisions of the Constituent Assembly were not binding on her. "But we have not entered the Constituent Assembly," he went on, "to place our decisions in a silver dish and dance attendance on the British Government for acceptance.

We have now altogether stopped to look to London. We know that there are some differences amongst us but we shall settle them ourselves. We cannot and will not tolerate any outside interference."

Pandit Nehru added that India's relations with Britain henceforth would depend on how the British acted at present. "We want to be friendly with all the countries of the world, even with Britain, but only if Britain did not put hindrances in our march towards complete freedom. We want to forget British misdeeds of the past. If British behaviour towards India at present improves Britain would reap favourable results, but if their behaviour remained bad Britain could not expect good results.

We have advanced so much on the path to freedom that it is not possible for us to retrieve."

He added: "I should like to make it quite plain that the British Government do not consider that this issue is one which, it is desirable, should be referred to the Federal Court.

"The statement of December 6 makes this clear and also the interpretation which the British Government themselves hold. The view of the Government is that this interpretation should be accepted by all parties. They only mention the matter of the Federal Court because the Constituent Assembly is to refer the issue to the Federal Court. That was the view expressed by the Congress. It should be done without delay."

Continuing he said: "I wish to make it quite clear that His Majesty's Government stand by their interpretation of the statement of May 16 as set out in that statement and that they will by no means depart from it even if the Federal Court should be appealed to. I hope agreement may yet be reached in a way which will allay fears of both parties."

Lord Pethick-Lawrence said that it must be obvious to all that no constitution could be successfully brought into being and survive unless it was based on mutual consent.

There was anxiety in certain quarters, he said, whether the majority in a Section might not impose a provincial constitution on a province contrary to the wishes of the inhabitants and of such a character as to prevent the wishes of the majority of the inhabitants prevailing in the decision whether or not to stand out of a Group. He was sure that neither side had any wish that this should take place and he saw no reason why the two major communities should not come to agreement between themselves which would avoid any danger of that happening.

Lord Pethick-Lawrence said that the manner in which the seats representing the States should be filled in the Constituent Assembly was to be negotiated between a committee appointed by the Indian States and a committee appointed by the British India side of the Constituent Assembly. The States had appointed their Committee and when the Committee had been appointed by the British India part of the Assembly, negotiations could begin.

The Cabinet Mission had made it clear, and the British Government had since reiterated, that they could not in any circumstances transfer paramountcy to the Indian Government.

The position would be that, when British authority had withdrawn from free India, the powers of paramountcy would lapse, and as a necessary corollary, the obligations of the States to the Crown would lapse also.

Dealing with the Cabinet Mission's proposal that an advisory committee should be constituted to make representations as to the minorities, Lord Pethick-Lawrence said that the committee would be an authoritative body representing both the minorities themselves and the leading experienced statesmen from India. It seemed to the British Government that as all parties in India were anxious that minorities should have due protection, recommendations of such a committee should not be disregarded.

Concluding, Lord Pethick-Lawrence appealed to those taking part in the debate to make full allowance for the inherent difficulties. He was not pleading, he said, for indulgence for himself or the British Government. The House was fully entitled to make such criticism of them as they thought fit. He was pleading for the Indian leaders who had recently come to London—his friends, as he was sure they would allow him to call them. They were all men with very heavy responsibilities, who were spokesmen for large masses of their fellow countrymen and women whom they had to carry with them in any approach to a settlement. He was sure the House had no wish to say anything which might make it more difficult for these men to come together.

46. MR. JINNAH'S SPEECH IN KINGSWAY HALL, LONDON, DECEMBER 13, 1946.

Mr. Jinnah tonight addressed Muslim Leaguers in Britain assembled in Kingsway Hall, London.

He said : "I am glad that I have been given this opportunity of giving you facts about India. It is a long story. It seems from what I have noticed in the Press in the past few days that the British people were asleep during the last seven or eight months while the Labour Government was handling the problem of India. Now I see there is a change. That is a very good sign indeed.

"I am glad that the British people have awakened a bit. It is the tradition of the British nation that they only wake up when there is something dangerous.

"The Cabinet Mission came to India in March and tried to understand the situation there, and after lots of conversations they put forward what is known as a long-term and a short-term scheme. The Congress did not accept the long-term proposals in fact. They 'accepted,' on their own terms, with reservations and with their own interpretation, one of the most fundamental and basic points known as the Grouping clause. To our disappointment the Cabinet Mission took an attitude which, to say the least, was most amazing. What did they do? They accepted what I would have characterized as non-acceptable, and they told the world, and actually misled the British Parliament, that the Congress had accepted the long-term scheme.

"They said in effect: Our original proposal is five-five-two but now we must make it five-five-three or five Muslims, five Hindus, one Sikh, one Christian and one Parsi. This was intended really to placate the Congress. The cause is difficult for an average Englishman to understand unless he has been in India for a long time.

"The Cabinet Mission and the Viceroy evidently thought that if they had one Parsi then it might appease the Congress because there was every likelihood that the Parsi would support them. When that was suggested the Congress turned it down again. Then we were told that the Cabinet Mission and the Viceroy would announce their own proposals. These were made known on June 16 and were known as the short-term scheme. We were also told that this was final and that it was up to Congress to accept or not and to the Muslim League to do the same. Ladies and gentlemen, you will be surprised to hear that the Congress did not accept.

"When the names were announced Congress said: 'We do not accept the nominees you have chosen. We want this and that substitution.' Congress also said: 'We do not agree to provision of any safeguard for Muslims.' With regard to what? With regard to any major communal issue. An assurance was given—and it applied to both communities and not only to Muslims—that if there was any major communal issue upon

which there was disagreement and if the majority of Muslim or Hindu members were opposed to it then it should not be enforced.

"They also said: 'We cannot accept it on various grounds. We are not going to accept the short-term scheme which you have announced to the world as final.' And they rejected it on June 25. On the same day we accepted it. Then there was another amazing fact. I have not yet been able to understand exactly what influenced the Cabinet Delegation to scrap it on grounds which in my judgment—and I think it is the judgment of many impartial men—was nothing but a perversion of the true meaning of the construction of Para 8.

"The Cabinet Mission said: 'Now we shall begin afresh.' We complained that this was most unjust and unfair and added: 'In that case postpone the long-term plan.' The Mission said, 'No.' Preparations had gone too far ahead and they must proceed. That was an interpretation revolting and repugnant to common sense. On that construction Congress had accepted the long-term and rejected the short-term plan. Their attitude was: 'We must scrap the thing and begin afresh.'

"But I want you to understand that Congress did not even accept the long-term plan and yet it was passed off as their acceptance. It was betrayal of the Muslim League and Muslims —betrayal No. 1.

"Then what did we find? It was postponed for a month. Preparations for the Constituent Assembly, however, were to go ahead. Naturally we protested. We issued statements. I do not know whether they reached you here or not, but we made our decision clear.

"About the end of July a proposal was sent for the interim Government—a fresh one. I do not want to worry you about the details of it but it was a fundamentally and entirely different one. It was a landslide as far as the Muslim League was concerned. We were unable to accept.

"In the meantime we were making it clear that Congress had not accepted the long-term scheme; but ours was a voice in the wilderness.

"On July 18 Parliament met and on the floor of the House of Commons a version was given to the British people which

was half true and misleading. It concealed the true state of affairs, but nothing happened.

"We had to consider this very serious position with which we were faced. We called a meeting of the Council of the Muslim League and it met on July 29. Meanwhile, pronouncements of Congress leaders were made known and Pandit Nehru's was the worst of the lot. They said: 'We are going to the sovereign Constituent Assembly. We will decide what we think proper.'

"As to the scope of the proposed Union, it was confined only to three matters. They were foreign affairs, defence and communications. But Pandit Nehru made it clear that the Constituent Assembly could take any decision they liked. We had no alternative except to withdraw the assent we had given on June 6. But we said that later on we were willing to consider a change in the formula of the Indian Government and of our assent to the proposal embodied in the statement of June 16, which were the final proposals of the Cabinet Mission and the Viceroy.

"We came to the conclusion that there was no room for reason, intelligence or fair play."

Throwing up his arms in a gesture of despair, Mr. Jinnah added: "I am sorry to say that the British Delegation has throughout at every critical stage really worked under mortal fear of incurring the displeasure of Congress. Why? Because Congress at every critical stage now, as then, has the fundamental policy that they will resort to mass civil disobedience at any moment they think necessary.

"We have made concessions. We have given up a lot for these reasons.

"Believe me I am telling the truth. We think an amicable and peaceful settlement is far better even if we have to sacrifice something substantial for it." (This statement was greeted with loud applause.)

Mr. Jinnah continued: "We thought that we would make our sacrifice on the altar by achieving freedom for all of us. Let me tell you Congress has been adamant. It has not budged an inch". (cries of "Shame").

"Unfortunately for our country and our people they are going headlong on a mad career. Congress are responsible for obstructing the freedom of the people of India.

"What is it we want? What are our utmost demands? The answer is—Pakistan." (Shouts of "Zindabad" came from the audience at this juncture).

Mr. Jinnah went on to explain what he meant by Pakistan. "What is Pakistan? What is so terrible about it? How is it going to harm the Hindus or prejudice them?

"In the north-west and north-east zones of India, which are our homeland and where we are in a majority of 70 per cent.[1] we say we want a separate State of our own. There we can live according to our own notions of life. The differences between Hindus and Muslims are so fundamental that there is nothing that matters in life upon which we agree.

"It is well known to any student of history that our heroes, our culture, our language, our music, our architecture, our jurisprudence, our social life are absolutely different and distinct. We are told that India has been one for a long time. I tell you that the so-called 'one India' is British-made. It was made by the sword. It can only be held as it has been held. Do not be misled by anyone saying that India is one and why, therefore, should it not continue to be one. What do we want? I tell you—Pakistan. Pakistan presupposes that Hindustan should also be a free State.

"What would Hindus lose? Look at the map. They would have three-quarters of India. They would have the best parts. They would have a population of nearly 200,000,000. Pakistan is certainly not the best part of India. We should have a population of 100,000,000 all Muslims[1].

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[1] Although Mr. Jinnah is never very particular about facts when he is anxious to emphasize his demands, yet it is difficult to believe that he really made these absurd statements. The speech was, however, reported by Reuter and published in *The Statesman* on December 15, 1946.

As the Cabinet Mission's statement of May 16, 1946, which is based on "the most recent census taken in 1941", shows, in the North-West the Muslims constitute 62·07 per cent. of the total population, while in the North-East they constitute only 51·69 per cent.

As regards the fantastic claim that Pakistan "should have a population of 100,000,000, all Muslims", it may be noted that, according to the census of 1941, there are 59,101,207 Muslims and 47,903,576 non-Muslims in the six provinces demanded by the League.

"What is the objection to these proposals of ours? We should be free. Let me say that these will be big States. How many states are there in this world with a population of 100,000,000? You see, it is not a small thing. Let us live as good neighbours with the Hindus just as America lives in a friendly way with Canada and as many of the states in North and South America do.

"Unfortunately Europe has not shown this spirit, but nevertheless is it not a big proposition to suggest that the whole of Europe should be one and that there should be one government? I know many idealists who desire it. But they also desire that the whole world should be one and that there should be one government. It is a noble idea. But such ideals are not achieved easily.

"What then is the objection to Pakistan? The only objection is that the Hindus want the whole of India, and if we agree we are reduced to nothing but a minority.

Therefore the problem is—is Britain going to stand with its bayonets and hand over authority to the Hindu majority? If that happens we will lose every bit of honour, integrity and fair play.

"Democracy is alien to Hindu society. I do not want to show any disrespect for any other society, but the Hindu society is caste-ridden and caste-bound. The untouchables have no place socially, economically or in any way at all.

"Democracy is the blood of Muslims who look upon complete equality of manhood. Muslims believe in fraternity, equality and liberty. How can a minority put a check on a majority? It is bunkum. We are not trying to put a check on a majority; but we are entitled to establish our Government.

"The sooner the British Government and people realize the truth and actual conditions in India, better it will be not for them but for the Hindus and Muslims. It is, therefore, for the British Government not to evade the truth but to face the problem boldly and frankly."

Continuance of the present policy might lead to serious trouble, Mr. Jinnah declared, adding: "Review the whole position. There is no other way unless you want to triumph at the cost of thousands of lives. There is no other way but to

divide India. Give Muslims their homeland and give Hindus Hindustan."

On the subject of the Cabinet Mission, Mr. Jinnah said: "We were within the orbit of constant discussion and negotiation. There was no room for argument. Every time someone in Congress said 'no,' something else had to be done immediately. In those circumstances we thought there was no course for us to take but to resort to power politics for the first time since 1906.. The Council of the League decided on a different policy. The Viceroy took no notice of anything we said. I do not know who was responsible for this.

"The next step was that the Muslim League was ignored and by-passed and Pandit Nehru was summoned to form the Interim Government.

"We were ignored and by-passed and a Government was formed. In a broadcast the Viceroy said: 'I understand there is complaint of the time and manner in which I have formed the Government.' It was not only a complaint. It was a dangerous course for him to have taken. He issued an appeal when he told us, there are five seats for you if you like to come in. You can imagine what feeling there was in the Muslim League at the time when Pandit Nehru was summoned to form the Interim Government. It was given out in big headlines all over India—and I may tell you that nine-tenths of the Press is Hindu Congress— in a manner which was bound to excite anyone.

"But on July 27 we decided to change our policy and to resort to direct action—a big change of policy—and we decided to tell our people of this on August 16.

"At the moment this was announced there was a meeting at Viceroy's Lodge. Pandit Nehru was summoned and it was astonishing that nothing happened anywhere but in Calcutta.

"In the Press and over the radio statements were made explaining that the only purpose of the Muslim League was a change of policy. But there was bloodshed at Calcutta and in other parts of India before August 16.

"The Muslim League has only 26 per cent. of the population in Calcutta. That would not have been the ideal place to select if we wanted to cause bloodshed. Why did it happen? The Inquiry Commission will give their verdict but I must tell you

this much. A few days after August 16 many meetings were held by the Muslim League in Calcutta and Bengal's Leaders nipped this thing in the bud.[1]

"We came to Britain to discuss the situation. When Pandit Nehru came here the Congress future in India was already decided and he came only because he had been asked by the Viceroy. While this is the case the British can say and do say that there can be no room for discussion or negotiation while one party has already decided on its course for the future. What is the position about the British statement? The Cabinet Mission were authors of the proposals and should keep to their word.

"They say that Congress may refer the whole matter to the Federal Court as early as possible. As I see it the coming of Pandit Nehru and the Muslim League from India has meant nothing. Congress are going on as if nothing has happened. Once again the people are being confused. It is being said that no action should be taken as we are still at the stage of negotiation and that anything we say will spoil a compromise.

"Congress is going ahead and treating the Constituent Assembly as a sovereign body. What do the British now want the League to do? What can we possibly do? Do not be misled. It is only when this is decided that anything can be done. It is also clear that we are in a position where there is nothing we can do."

47. MR. JINNAH'S STATEMENT, LONDON, DECEMBER 14, 1946.

Mr. Jinnah indicated today that if the Congress unequivocally accepted the British Government's interpretation of the Grouping clauses in the Cabinet Mission's constitutional proposals for India, he would certainly have to call his Council.

[1] Why was Mr. Jinnah silent about Noakhali and Tipperah, where the Muslims constitute 80 per cent. of the population and where their atrocities were not nipped in the bud by 'Bengal's Leaders'?

When Mr. Norton Jones, Deputy Commissioner of Police, Calcutta, was giving his evidence before the Calcutta Riots Enquiry Commission, he was asked by the lawyer representing the Muslim League whether it was possible to believe that the Muslim minority in Calcutta could start rioting against the Hindu majority. Mr. Norton Jones replied that wars were not always started by the stronger nations.

He added that he could not, of course, say whether his Council would decide to enter the Constituent Assembly at Delhi.

Mr. Jinnah, whose main pronouncements were contained in answers to questions at a Press conference here today, reaffirmed Pakistan as the goal of the Muslim League, agreed with Mr. Churchill's predictions that things would get worse in India "if Britain did not act boldly and frankly," and answered the questoin whether he was once a Congressman by retorting: "Once I belonged to a preparatory school."

Questioned about his impression of the two-day India debate in the House of Commons this week, Mr. Jinnah replied: "My impression of the debate generally is that light is dawning on the tremendous mess that already has been made and, I think, Parliament is in a better position now with regard to some of the facts than they were during all previous months."

Asked if the League's goal was complete independence, he replied: "What do you think we are fighting for? The goal of complete independence is Pakistan—certainly."

Asked to give his reaction to the paragraph in the British Government's statement of December 6 to the effect that it did not contemplate forcing upon the minorities any constitution in the framing of which they were unrepresented, Mr. Jinnah replied: "Suppose the Federal Court decides against the interpretation of H.M.G., what will H.M.G. do with regard to the Constituent Assembly? Is it to proceed on the basis of the interpretation given by the Federal Court contrary to the interpretation of H.M.G? In that case the Muslim League could never accept it."

A questioner suggested that there was a feeling in London that the Muslim League was not prepared to submit the principal question separating the parties to the Federal Court. Mr. Jinnah replied: "If you ask me why we always have been averse to being a party to reference to the Federal Court on this point, it is because the authors themselves (the British Cabinet Mission and the Government) ought to know what the proposals are. I say it is not a matter for a court. A mediator making a proposal should know what he means and should say if there is any doubt in anyone's mind: 'I will make it clear.'"

Mr. Jinnah added that, besides, this was a fundamental basic point—it was the very foundation of the scheme. "It is not a justiciable issue," he said. "I tell you I will trust no court to decide on a point like this."

One Pressman put a dual question. If the Congress accepted the proposals laid down by the British Government, he asked, would the Muslim League be willing to take part in the Constituent Assembly, and in that case would it be willing to agree with the Congress that the Assembly was a sovereign and autonomous body not subject to outside interference?

Mr. Jinnah answered the first part by saying that if the Congress unequivocally accepted H.M.G.'s interpretation of December 6, certainly he would have to call his Council. He indicated that he could not anticipate a decision of the Muslim League Council.

He thanked the questioner for the second point. "It is all very well to talk in this loose way on the position of the Constituent Assembly," he said, going on to tell his audience that the Congress with 292 supporters—there might be a few less—in the Assembly, certainly had a "brute majority," whereas the Muslim number was 79.

He added: "That is what people understand when they talk of democracy. As between the Hindus and the Muslims there is no such thing as democracy. It is a majority of one nation that can overrule the unanimous decision of any other nation[1] because they are 79 and the Congress are 292. In the perilous position that the Muslims will be," observed Mr. Jinnah, "we don't want any outside interference in this sense that somebody should tinker with us, but there must be some provision within the scheme itself which will prevent a brute majority taking the bit in its mouth and running away. But to treat it as a sovereign Constituent Assembly taking decision after decision and then presenting the poor Muslim minority, the British Government and the world with a *fait accompli*—there is the real danger."

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[1] Why was Mr. Jinnah silent about the majority of the Muslim League in Sections B and C, in which the non-Muslims have not been given communal veto as given to the League in the Union Assembly under Section 19 (vii) of the Statement of May 16?

"Does that mean that the Muslim minority wants to continue a veto on progress?" asked the questioner.

"That is often said, but it is absurd," answered Mr. Jinnah. "Unless the majority of one nation can take what decisions it likes, the moment you do not agree you are exercising your veto and you are intransigent. In that case the majority is to grind down the minority completely and the minority has no remedy."

Mr. Jinnah asked his audience if it was ever known anywhere in the world of a constitution that worked successfully without being framed with the willing assent of major elements that lived in the land. "Even the machinery will not work unless it has the goodwill, co-operation and honest desire of the people."

With regard to the statement that the Muslims were placing a veto on the advance of the majority, he asked: "What majority do you mean? If you mean the Hindus, we wish them godspeed. Go ahead—establish your Hindustan, frame your constitution for the Hindus. Leave us alone and we shall frame a constitution for Pakistan."

Asked if he were advocating a separate Constituent Assembly for Pakistan, Mr. Jinnah said that he had always done so.

Mr. Jinnah opened his Press conference by a long statement which covered much of the ground contained in his speech at the Kingsway Hall meeting last night and observed that the Muslim League time and again had been let down in the course of negotiations with the Cabinet Mission and the British Government.

Referring to the Congress and the Muslim League participation in the present provisional Government, he said that the Congress had made its intentions clear—that whatever the constitution, they were going to act as a Cabinet with joint and collective responsibility and a responsibility only to the Legislature, where they have an overwhelming majority, and to no outside authority.

"When we say we cannot allow that," declared Mr. Jinnah, "we are criticized as the King's Party and agents of British imperialism."

Mr. Jinnah added that while the question of the framing of the future constitution was still unsettled, the Interim Government "would go ahead with measures which will torpedo completely our demand for Pakistan and separation." He made a point that H.M.G.'s statement of December 6 suggested that if the Indian political parties intended to refer the chief points at issue to the Federal Court, "it will then be reasonable that meetings of the Sections of the Constituent Assembly should be postponed until decisions of the Federal Court are known."

Mr. Jinnah said that he did not know whether the Congress would consider it reasonable to postpone the meeting of Sections of the Constituent Assembly until the decision of the Federal Court was known. "So we are now hung up," he observed.

48. MAHATMA GANDHI ON ASSAM, DECEMBER 15, 1946.

"The British cannot interfere with the working of the Constituent Assembly. Supposing the vast majority, including the Muslims and others, form a constitution, you can defy the British Parliament if it seeks to interfere. Power is in your hands. Some such thing happened in Ireland only recently. And De Valera is no non-violent fighter. The position of India is far better than that of Ireland. If we have not the penetration we will lose the advantage we have, as it is apparently being lost today."—said Mahatma Gandhi in an interview given by him to two Assam Congressmen, Shri Bijaya Chandra Bhagwat and Shri Mohendra Mohan Choudhury who saw him on behalf of Sj. G. N. Bardoloi, Premier of Assam, on December 15.

"Rightly or wrongly, the Congress has come to the decision that it will stand by the judgment of the Federal Court. The dice are heavily loaded. The decision of the Federal Court will go against the Congress interpretation of Grouping as far as I can make out for the simple reason that the Cabinet have got advice which upholds their decision.

"The Federal Court is the creation of the British. It is a packed court. To be consistent, the Congress must abide by

its decision whatever it may be. If Assam keeps quiet, it is finished.

"No one can force Assam to do what it does not want to do. It is autonomous to a large extent today. Assam must not lose its soul. It must uphold it against the whole world."

Asked for guidance in regard to the question of Grouping as there was no clear lead from the Congress Working Committee to Assam, Mahatma Gandhi replied: "I do not need a single minute to come to a decision, for on this I have a mind. I am a Congressman to the very marrow, as I am mainly the framer of constitution of the Congress as it stands today.

"I told Bardoloi that if there is no clear guidance from the Congress Working Committee, Assam should not go into the Section. It should lodge its protest and retire from the Constituent Assembly. It will be a kind of satyagraha against the Congress for the good of the Congress.

"It must become fully independent and autonomous. Whether you have that courage, and conviction, I do not know. You alone can say that. But if you can make that declaration, it will be a fine thing.

"As soon as the time comes for the Constituent Assembly to go into Sections, you will say, 'Gentlemen, Assam retires'. For the independence of India, it is the only condition. Each unit must be able to decide and act for itself. I am hoping that in this, Assam will lead the way. I have the same advice for the Sikhs.

"But your position is much happier than that of the Sikhs. You are a whole province. They are a community inside a province. But I feel every individual has the right to act for himself, just as I have."

Question: "But we are told that the framing of the constitution for the whole of India cannot be held up for the sake of Assam. Assam cannot be allowed to block the way."

Ans: "There is no need to do that. That is why I say I am in utter darkness. Why are not these simple truths evident to all after so many years? If Assam retires, it does not block but leads the way to India's independence."

Ques: "The British Government has said that the constitution framed by the Constituent Assembly cannot be imposed on unwilling units. So if some parts do not accept it, the British Parliament won't accept it."

Ans: "Who is the British Government? If we think, independence is going to descend on our heads from England or somewhere, we are greatly mistaken. It won't be independence. We will be crushed to atoms. We are fluctuating between independence and helpless dependence. The Cabinet Mission's plan lies in between.

"If we act rightly there will be the full-blown flower of independence. If we react wrongly the blossom will wither away. Mind you, the League standpoint is quite correct. If they stand out, the Constituent Assembly cannot impose its Constitution on an unwilling party. The British Government has no say in the matter, one way or the other.

"If Assam takes care of itself the rest of India will be able to look after itself. What have you got to do with the constitution of the Union Government? You should form your own constitution. That is enough. You have the basis of a constitution all right even now.

"I have never despised the 1935 constitution. It is based on provincial autonomy. It has the capacity for fullest growth, provided the people are worthy of it. The hill people are with you. Many Muslims are also with you. The remainder can be too, if you act squarely.

"You will have to forget petty jealousies and rivalries and overcome your weaknesses. Assam has many weaknesses as it has much strength, for I know my Assam."

"With your blessings we can even go outside the Congress and fight"; the Assam Congressmen interposed.

Gandhiji replied that in 1939, when there was the question of giving up the Ministry, Subhas Babu opposed it as he thought Assam's was a special case. "I told Bardoloi that there was much truth in what Subhas Babu had said, and although I was the author of that scheme of boycott I said Assam should not come out if it did not feel like it. But Assam did come out. It was wrong."

The Assam Congressmen said that Maulana Saheb had then said that exception could not be made in the case of Assam.

Gandhiji replied : "Here there is no question of exception. Assam rebelled and that civilly. But we have that slavish mentality. We look to the Congress and then feel that if we do not follow it slavishly something will go wrong with it.

"I have said that not only a province but even an individual can rebel against the Congress and by doing so save it, assuming that he is on the right. I have done so myself. Congress has not attained the present stature without much travail.

"I remember, in 1918 I think, there was the provincial conference of the Congress workers of Gujarat at Ahmedabad. The late Abbas Tyabjee Saheb was in the chair. All the old guards were there. The Ali brothers had not yet joined hands with me fully then, as they did later on. The late Shri Patel was there, and I moved the non-co-operation resolution. I was a non-entity then.

"A constitutional question arose. Could a provincial conference anticipate the decision of the Congress? I said, 'Yes'. A provincial conference and even a single individual could anticipate the Congress for its own benefit. In spite of the opposition of old hands, the resolution was carried. That paved the way for the Congress to pass a similar resolution at Calcutta. India was dumb-founded at the audacity of a provincial conference passing the revolutionary resolution.

"We had formed a satyagraha sabha outside the Congress. It was joined by Horniman, Sarojini Devi, Shankarlal, Umar Sobhani and Vallabhbhai. I was ill. The Rowlatt Act was passed. I shook with rage. I said to the Sardar, I could do nothing unless he helped me. Sardar was willing. And the rest you know. It was rebellion but a healthy one. We celebrate the 6th of April to the 13th. You have all these historical instances before you.

"I have given you all this time to steel your hearts, to give you courage. If you do not act correctly now, Assam will be finished. Tell Bardoloi, I do not feel the least uneasiness. My mind is made up.

"Assam must not lose its soul. It must uphold it against the whole world. Else, I will say that Assam had only manikins and no men. It is an impertinent suggestion that Bengal should dominate Assam in any way."

Asked if they could tell the people that they have rebelled against the Congress with Gandhiji's blessings, Gandhiji said: "Talk of God's blessings. They are much richer. Tell the people: even if Gandhi tries to dissuade us we won't listen."

49. CONGRESS WORKING COMMITTEE RESOLUTION ON THE STATEMENT OF THE BRITISH GOVERNMENT, DECEMBER 22, 1946.

"The Working Committee have given careful consideration to the statement issued by the British Government on December 6, 1946, as well as other statements made recently on their behalf in Parliament. These statements, though made by way of interpretation and elucidation, are clearly additions to and variations of the British Cabinet Mission's statement of May 16, 1946, on which the whole scheme of the Constituent Assembly was based.

The statement of May 16, 1946, laid down in paragraph 15 as basic principles of the constitution that 'there should be a Union of India embracing both British India and the States,' that 'all subjects other than Union subjects and all residuary powers should vest in the provinces' and that 'provinces should be free to form Groups.'

The provinces were thus intended to be autonomous, subject to the Union controlling certain specified subjects. Paragraph 19 laid down, inter alia, the procedure for Sections to meet, for decisions to be taken as to whether Groups should be formed or not, and for any province to elect to come out of the Group in which it might have been placed.

In their resolution of May 24, 1946, the Working Committee pointed out what appeared to be a divergence between the basic principles and the procedure suggested, in that a measure of compulsion was introduced which infringed the basic principle of provincial autonomy. The Cabinet Mission, thereupon, issued a statement on May 25, 1946, in which it was stated that 'the interpretation put by the Congress resolution on paragraph 15 of the Statement, to the effect that the provinces can in the first instance make the choice whether or not to belong to the Section in which they are placed, does

not accord with the Delegation's intentions. The reasons for Grouping of the provinces are well known and this is an essential feature of the scheme and can only be modified by agreement between the two parties.'

The point at issue was not merely one of the procedure but the fundamental principle of provincial autonomy and whether or not a province or part should be coerced against its will.

The Congress made it clear later that their objection was not to provinces entering Sections, but to compulsory Grouping and the possibility of a dominating province framing a constitution for another province entirely against the wishes of the latter. This might result in the framing of rules, the regulation of franchise, electorates, constituencies for elections and the composition of the Legislature which might seriously prejudice or even nullify the provision for a province subsequently to opt out of a Group.

It was pointed out that this could never be the intention of the Cabinet Mission as it would be repugnant to the basic principles and policy of the scheme they had propounded. The Congress approach to the problem of constitution-making has all along been that coercion should not be exercised against any province or part of the country and that the constitution of free India should be drawn up by the co-operation and goodwill of all parties and provinces concerned.

In a letter dated 15 June, 1946, from Lord Wavell to Maulana Azad, then President of the Congress, it was stated that 'the Delegation and I are aware of your objections to the principle of Grouping. I would, however, point out that the statement of May 16 does not make Grouping compulsory. It leaves the decision to the elected representatives of the provinces concerned sitting together in Sections. The only provision which is made is that the representatives of certain provinces should meet in Sections so that they can decide whether or not they wish to form Groups.'

Thus the principle which was emphasised again was that Grouping was not compulsory and in regard to Sections a certain procedure was indicated. This procedure was not clear and could be interpreted in more than one way and in any event a point of procedure could not override a basic principle.

We pointed out that the right interpretation should be one which did no violence to that principle.

Further, in order to smooth the way to the co-operation of all concerned in the working of the proposed scheme we not only made it clear that we were prepared to go into the Sections, but also we suggested that if our interpretation was not accepted we would be agreeable to reference on this point to the Federal Court.

It is well-known that the proposal in regard to Grouping affected injuriously two provinces especially, namely, Assam and the N.-W. F. P., as well as the Sikhs in the Punjab. Their representatives expressed their strong disapproval of this proposal. In a letter to the Secretary of State dated 25th May, 1946, Master Tara Singh gave expression to the anxiety and apprehensions of the Sikhs and asked for clarification in regard to certain matters. The Secretary of State sent an answer to this letter on June 1, 1946, in the course of which he said: 'I have considered carefully the detailed points you raise at the end of your letter. I fear the Mission cannot issue any additions to, or interpretation of the statement.'[1]

In spite of this explicit statement, the British Government have, on December 6, issued a statement which is both an addition to and an interpretation of the Statement of May 16, 1946. They have done so after more than six and a half months, during which period many developments have taken place as a consequence of the original statement. Throughout this period the position of the Congress was made repeatedly clear to the British Government or their representatives, and it was with full knwoledge of this position that the British Government took subsequent steps in furtherance of the Cabinet Mission's proposals. That position was in conformity with the basic principles laid down in the statement of May 16, 1946, which statement the Congress had accepted in its entirety.

Further the Congress had expressed its willingness to refer, if necessity arose, the point of interpretation to the Federal Court, whose decision should be accepted by the parties concerned. In the course of his letter dated June 28, 1946,

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[1]See A. C. Banerjee & D. R. Bose, *The Cabinet Mission in India*, pp. 178-181.

addressed to Mr. Jinnah, the Viceroy stated that Congress had accepted the statement of May 16. In the course of a broadcast on August 24, 1946, the Viceroy, in appealing to the Muslim League to co-operate, pointed out that the Congress are ready to agree that any dispute of interepretation may be referred to the Federal Court.

The Muslim League reversed its former decision and rejected the British Cabinet Mission's scheme by formal resolution and even decided to resort to direct action. Their spokesmen have since repeatedly challenged the very basis of that scheme, that is, the constitution of a Union of India and have reverted to their demand for a partition of India.

Even after the British Government's statement of December 6, 1946, the leaders of the Muslim League have reiterated this demand for partition and the establishment of two separate independent Governments in India.

When the invitation of the British Government was received by the Congress at the end of November last to send its representatives to London, the Congress position was clearly indicated again. It was on an assurance of the Prime Minister of Great Britain that a representative of the Congress proceeded to London.

In spite of this assurance and of previous assurances to the effect that no addition to, or interpretations of, the statement of May 16, 1946, were going to be made, the British Government have now issued a statement which clearly, in several respects, goes beyond the original statement, on the basis of which progress has been made till now.

The Working Committee deeply regret that the British Government should have acted in a manner which has not been in keeping with their own assurances, and which has created suspicion in the minds of large numbers of people in India.

For some time past the attitude of the British Government and their representatives in India has been such as to add to the difficulties and complexities of the situation in the country. Their present intervention long after the members of the Constituent Assembly had been elected has created a new situation which is full of peril for the future. Because of this,

the Working Committee have given anxious and prolonged thought to it.

The Congress seeks to frame, through the Constituent Assembly, a constitution of a free and independent India with the willing co-operation of all elements of the Indian people. The Working Committee regret that Muslim League members of the Constituent Assembly have refrained from attending its opening session.

The Committee, however, appreciate and express their gratification at the presence in the Constituent Assembly of representatives of all other interests and sections of the people of India, and note with pleasure the spirit of co-operation in a common task and a high endeavour which has been in evidence during the session of the Assembly. The Committee will continue their efforts to make the Constituent Assembly fully representative of all the people of India and trust that members of the Muslim League will give their co-operation in this great task.

In order to achieve this, the Committee have advised Congress representatives in the Assembly to postpone consideration of important issues to a subsequent meeting.

In their statement of December 6, 1946, the British Government, in giving their interpretation of a doubtful point of procedure, have referred to it as a 'fundamental point' and suggested that the Constituent Assembly may refer it to the Federal Court at a very early date.

Subsequent statements made on behalf of the British Government have made it clear that they are not prepared to accept the decision of this Court should it go against their own interpretation. On behalf of the Muslim League also it has been stated that they will not be bound by the decision of the Federal Court, and a demand for partition of India, which is a negation of the Cabinet Mission's scheme, continues to be put forward.

While the Congress has always been willing to agree to a reference to the Federal Court, any reference now, when none of the other parties are prepared to join in it or to accept it, and one of them does not even accept the basis of the scheme, becomes totally uncalled for and unbecoming, and unsuited to the dignity of either the Congress or the Federal Court. By their repeated statements, British statesmen have ruled this out.

The Working Committee are still of opinion that the interpretation put by the British Government in regard to the method of voting in the Sections is not in conformity with provincial autonomy, which is one of the fundamental bases of the scheme proposed in the statement of May 16.

The Committee are anxious to avoid anything that may come in the way of the successful working of the Constituent Assembly, and are prepared to do everything in their power to seek and obtain the largest measure of co-operation, provided that no fundamental principle is violated.

In view of the importance and urgency of the issues facing the country and the far-reaching consequences which must follow any decision, the Working Committee are convening an emergent meeting of the A.-I. C. C. in Delhi early in January to consider the latest developments and to give such directions as it may deem fit."

50. THE SIKHS ON THE STATEMENT OF THE BRITISH GOVERNMENT, DECEMBER 24, 1946.

The Sikh Pratinidhi Panthic Board, in a resolution adopted at its meeting at Amritsar on December 24, 1946, called on all Sikhs "to carry on their struggle until satisfactory provision is made for safeguarding their interests in the future constitution of India."

The resolution stated that on June 30, the Secretary of State for India intimated Master Tara Singh, the Akali leader, that it was not possible for the Cabinet Mission to make any addition to the statement of May 16, or to give any interpretation to it.

"The statement of December 6," the resolution adopted today says, "is not only an interpretation of that statement, but makes substantial addition to it.

"The statement of December 6 has been made to placate the intransigence of the Muslim League and is to the detriment of the minorities, especially the Sikhs.

"For these reasons, the Board views with indignation the latest statement of H. M. G. and calls on all Sikhs to carry on their struggle until satisfactory provision is made for safe-

guarding their interests in the future constitution of India."

Sardar Harnam Singh presided over the Board meeting today.

Sardar Baldev Singh, Defence Member, Central Government, gave the meeting a gist of his talks with the British Prime Minister and members of the Cabinet Mission during his recent visit to London.

The meeting deputed Sardar Harnam Singh and some other Sikh leaders to see Mahatma Gandhi, and request him to press for adequate safeguards for the Sikhs in the future constitution of India and to fulfil the Congress commitments in this regard to the Sikh community.

The meeting also deputed some Sikh leaders to meet the members of the All-India Congress Committee in Delhi, when the Committee meets on January 5, to discuss the question of safeguarding Sikh interests.

51. STATEMENT OF MR. G. N. BARDOLOI, DECEMBER 29, 1946.

"It is not the question of Grouping which is at issue but the compulsion involved in the interpretation of the British Government proposals, which is really at issue," said Mr. Gopinath Bardoloi, Premier of Assam, in a rejoinder to a statement issued by Syed Muhammad Saadulla, leader of the Muslim League Party in the Assam Assembly.

Stating that a province could talk with another over matters which were common to both the provinces including possibly their joint administration, Mr. Bardoloi added that no person believing in democratic ideals would submit that the voice of the majority of one province could and should prevail over the voice of another province, however poor and humble it might be. To agree to this would be to agree to the Fascist principle of force and of the evils that result from the application of such principle, declared the Assam Premier.

Mr. Bardoloi said: "One thing is quite clear from Maulvi Muhammad Saadulla's statement, that if Assam submits to the constitution of the province to be framed by the majority of

members of the Constituent Assembly of Section C and if Grouping is determined by the same process, the opting out clause of the Cabinet Mission's proposals will have no meaning.

"Such a contingency only makes us stronger in our resolution not to go to a Section, where our destiny in future is going to be determined by a simple majority of the members of that Section."

Repudiating Maulvi Saadulla's statement that Surma Valley Hindus and Hill people of Assam were in favour of Grouping, Mr. Bardoloi said that he did not know who were not willing to talk about Grouping with any province, but what they all know was that all were against Grouping by compulsion. As regards the hill people, the Garos, the Khasis, the tribal people of the plains including the Miris, the Mikirs had in every political conference declared against Grouping proposed in the statement of May 16 of the Cabinet Mission.

The Assam Premier referred to Maulvi Saadulla's arguments about the benefit of Grouping with Bengal and said that he (Mr. Saadulla) would have done well if he had cast some reflections on the evils of Grouping with Bengal as well. These evils had been realised by the Hindus of Calcutta and Noakhali and Mr. Bardoloi felt that if there was any opinion in favour of Grouping among their friends of Sylhet it had long vanished.

52. AN ASSAM MINISTER ON GROUPING, JANUARY 2, 1947.

Mr. Bhimbar Deori, Labour Minister to the Government of Assam and member the Assam Legislative Council representing the Plains Tribal League, has issued a rejoinder to a recent statement of Mr. Muhammad Saadulla, ex-Premier of Assam, on the issue of Pakistan.

Mr. Deori says: "Assam Tribal Sangha (League) has never supported inclusion of Assam in Eastern Pakistan or its counterpart, the Grouping of Assam with Bengal. It has, instead, recorded its vehement protests in its resolutions against such move and its leaders and office-bearers have, from time to time, issued statements and made speeches categorically opposing such moves and proposals. As far as I know the Ahom Association

has never passed a resolution supporting inclusion of Assam into Eastern Pakistan. This Association has demanded a separate free state of Assam and its hills outside Pakistan and Hindustan.

"Tribes of the Assam Hills have never supported Grouping of Assam with Bengal. In our recent tour into North Cachar Hills Hon'ble Sri Gopinath Bardoloi and I met the leading men of the Cacharees, Kukis and Nagas of North Cachar Hills and of the Lushais of Lushai Hills at Haflong. They all expressed their desire to have their hills within Assam and strongly opposed the move for Grouping of Assam with Bengal. They put the same in clearest language in a signed memorandum to us. In view of their backwardness and in all fairness to themselves and others concerned, they have demanded certain measures of economic and social safeguards hitherto miscalled in interested quarters as demands for autonomy and proclaimed to the world outside as an unequivocal demand for a separate state of the hills.

"Not the Grouping of Assam with Bengal but an united India with fullest measure of autonomy to Assam and proper and adequate safeguards to the tribes in the hills and other minorities in it, offer the just and proper solution of the problem of the minorities in Assam. If grouped with Bengal or included within Eastern Pakistan, Assam would be reduced to a colony or expansion zone of Bengal and its numerically smaller population will, in no time, be overwhelmed by the land-hungry and famine-stricken people of Bengal and in that state of things, separate or joint electorates with reservation of seats to the minorities in the plains and local autonomy in the hills will not sufficiently safeguard their interests. The very existence of Assam, and along with it the existence of the Plains and Hills Tribes, will also be threatened. Even Moghul emperors could not conquer Assam with seventeen attempts and Muslim League now wants that Britishers should, by a stroke of pen, conquer it for and hand it over to the Muslims of Bengal. There cannot be a more preposterous proposition than this.

"Tribal people of the plains are not foolish enough to believe that they should sell their mother country (Assam) to Muslim League in exchange of separate electorate to them. In the larger interest of the Assamese people as a whole, which

undoubtedly is also their interest, Sjt. Rupnath Brahma and Sjt. Satish Chandra Basumatari, the President and Secretary respectively of the Assam Tribal Sangha, and I as its Vice-President, have agreed to forego separate electorate (for 50 p.c. only of our population) in favour of joint electorate with reservation of seats on population basis. The Working Committee of the Sangha has given their consideration to our newer stand and decided to place the same before the full session of the Assam Tribal Samiti of the Sangha to be held after the current harvests.

"To give the true picture, Muslim League's demand for inclusion of Assam into Eastern Pakistan and the British proposal for Grouping of Assam with Bengal, have frightened and created confusion among the tribal peoples of the plains and hills alike. Congress High Command's acquiescence to sit in the Sections has aggravated the conclusion. The tribes of the hills have been now rightly considering what they should do in the event of Assam being included in Bengal or grouped with it. They have felt that in that event they should stay out of the Group and if necessary, constitute into a separate province outside the Group. This feeling, I should submit, is quite natural and legitimate and it owes its coming into being to the fear of the British proposal of Grouping of Assam with Bengal and of the Muslim League's demand for inclusion of Assam into Eastren Pakistan. I am perfectly clear in mind that if Assam remains a free and autonomous unit of United India, tribal people both of plains and hills will be happy and content and there will be no more demand for a separate State of the hills.

"To threaten Grouping and thereby to create fear and then to use the same expression of fear as an argument in favour of Grouping might be a crafty logic or a high diplomacy but certainly not justice and fairplay. It is evidently far from the path of truth which for humbler men like us is the only surest path to follow.

"It is true that for a free and autonomous Assam we need many things more and we must develop our resources to the fullest extent possible. But backwardness of our province in such respects is no argument for its merger with another which

is forward and rich in resources. It is also no argument in favour of asking Assam to lose its identity and to walk into its self-effacement."

53. EXTRACTS FROM THE PROCEEDINGS OF THE ALL-INDIA CONGRESS COMMITTEE, NEW DELHI, JANUARY 5-6, 1947.

1. January 5, 1947.

Speech of Acharya Kripalani.

"Acharya Kripalani in his opening remarks reviewed political developments since the last meeting at Meerut. He made special mention of the visit paid by Pandit Nehru to London and the British Government's statement issued following that visit.

He commented caustically on the form and the language of this as well as earlier statements of the British Government. These statements, he said, were such that what they gave with one hand they took away with the other. British statesmen were like jugglers. They produced new meanings and new interpretations from old statements like a juggler producing rabbits out of a hat.

Acharya Kripalani said that the present was a critical moment for the A.I.C.C. and the country. It had been the intention to summon a meeting of the A.I.C.C. about this time to consider the report of the Constitution Sub-Committee of the Congress. But the A.I.C.C. had been called to consider a different issue of grave import.

Ever since the British rule started, Acharya Kripalani said, successive Viceroys had introduced some sort of reforms. But those were not reforms in any sense of the term but merely 're-forms.'

Referring to H.M.G.'s December 6 statement the Congress President said that it was not an interpretation as the British Cabinet proclaimed but something new which sought to amend the original State Paper of May 16. The Congress had already accepted the State Paper in its entirety but H.M.G. had held that the acceptance had not included their new interpretation.

English was a language of diplomacy and the authors of the State Paper now tried to twist the meaning of the State Paper. That document, he said, provided for an All-India Union, recognised the autonomy of the provinces and provided that residuary power should vest in the provinces. But according to their latest interpretation, with the introduction of Grouping, the autonomy of the provinces would vest in the Groups. This was a novel form of democracy which the British sought to apply to other countries.

The State Paper and the British Cabinet's latest interpretation gave it a strong flavour of the Coupland scheme. That might be because, Acharya Kripalani said, Sir Stafford Cripps and Prof. Coupland were close associates. He emphasised that it should be the aim of the Congress to avoid a bloody revolution and bring about a change as peacefully as possible. The Congress desired a simple constitution and not the very complicated and difficult one as was proposed.

Acharya Kripalani argued that the British Cabinet had no right to give any interpretation. That should have been left to a supreme judicial body. The authors of a law could not themselves give interpretation. In this connection he referred to the correspondence exchanged between the Cabinet Mission and the Sikh leader in which the Secretary of State had categorically stated that the Mission could not issue any additions to, or interpretation of the State Paper.

Events so far were such that could not inspire any confidence in the British. Quoting Bernard Shaw he said :

'There is nothing so bad or so good that you will not find an Englishman doing it, but you will never find an Englishman in the wrong. He does everything on principles. He fights you on patriotic principles, he robs you on business principles, he enslaves you on imperial principles, he bullies you on many principles, he supports his King on loyal principles and cuts off his King's head on republican principles.' And here in India today he repudiates his pledged word regarding the working of the Constituent Assembly on principles of interpretation and intention.

Somehow the British appeared to be always fortunate. In the first world war and so in the second, Acharya Kripalani went on to say, they always had others to fight their battles.

After giving a survey of the developments since Pandit Nehru's visit to London Acharya Kripalani said: 'You must not act in haste or anger which would be harmful to us. We want to achieve freedom but that we could achieve only through our own strength. Whatever might be the intentions of the British Government or their documents, we have now the Constituent Assembly. It is a machinery which can help us and we must take advantage of it.' "

Resolution.

"The A.I.C.C. having considered the events that have taken place in the country since the Meerut session of the Congress in November last, the statement issued by the British Government on December 6, 1946, and the statement of the Working Committee of December 22, 1946, advises Congressmen as follows:—

The A.I.C.C. endorses the statement of the Working Committee of December 22, 1946, and expresses its agreement with the view contained therein.

While the Congress has always been agreeable to making a reference to the Federal Court on the question of interpretation in dispute, such a reference has become purposeless and undesirable owing to recent announcements made on behalf of the British Government. A reference could only be made on an agreed basis, the parties concerned agreeing to abide by the decision given.

The A.I.C.C. is firmly of opinion that the constitution for a free and independent India should be framed by the peoples of India on the basis of as wide an agreement as possible. There must be no interference whatsoever by any external authority, and no compulsion of any province or part of a province by another province. The A.I.C.C. realises and appreciates the difficulties placed in the way of some provinces, notably Assam and the N.W.F.P. and the Sikhs in the Punjab, by the British Cabinet's scheme of May 16, 1946, and more especially by the interpretation put upon it by the British Government in their statement of December 6, 1946. The Congress cannot be a party to any such compulsion or imposition against the will of the people concerned, a principle which the British Government have themselves recognised.

The A.I.C.C. is anxious that the Constituent Assembly should proceed with the work of framing a constitution for free India with the goodwill of all parties concerned and, with a view to removing the difficulties that have arisen owing to varying interpretations, agree to advise action in accordance with the interpretation of the British Government in regard to the procedure to be followed in the Sections.

It must be clearly understood, however, that this must not involve any compulsion of a province and that the rights of the Sikhs in the Punjab should not be jeopardised. In the event of any attempt at such compulsion, a province or part of a province has the right to take such action as may be deemed necessary in order to give effect to the wishes of the people concerned. The future course of action will depend upon the developments that take place and the A.I.C.C. therefore directs the Working Committee to advise upon it, whenever circumstances so require, keeping in view the basic principle of provincial autonomy."

Pandit Nehru's Speech.

"Pandit Nehru moving the Working Committee's resolution recommending acceptance of the British Government statement of December 6, said that it was a simple, straightforward resolution. There was no sign of weakness in it, he declared. If there was the least suspicion of weakness, he would not have brought it before them or commended it to their acceptance.

The main question before them was how to keep the Constituent Assembly alive and extract from it the greatest possible good for the country. By accepting the statement of December 6, we would leave the door open for the League to enter and put forward their point of view. If we did not accept that statement, it would give an opportunity to the British Government to change or withdraw their earlier statement of May 16, with the result that the Constituent Assembly might be changed radically.

Obstacles had been put in the path of the Constituent Assembly in the past. We had overcome them and we should do everything in our power hereafter to prevent attempts to sabotage this great weapon which we could use to our advantage.

Pandit Nehru recalled his speech at Meerut in which he

had referred to the crisis towards which he felt inside the Interim Government they were fast moving. He had stated that the attitude of the British Government was adversely affecting the work of the Interim Government. Those statements and the fears he had expressed then were now coming true. At the time of his earlier speech the British Government could not have claimed success in impeding our work, but now the British Government were in a position to make that claim and substantiate it. The British Government's actions had created complications. A grave situation had been created and the resolution before the House which had been prepared with great care and deliberation was a simple, straightforward one meant to meet that situation.

The House had to decide whether to accept the statement of December 6 or not. This question had proved to be a headache. 'We are not in the habit of accepting things thrust upon as against our will. We were sorely tempted to accept the challenge contained in this statement and answer it with all the force at our command. But we realised the danger of allowing our emotions to overpower us.'

Many forces had lined up against us, Pandit Nehru went on. We should advance cautiously to meet and overcome those forces and it was this consideration that prompted the Working Committee to bring the resolution before the House.

The resolution accepted the statement. Some might feel that this was a confession of weakness. He denied that. Our fight had taken on a new form with the meeting of the Constituent Assembly and our aim should be to see that the Assembly was not postponed or shelved. It had not yet begun to function in its fullness but he hoped that when it met after a fortnight it would begin to function as it should.

The significant point about the Assembly was not whether it was sovereign or not, but that it could not be dissolved by the British Government except by the use of force. 'When the British Government choose to use force in that way, then it will be time for us to decide how to face it.'

The primary point to bear in mind was that the Constituent Assembly had begun to function since December 9 and though it was not the Assembly of our ideals, yet it could be utilised

as a weapon to achieve our independence. Therefore, it became absolutely essential and important to prevent attempts to postpone or shelve it. It had life in it and was capable of taking us far on the road to independence.

Our opponents had failed in their effort to shelve it, and so had adopted the alternative of putting obstacles in its way and had issued the statement of December 6. Since 1919 we had depended entirely on our strength and had looked to the people of India and not to the British Government to achieve our objective.

'We have no desire to add to the number of enemies ranged against us at this critical stage of our fight.'

The League desired that the Constituent Assembly should not continue and that the country should revert to the order of things that prevailed eight or nine months ago. If that desire materialised, we should meet that situation as we thought best. But all our energies should now be bent to going ahead with the Constituent Assembly with strength and firmness. It was possible that we might have to fight on a different front ; we should be prepared for that too. By passing this resolution we would show to the world that we did not intend to work behind closed doors. And in order to demonstrate our desire to keep the doors open, we did many unpleasant things and postponed many decisions which we liked to take without delay. We did not want to give an opportunity to anyone to say that we had broken the British plan.

Speaking of Assam, Pandit Nehru said it was true it had a mandate to oppose Sections and Groups and Assam could fight if it wanted. But, he would remind them that battles were won not by the personal courage of one or two but by the co-operation of many thousands and by the mobilisation and right use of resources. At the present time our object should be to out-manoeuvre our opponents. The time might come when Assam would have to fight ; that fight would not be single-handed but would be waged with the whole of India behind them.

Pandit Nehru concluded by referring to his statement at Meerut that he did not know how long he and his colleagues would continue in the Interim Government. He still did not

know how long they would remain there. People had been talking of the final fight for independence. He felt, however, that that fight was even now in progress. Possibly that fight would have to be intensified in the near future but the present situation was such as to call for restraint of language and calm deliberation before action."

Speech of Sj. Shanker Rao Deo.[1]

"Sj. Shanker Rao Deo seconding the resolution declared he had no doubt that the constitution of a free India could be framed through the Constituent Assembly. Although the interpretation given in the statement of December 6 had gone against the Congress, still if we worked in co-operation with others, the goal of independence could be achieved through that Assembly. The Assembly was not a gift of the British Government but had been wrung out of British hands by our strength.

He admitted that the Muslim League represented almost all Muslims but it was suffering from a fear complex because the Muslims happened to be in a minority in the Union Constituent Assembly. When the League accepted the statement of May 16, it gave up the demand for Pakistan and agreed to a single Centre, however weak and attenuated. So, the League now insisted on compulsory Grouping, because in Sections B and C they would have a majority. But just as the Congress invited the League to cast away fear and join in the task of constitution-making, so the League too with equal justification invited the provinces in B and C Sections and the Sikhs to enter the Sections. Sj. Shanker Rao Deo thought that the fear expressed by Assam and the Sikhs was premature. Minorities must depend on the good sense of the majorities, unless the majorities proved themselves unreasonable and openly hostile to the interests of minorities.

There was no danger in accepting the resolution. Any province or part thereof had the full right to stage a walk out in the event of compulsion being exercised against it. In a walk out in such circumstances, that province or part of it would have world sympathy."

[1] General Secretary of the Congress.

Amendments.

Among several amendments there was one moved by Sj. Purshottamdas Tandon[1] which sought to delete that paragraph from the resolution which advised action in accordance with the interpretation of the British Government in regard to the procedure to be followed in Sections. The amendment further declared that the Congress did not accept the interpretation of H.M.G. on the State Paper. He also wanted to delete from the resolution the portion pertaining to the reference to Federal Court.

"Sj. Tandon said that if the A.I.C.C. accepted the December 6 statement it at once put an end to Provincial Autonomy because it was the Group as a whole which would frame the constitution for the provinces. He did not see any force in the declaration that the acceptance of December 6 statement must not involve any compulsion of a province. As a matter of fact they had already been compelled to go into Sections and they would be compelled to go into Groups in accordance with the resolution before the House." (Cheers).

"Khan Abdus Samad Khan (Baluchistan) moved an amendment which sought to include Baluchistan and Sind along with Assam, N.W.F.P. and the Sikhs in the Punjab in whose way, the resolution pointed out, difficulties had been placed by the State Paper. He said that he had a mandate from the Anjuman-I-Watan to oppose Grouping. The Baluchis did not want their constitution to be framed by the people of the Punjab or others."

2. January 6, 1947.

Speech of Dr. Gidwani.

"When the A.I.C.C. continued the adjourned debate to-day Dr. Choitram Gidwani[2] said that his attitude towards the resolution for the present was one of neither acceptance nor rejection though his mind was set against the Working Committee's recommendation. They had been endeavouring hard to secure the co-operation of the Muslim League for many years now

[1] Speaker, U. P. Legislative Assembly.
[2] Leader of the Congress Party in Sind Legislative Assembly.

even before the Communal Award was introduced. He thought the Congress was to-day in the same position as it was when the Communal Award was announced. It could neither accept it nor reject it.

Dr. Gidwani hoped that this would be the last hurdle in the way of the Congress. He would, however, ask for a definite assurance that after passing this resolution there would be no further obstacle by the Muslim League and that the British Government would give no further interpretations which the Congress would be called upon to accept. If such an assurance was forthcoming then he would persuade himself to vote for the resolution.

On the merits of going into the Sections Dr. Gidwani said that once they agreed to sit in the Sections, the Constitution-making would be done by the Muslim League and it would be very difficult to opt out at a later stage. The recent election in Sind had given them a foretaste of the future. The British were behind the League ; but for their support, the League Ministry in Sind would not be in power.

Concluding Dr. Gidwani said that he was not against a struggle but he was not for an immediate struggle. There should be proper preparation and proper timing to launch direct action."

Speeches of Assam Ministers.

Sj. Baidyanath Mukherjee, Minister of the Assam Government, opposing the resolution, said, "Assam is to-day caught on the horns of a dilemma. On the one hand, the Assam Legislative Assembly has given a mandate to the members who have been elected from Assam to the Constituent Assembly and Mahatma Gandhi has also expressed his opinion on what the people of Assam should do. The resolution which has been moved by Pandit Nehru stands on a different footing altogether. It asks Assam to join the Section".

How could the people of Assam agree to the proposal that the constitution of Assam should be framed by a majority of votes in the Section in which the representatives of Assam were in a minority? How could Assam representatives accept the resolution which went against Assam legislature's mandate and Mahatma Gandhi's advice?

Assam should not be sacrificed for the sake of other parts of India, he pleaded. "If you want to sacrifice Assam, of course, you can accept the resolution as it is. But I have confidence in you that we will not be sacrificed. If we are sacrificed, the Congress will be weakened. In this also the unseen hand of the Britishers is playing a great part. We are fighting for our independence as well as for our unity but if we accept this resolution, the natural corollary is that we will be divided."

"There were so many groups in Assam—hill tribes, people from the plains, Ahoms, and so on—and if they all got separate electorates, there would be no hope for the people of Assam to achieve unity in future and opting out of the Group would be out of the question. The unity which existed at present would cease to exist."

He concluded, "Assam is always with the Congress. We are fighting for the independence of the whole of India. Now, if for the sake of accommodating the Muslim League, Assam's case is forgotten, you will be doing a great injustice to Assam. I hope you will not allow Assam to be sacrificed."

Rev. Nichols Roy, a Christian Minister of Assam, said, "From the standpoint of Assam, we have to oppose this resolution and tell the people that we will take our own course. We will decide whether we will go into the Section or not according to circumstances. If we find that the attitude of Mr. Jinnah has changed, we shall go into the Section. If we find it has not changed, we shall not go into the Section. If we see that circumstances will help us to frame our own constitution, we shall enter the Section. If we see circumstances are against us, we shall not go into the Section. We are free now to go or not to go. We shall take that position and maintain that position until we see circumstances change." (Hear, hear).

Referring to the mandate given by the Assam Legislature to the Assam members of the Constituent Assembly, he said, "We shall always stand by that principle because it is the right of an autonomous province. (Hear, hear). We want to frame our own constitution. To that we shall stick at any cost."

Proceeding, he said, "We know what the policy of the Muslim League is in Assam. Even now the Muslim League in Bengal wants to send thousands upon thousands of immigrants to Assam and take possession of the land of Assam. That is

feared by everyone. The people of the hills are afraid of that immigration and say they will fight it to the last. The people of the plains do not want to be swamped. They do not want Assam, which is a non-Muslim majority province now, to be turned into a Muslim majority province. That is the crux of the whole fight between Assam and the Muslim League. Once we go into the Section, we are committed to a wrong principle ; we are acceding to the unjust demand of the League.

"The Muslim League is demanding something that is unjust while we in Assam are demanding what is our right. We do not want to go into the Section when we know that in the Section the policy of the Muslim League will be put into effect. During the last twenty years many lakhs of Bengal Muslims have come to Assam. Therefore Mahatma Gandhi has said that if Assam goes into the Section, it is finished. Everyone who knows the troubles there will feel that Assam should not go into the Section. Probably many of the members do not realise that the Muslim League is trying to divide the communities in Assam with the help of some conservative elements of Britishers. Once we go into the Section there will be agitation to divide and divide and the idea of our opting out will be at that time impossible. For us to go into the Section in the hope that the Muslim League will be reasonable and say that they would not want to send any immigrant to Assam would be to deceive ourselves.

"If Mr. Jinnah became reasonable and said, 'Come on friends, let us go into the Section together. We are not going to force you by a majority of vote. I shall be glad to go into the Section as a unit—the Bengal unit and the Assam unit'—then Assam would be ready to go into the Section."

He referred to a "legal difficulty" which might arise if Assam went into the Section in accordance with the resolution. "Once you are represented in that Section," he said, "it might be just like walking out of a legislature. There are many people who have walked out of legislatures but those who remained in the legislatures have happily and merrily passed their legislation in spite of the walk out."

He characterised the resolution as a "quibble" and said as a plain-spoken man he did not like quibbles. It might be that the resolution offered a way out to Assam. He was not sure.

He did not know whether Mr. Jinnah would co-operate with the Constituent Assembly on account of the passing of the resolution because "he knows that if he does not get Assam, his Pakistan is gone."

Speech of Sj. Jaiprakash Narain.

Sj. Jaiprakash Narain opposing the resolution declared that it represented one more step forward on the slippery path of compromise, the end of which, he feared, would be ultimate acceptance of even Pakistan, just as a leader of Rajaji's eminence proposed we should do some years ago. "I feel distressed sometimes by the way the A.I.C.C. invariably sets its seal of approval to every decision of the Working Committee, and I feel it may be a good thing if I resigned from the A.I.C.C. also.[1] If ever there was a time to disagree with the Working Committee it is now."

His speech might sound like a threat but that was not his intention. He realised that his party was a small minority in the A.I.C.C., and the majority could afford to disregard their views altogether. "We have accepted your decisions till now, but the time may come when we shall have to part company." (Cheers).

There were only two ways open to us, Sj. Jaiprakash said. "We could carry on with the Constituent Assembly and do only such things as are approved by the League, the British and the princes. That would be one course. It would be a course dear to the heart of men like Dr. Jayakar and Pandit Kunzru. If we took that road, then we would regard every issue as a side issue. The second course was to act in the Assembly as if it was a sovereign body and frame a real revolutionary constitution and then ask for complete transfer of power to those elected under that constitution. It might be that the Constituent Assembly would not be allowed to take that course for long, but that course was the only honourable one.

"The Congress was strong enough to come to grips with the British Government but the Congress, instead of using it,

[1] Sometime before he had resigned from the Working Committee, but his resignation was not accepted.

entered into compromises, which only enlarged India's internal troubles.

"We agreed to the Congress joining the Constituent Assembly, and Pandit Nehru's resolution moved in it gave us new hope, but that hope has disappeared. After the way the League and Lord Wavell have conspired together, I do not know how anyone could hope for any advance towards freedom as a result of the Constituent Assembly's work." He regarded it a great mistake to have allowed the League to join the Interim Government without insisting on assurances of co-operation.

"We are told that the British are quitting India. I saw no signs of it in my recent tour in the Punjab and in Kashmir. I saw no signs of it in the way the League has been brought into the Interim Government. The Congress is supposed to be helping the British to pack their bedding, but it looks as if the British during their two hundred years in India have collected so much that the bedding takes years to pack." (Laughter).

Pandit Nehru's Speech.

"Pandit Nehru winding up the debate expressed agreement with most of what Sj. Jaiprakash had said except with regard to the conclusions drawn by him. The resolution, he assured the house, had been drawn up after serious thought, but he would not dogmatise about the results that would follow from the acceptance of that resolution. It might cause harm ; there was always that possibility.

Congress, he said, was strong enough to wipe the slate clean and start afresh. But he was at the same time grieved to see signs of internal organisational weakness. The strength of the Congress had so long rested on the fact that though Congressmen debated and deliberated and sometimes differed over issues, once a decision was reached, all accepted it loyally and followed it unwaveringly. Things were different now. He agreed that one way of curing internal weakness and re-establishing unity was to launch a struggle, but he was not in favour of starting a major struggle merely in order to maintain structural or organisational unity.

Sj. Jaiprakash had disputed the idea that the British were quitting. But, said Pandit Nehru, the belief that they were

quitting was based not on the desire of the British but in the compulsion of events which was forcing and hastening their departure. One of the main pillars on which the British Government rested in India was the Civil Service and that Civil Service was disappearing before our eyes. But the problem now was not merely to get rid of the foreign Power but to prepare a concrete picture of what should take its place. That was the objective which the resolution before the house was intended to achieve.

Pandit Nehru advised Assam to make a positive and constructive approach, and he assured that the resolution would give it strength. 'I am quite alive to the dangers that confront Assam, but I would commend the resolution to its acceptance, because it is in the interest of the province to do so.'

Dr. Lohia had dealt at length with the Naga Hills. It was true that we could help the people of those hills, said Pandit Nehru. But he refused to accept the proposition that the battle of Indian independence should be fought on the Naga Hills. He appealed for a more positive and fuller approach to the problem.

Referring to Sj. Jaiprakash's criticism of the A.I.C.C. on the ground that it always approved the Working Committee's decision, Pandit Nehru said this was not a matter for surprise. The Working Committee after all represented the mind of the A.I.C.C. and so long as it enjoyed the confidence of the A.I.C.C. its decision or proposals must naturally be acceptable to the A.I.C.C. Personally he would like nothing better than that the Working Committee be changed every time fresh lead was required to meet a new situation."

Pandit Nehru's Statement.

Earlier Pandit Nehru made the following statement in answer to a question raised by a delegate with regard to the paragraph in the statement of December 6 saying that the Congress had agreed to refer matters of interpretation to the Federal Court. The questioner asked whether this was not a mis-statement and whether acceptance of the statement of December 6 would not be acceptance of this mis-statement.

"I am glad of this opportunity to refer to this paragraph. It is a paragraph which is likely to mislead people. It says as a

fact that the Congress have agreed already to it. Exactly when the Congress agreed to this or in what form is not clear. What has happened in the past few months is that on many occasions when any question or dispute arose we have often said generally —and we said so at Simla—that we are prepared to refer any specific matter of dispute to an impartial arbitrator—whether it is the International Hague Court or any court of justice. Once or twice we also said that if there is difficulty about interpretation, we are prepared to refer it to some authority like the Federal Court. These were general statements we made, and normally speaking we agree to abide by them. But the way in which it has been put in this statement, as if a formal statement was made to us and we agreed, is completely wrong.

"Apart from this, in view of recent developments and the statement of December 6 which produces a new situation, I am not prepared to admit for an instant that we have agreed to any future procedure about references. Whatever the future brings we shall have to consider it. I should like to make it perfectly clear that we are giving no assurance about any references in regard to any other matters to the Federal Court. We find that everything we say is being twisted and distorted and brought against us in the future. We are not going to commit ourselves at the present moment to any reference to the Federal Court or to any other authority. We shall decide—or the Constituent Assembly shall decide—as we think best in the circumstances".

Resolution Passed.

Pandit Nehru accepted Mr. Abdus Samad Khan's amendment for the inclusion of Baluchistan in addition to N.W.F.P. and Sikhs in the Punjab mentioned in paragraph 3 of the resolution expressing appreciation of the difficulties placed in the way of provinces by the British Cabinet scheme of May 16. He opposed other amendments.

The House rejected by 102 votes to 54 Babu Purshottamdas Tandon's amendment. Other amendments were either withdrawn or negatived and the resolution with the addition of Baluchistan in the third paragraph was passed by 99 votes to 52.

54. INDEPENDENCE DAY PLEDGE, 1947.

The Congress Working Committee's resolution on the observance of the Independence Day reproduces the independence pledge in an amended form. The main amendment is the omission of the penultimate paragraph relating to 'Quit India' resolution. Following is the text of the pledge:—

"We believe that it is an inalienable right of the Indian people, as of any other people, to have freedom and enjoy the fruits of their toil and have the necessities of life, so that they may have full opportunities of growth. We believe also that if any Government deprives a people of these rights and oppresses them, the people have a further right to alter it or to abolish it. The British Government in India has not only deprived the Indian people of their freedom but has based itself on the exploitation of the masses, and has ruined India economically, politically, culturally and spiritually. We believe, therefore, that India must sever the British connection and attain 'Purna Swaraj' or complete independence.

"We recognise that the most effective way of gaining our freedom is not through violence. India has gained strength and self-reliance and marched a long way to 'Swaraj' following peaceful and legitimate methods, and it is by adhering to these methods that our country will attain independence.

"We pledge ourselves anew to the independence of India and solemnly resolve to carry out non-violently the struggle for freedom till 'Purna Swaraj' is attained.

"We believe that non-violent action in general, and preparation for non-violent direct action in particular, require successful working of the constructive programme kept before the country by Gandhiji and accepted by the Congress, and in particular of khadi, communal harmony and removal of untouchability. We shall seek every opportunity of spreading goodwill among fellowmen without distinction of caste or creed. We shall endeavour to raise from ignorance and poverty those who have been neglected and to advance in every way the interests of those who are considered to be backward and suppressed. We know that though we are out to destroy the imperialistic system, we have no quarrel with Englishmen, whether officials or non-officials. We know that distinction between the Caste

Hindus and Harijans must be abolished, and Hindus have to forget these distinctions in their daily conduct. Such distinctions are a bar to non-violent conduct. Though our religious faiths may be different, in our mutual relations we will act as children of Mother India, bound by common nationality and common political and economic interest.

"Charkha and khadi are an integral part of our constructive programme for the resuscitation of the seven hundred thousand villages of India and for the removal of the grinding poverty of the masses. We shall, therefore, use for our personal requirements nothing but khadi, and so far as possible, products of village handicrafts only and endeavour to make others do likewise. We shall also try to work to the best of our ability some item or items of the constructive programme.

"We pay our grateful homage to thousands of our comrades who faced grave hardships, suffered humiliation and sacrificed their life and property in the struggle for freedom. Their sacrifice will always remind us of the duty never to rest until we have attained our goal.

"This day we pledge ourselves again to a disciplined observance of Congress principles and policies and to keep in readiness to respond to the call of the Congress to carry on, if and whenever called upon, the struggle for the independence of India".

55. MAHATMA GANDHI ON PAKISTAN, JANUARY 14, 1947.

Some Muslim young men met Mahatma Gandhi in a village in the district of Noakhali and asked him what was his objection to the setting up of a separate Muslim state "after the events in Bihar."[1]

Mahatma Gandhi said he had no objection to the setting up of a separate Muslim state. In fact, Bengal was so. Mahatma Gandhi said he would not go to the Governor of

[1] It is curious that these youngmen should put this question in a devastated village in Noakhali, where ruined homes and skeletons seemed to foretell the fate of the Hindu minority in Pakistan.

Bengal for anything but to Mr. Suhrawardy[1] and Mr. Suhrawardy also would come to him direct for anything. But the question was :—What was going to be the character of such a separate Muslim state? That had not been made clear so far ; and if a Muslim state implied freedom to make hostile treaties with foreign powers to the detriment of the country as a whole, then that could not be a matter of agreement.

Mahatma Gandhi thought that no one could be asked to sign an agreement granting liberty to others to launch hostilities against them.

On the young men asking whether Mahatma Gandhi did not think it advisable to concede Pakistan since it was holding back the issue of Indian independence, Mahatma Gandhi said : "Only after independence has been won can there be the question of granting Pakistan. To reverse the process was to invite foreign help."

"*Azadi* (freedom)", Mahatma Gandhi said, "and Pakistan require the exclusion of all foreign powers. Until and unless India is free there cannot be any other question".

Freedom as envisaged by him, said Mahatma Gandhi, was freedom not merely from British rule but from every foreign rule.

56. ASSAM PROVINCIAL CONGRESS WORKING COMMITTEE ON THE A.I.C.C. RESOLUTION, JANUARY 17, 1947.

Maulana Mohammad Tayebulla, President of the Assam Provincial Congress Committee, presided at a meeting of the Working Committee. All members including Sj. Gopinath Bardoloi, the Premier, and the Speaker, Sj. Deveshwar Sarma, were present. There was a prolonged discussion on the situation arising out of the A.I.C.C. resolution after which the following resolution was passed :—

"The Working Committee of the Assam Provincial Congress Committee considered the resolution passed by the All-India Congress Committe at Delhi regarding the statement made by

[1] Muslim League Premier of Bengal.

His Majesty's Government on December 6 and heard the members of the delegation and members to the A.I.C.C. from Assam. The Working Committee of the A.P.C.C. having reviewed the situation in all its aspects and taking into account the feelings of the province is of the opinion that nothing has happened since the Assam Assembly gave the mandate to its representatives in the Constituent Assembly and its resolution passed on July 16 to warrant any change or modification about the stand taken by the Assam Assembly with regard to Section and Group.

"The Committee is of the opinion that it is the inalienable right of the people of every province to frame its own constitution without any compulsion, imposition or interference from outside. The Committee reiterates that the constitution for Assam shall be framed by her own representatives only.

The Working Committee of the A.P.C.C. calls upon all District Congress Committees to organise the people for any eventualities. This Committee is watching all developments and shall advise action as and when necessary."

57. THE SIKH DEMAND FOR COMMUNAL VETO, JANUARY 17, 1947.

"An emphatic assertion that the Sikhs would withdraw from the Constituent Assembly, if the right of communal veto in the Punjab and the north-west Group was not conceded to them, was made by Giani Kartar Singh and Sardar Ujjal Singh, Sikh members of the Constituent Assembly, in a press interview.

After the acceptance by the Congress of the December 6 statement, they explained, the position of the Sikhs had become worse and it was all the more necessary that they should be given the communal veto before the Constituent Assembly broke into Sections. Though the Sikhs were sorely disappointed at the A. I. C. C. resolution they would continue to co-operate, but in the event of the veto not being given to them they would act according to the mandate of the Panthic Board, and withdraw from the Constituent Assembly.

Giani Kartar Singh and Sardar Ujjal Singh said that though the Sikhs had been accepted by the British Government as a major community, the right of communal veto given by them to Hindus and Muslims had not been conceded to the Sikhs. It was on the solemn assurances given by the Secretary of State for India, Sir Stafford Cripps and the Congress leaders that the Sikhs had decided to give a fair trial to the Constituent Assembly and what they wanted was that the right of communal veto given to Hindus and Muslims should be conceded to them in the Punjab and the north-west Group where they had a special claim, if not in the whole of India. 'We want', they added, 'that nothing affecting Sikh interests should be decided without our consent'.

The Sikh delegates suggested that some sort of machinery for the resolution of communal deadlocks in the Constituent Assembly should be evolved and assured that the Sikhs would abide by the decisions of such a body. They visualised that arbitration could be a solution of such difficulties.

On the question of representation of Sikhs on the Minorities Advisory Committee the Sikh delegates demanded equal representation for the four major minorities—Sikhs, Depressed Classes, Muslims and Hindus—and urged that the Chairman of the Committee should be a person of the highest integrity like Mahatma Gandhi.

Giani Kartar Singh and Sardar Ujjal Singh expressed the hope that in view of the A. I. C. C. resolution accepting the December 6 statement the Muslim League would join the Constituent Assembly in the larger interests of the country, but, they added that if the League did not do so it would not be the fault of the Congress."

58. PROCEEDINGS OF THE CONSTITUENT ASSEMBLY, JANUARY SESSION, 1947.

1. January 20, 1947.

The second session of the Constituent Assembly commenced today with Dr. Rajendra Prasad in the chair.

Pandit Nehru's resolution on declaration of objectives.

The debate on Pandit Nehru's resolution[1] was resumed.

Sir Sarvapalli Radhakrishnan, the first speaker, said that there were people who held that within the Cabinet Mission's plan it would not be possible for us to achieve real unity or true freedom or economic security. They argued as a matter of history that revolutionary changes in other countries had been brought about through violent action and asked how we could effect those changes through negotiation and discussion in a Constituent Assembly. "Those who are of stronger spirit and those who are not short of sight," he said, "take chances. Here is a chance and we wish to use this opportunity to find out whether it will be possible for us to gain the same end by methods which are unusual so far as past history is concerned."

On the question of independence there could be no difference of opinion. It was inconceivable that India could be a Dominion like other Dominions which were bound to Great Britain by ties of race, religion or culture. "Yet, even though we elect to get out of the British Commonwealth, there are a hundred different ways of voluntary co-operation and mutual collaboration. Whether all these forms of voluntary co-operation are going to develop in a spirit of friendship or whether they are going to terminate depends completely on the attitude which Great Britain will adopt in this matter."

Sir Radhakrishnan made a bitter reference to the recent statements made by Mr. Churchill on India and said, "Such statements merely prolong the agony. The British connection will end, must end."

Referring to the mention of a sovereign republic in the resolution, Sir Radhakrishnan said, "The princes will be there so long as they make themselves responsible to the people of this country. If the great Paramount Power with its sovereignty in this country by conquest is now transferring responsibility to the representatives of the people, it goes without saying that those who depend on the Paramount Power must also transfer responsibility."

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[1] See pp. 194-195.

"I count many of the princes as my personal friends. The princes have agreed to the Cabinet Mission's statement. They wish to take their share in the future development of this country and I do hope that they will realise that when large empires are passing away, it is their duty to take notice of the surging hopes of the people and make themselves responsible. If they do so, they will play a notable part in the shaping of our country. We have no ill will towards the princes."

Referring to the absentee members, he said that it was not the desire of the House to establish any sectional rule. "We are not here working for a particular community or a particular class. We are here to establish Swaraj for all the Indian people. It will be our endeavour to abolish every vestige of absolutism. We are here to bring about a real satisfaction of the fundamental needs of the common man in this country, irrespective of race, religion or community."

It was essential that we must be clear in our objectives and give a sense of exhilaration to the common people. He, therefore, believed that a declaration of objectives was essential and it was not necessary to wait till the Assembly was more full than it happened to be at the present moment.

Much against its will, said Sir Radhakrishnan, the Congress had accepted H. M. G.'s interpretation on Grouping. If after this, and after adequate safeguards were provided for minorities, the British Government still invented some excuse for postponing the change over, it would be a colossal betrayal in human history.

There were two alternatives before Britain, he said, H. M. G. could accept the constitution as framed by the Assembly, finding out whether there were adequate safeguards for minorities or not. If that was done, we might yet cooperate. If after all these conditions were fulfilled, the British Government still created difficulties, he dared not contemplate the possibility.

Mrs. Vijayalakshmi Pandit, supporting the resolution, said that it was her privilege in 1937 to move the first resolution after the inauguration of provincial autonomy in the United Provinces, demanding a Constituent Assembly to draw up a constitution for an independent India. "To-day, ten years

later, that Constituent Assembly is meeting here. I consider this a historic milestone in our progress towards freedom. And yet freedom remains just a little beyond our grasp. Imperialism dies hard: even though it knows its days are numbered it struggles for survival. We have before us the instance of what is happening in Burma, Indo-China and Indonesia and we see how there, in spite of the desperate effort the peoples of those countries are putting up to free themselves, the stranglehold of Imperialism is so great that they are unable to shake it off."

Statement of Dr. Rajendra Prasad.

Dr. Rajendra Prasad made the following statement:

"In the course of debates on India in the House of Commons and in the House of Lords in December last, certain statements were made detracting from the representative character of this Assembly during its last session. Notable among those who spoke in this strain were Mr. Churchill and Viscount Simon. Mr. Churchill observed that the Assembly, as it was meeting then, represented 'only one major community in India'. Viscount Simon was more specific and referred to the Assembly as 'a body of Hindus'. He went on further to ask 'whether this meeting of Caste Hindus at Delhi can be regarded by the Government as the Constituent Assembly they meant at all'.

Both these gentlemen have held the highest offices of responsibility and have had a long and intimate connection with the affairs of India; and whatever may be their views on current political controversies, they would not, I am sure, like to make statements which are wholly contrary to facts and lead to mischievous inferences. It is for this reason that I have considered it necessary on this occasion formally to state the facts. Out of a total of 296 members who were to take part in the preliminary session, 210 members attended. These 210 members consisted of 155 Hindus out of a total of 160, 30 Scheduled Caste representatives out of a total of 33, all the five Sikhs, six Indian Christians out of a total of seven (one of them is also counted as a member of Backward Tribes), all the five representatives of Backward Tribes, all three Anglo-Indians, all three Parsis and four Muslims out of eighty. The

significant absence is of course that of the representatives of the Muslim League—an absence which we all deeply regret. But it is clear from the figures I have quoted that, with the exception of representatives of the Muslim League, every community in India, whatever the party affiliation of the persons representing that community, was represented in the Assembly ; and, therefore, to describe the Assembly as representing 'only one major community in India' or as 'a body of Hindus' or as a 'meeting of Caste Hindus' is a complete travesty of facts.

Members may recollect that, in the course of the debates in the Constituent Assembly on Pandit Jawaharlal Nehru's resolution, Mr. Jaipal Singh (Bihar) pointed out that there was a discrepancy between the Cabinet Mission's statement of May 16, 1946, as published in India, and the printed pamphlet circulated by the Assembly office. The discrepancy referred to was in paragraph 20 of the statement. His complaint was that whereas the statement originally published in India referred to full representation of the interests affected, our reprint referred only to due representation. I have had the matter investigated since.

The Principal Information Officer of the Government of India, who originally published the statement in India, and who has been consulted, has informed us that it was printed exactly in accordance with the copy handed over to him by the Information Officer of the Cabinet Mission. Our own pamphlet is an exact reprint of the White Paper submitted to Parliament. It appears that the statement as published in India underwent some small alterations at the hands of the Cabinet Delegation before being presented to Parliament.

The discrepancy pointed out by Mr. Jaipal Singh is not the only one ; there are a few others also. I am, however, satisfied that in practically all cases these changes are purely verbal. Whether the change in paragraph 20 is also purely verbal or not is a matter of opinion. I personally do not think that any material difference has been introduced."

Steering Committee.

The Constituent Assembly agreed to Mr. Satyanarain Sinha's resolution to set up a Steering Committee.

2. January 21, 1947.

Steering Committee.

Dr. Rajendra Prasad at the outset announced the names of the members of the Steering Committee.

Maulana Abul Kalam Azad, Sardar Vallabhbhai Patel, Sardar Ujjal Singh, Srimati Durga Bai, Mr. Kiran Shankar Roy, Mr. Satyanarain Sinha, Mr. Anantasayanam Ayangar, Mr. K. M. Munshi, Diwan Chamanlal, Mr. S. N. Mane and Mr. S. H. Prater.

Thirteen names were proposed for the Steering Committee but 2 members (Mr. Somnath Lahiri and Mr. Lakshminarayan Sahu) having withdrawn, 11 were elected.

Pandit Nehru's resolution on declaration of objectives.

Dr. M. R. Jayakar withdrew the amendment he had moved in the last session urging postponement of consideration of Pandit Nehru's resolution.[1]

Dr. Jayakar said that he had suggested during the last session that as a compromise we should wait till January 20 this year so as to give the Muslim League time to decide to take part in the work of the Constituent Assembly. The House having accepted that suggestion and the Muslim League having come to no decision yet except to hold a meeting of its Working Committee nine days after the Constituent Assembly was due to meet, Dr. Jayakar thought he was in honour bound not to press his amendment (Cheers). He, therefore, did not want to press his amendment any longer.

Dr. Jayakar, however, asked permission to urge some considerations before the house, apart from his amendment which had been withdrawn.

Pandit Pant on a point of order argued that having withdrawn his amendment Dr. Jayakar should not complicate the situation further by proposing in some form or other what would be nothing more or less than a new and fresh amendment.

Eleven more members spoke on Pandit Nehru's resolution, including five on behalf of the minorities: Mr. S. H. Prater

[1] See pp. 206-210.

for the Anglo-Indians ; Rev. D'Souza and Dr. H. C. Mookerjee for the Indian Christians ; Mr. Devendra Nath Samanta for the Adibasis ; and Mr. Khandekar for the Scheduled Castes.

Mr. S. H. Prater recalled that on an earlier occasion he had supported Dr. Jayakar's amendment for a postponement which was no longer valid or justifiable. The house should now proceed forthwith to accept and pass the resolution (Cheers). After explaining the terms of the resolution Mr. Prater said that it stood within the terms of the Cabinet Mission's proposal. The resolution embodied two basic principles without which no constitution could be framed, namely, that any constitution made must be based on provincial autonomy and, secondly, there should be a Union of all the states and provinces. The history of India since the days of the Mauryas to the present was that it was composed of separate states with separate national identity and culture which often engendered strong local feeling. That was why the strong centralised unitary government of the British rule of an earlier period gave way to a process of rapid decentralisation and increasing independence to provincial administration.

Mr. H. J. Khandekar said that the Harijan community had accepted the resolution with great pleasure as it promised safeguards and equal rights to all the minorities in India. He expressed satisfaction at Dr. Ambedkar's speech in which he had asked for a united India with a strong Central Government.

The condition of the Harijans of this country, Mr. Khandekar said, was deplorable and they had been subjected to unfair treatment for centuries. Still they were resolved not to go out of the fold of the Hindu religion, he declared. The fear was that they would be wiped out of existence when Pakistan was established in Groups B and C as already the Harijans of East Bengal had experienced extreme misery and oppression.

3. January 22, 1947.

Pandit Nehru's resolution on the declaration of objectives.

Rai Bahadur Shyam Nandan Sahay withdrew two amendments[1] standing in his name.

[1] See p. 211.

Pandit Nehru's speech.

"Pandit Nehru spoke, first in Hindustani and then at greater length in English. Throughout the speech, which lasted in all for some 40 minutes, his sincerity and earnestness were evident and, save for an occasional mark of approval, he was heard in silence and with rapt attention."[1]

He said, "It was my proud privilege six weeks ago to move this resolution. I felt the weight and solemnity of that occasion. It was not a mere form of words that I placed before the House, carefully chosen as those words were ; those words and that resolution represented something far more important. They represented the depths of our being, they represented the agony and hopes of the Nation coming at last to fruition. And as I stood here on that occasion, I felt the past crowding around me, then I felt the future also taking shape. We stood on the razor's edge of the present and I was addressing not only this House but the millions of India who are vastly interested in our work. And because I felt that we were coming to end of an age, I had a sense of all our forebears watching this great undertaking of ours and possibly blessing it if we moved aright, and the future of which we became trustees became almost a living thing taking shape and being moulded before our eyes.

It was a great responsibility to be trustees of that future. It was some responsibility also to be inheritors of the great past of ours and between that great past and the great future that we envisaged, we stood on the edge of the present and the weight of that occasion, I have no doubt, impressed itself upon this honourable House.

And it was right, therefore, if I may say so with all respect, that this House decided to adjourn consideration of this motion and thus not only demonstrated to all the world our earnest desire to have all those people here who have so far not come here but assured the country and everyone how anxious we were to have the co-operation of all."

There had been some criticisms of the resolution, notably from some of the Princes. Their first criticism had been that such a resolution should not be passed in the absence of the

[1] From *The Statesman*, January 23, 1947.

representatives of the States. In part Pandit Nehru agreed with that criticism ; he should have liked all the States and every part of India being properly represented in the House when it passed this solemn resolution.

"Even during the last six weeks or a month, we have made some effort to get in touch with the Committee representing the States Rulers to find a way for their proper representation here. It has not been our fault that there has been any delay. We are anxious to get everyone in, whether they are the representatives of the Muslim League or the States or any one else.

We shall continue to persevere in this endeavour so that this House may be as fully representative of the country as it is possible to be. But we cannot postpone this resolution or anything else because some people are not here."

"The resolution", said Pandit Nehru, "makes it clear that we are not interested in the internal affairs of the States. I even said (on the previous occasion) that we would not interfere with the system of monarchy in the States if the people of the States wanted it. I gave the example of the Irish Republic in the British Commonwealth and it is conceivable to me that within the Indian Republic there might be petty monarchies if the people so desired. That is entirely for them to determine.

This resolution, and presumably the constitution we make, will not interfere in that matter. Inevitably we want a uniformity in the freedom of various parts of India. It is inconceivable to me that a part of India should have democratic freedom and certain parts should be denied it. That cannot be ; that will give rise to trouble just as in the wide world today there is trouble because some countries are free and some are not. Much more trouble will there be if there is freedom in one part of India and lack of freedom in other parts of India.

But we are not laying down in this resolution any strict scheme in regard to the governance of the Indian States. All that we say is this : That they or such of them as are big enough to form units, or group themselves to form units, will be autonomous units with a very large measure of freedom to do as they choose, subject no doubt to certain central functions in which they will co-operate with the Centre and in which the Centre will have control. So that in essence this resolution does not interfere with the inner working of those units.

They will be autonomous and, as I have said, if these units choose to have some kind of constitutional monarchy at their head, they are welcome to do so. For my part I am a republican in India and everywhere else (Cheers), but whatever my views may be on that subject, it is not my desire to impose my will on others and whatever the views of this House may be on this subject, I imagine that it is not the desire of this House to impose their will in these matters.

So the objection of a ruler of an Indian State to this resolution becomes an objection in theory to the theoretical and practical implications of the doctrine of the sovereignty of the people; to nothing else can anyone object. That is an objection which cannot stand for an instant."

After reaffirming the desire to be friendly with all, including the British people and the British Commonwealth, Pandit Nehru observed, "But these labels are fast changing their meaning and in the world today there is no isolation. You cannot remain apart from others. You must co-operate or you must fight. There is no middle way.

We seek peace. We do not want to fight any nation if we can help it. The only possible, real object that we, in common with other nations, can have is the object of co-operating in building up some kind of a world structure, call it one world, call it what you like.

The beginnings of this world structure have been laid down in the U. N. O. It is feeble yet and it has many defects; nevertheless it is the beginning of a world structure and India has pledged herself to co-operate in the work. If we think of that structure and our co-operation in it with other countries, where does the question come of our being tied up with this group of nations or that group? Indeed, the more groups and blocs are formed, the weaker does that big structure become. Therefore, in order to strengthen that big structure it is desirable for all countries not to insist, not to lay stress, on separate groups and separate blocs.

Real co-operation will only come between us and those other countries when we know that we are free to co-operate and are not being imposed upon and forced to co-operate. So long as there is the slightest trace for compulsion, there can be no co-operation."

"India," said Pandit Nehru, "is a great country, great in her resources, great in her manpower, great in her potentiality in every way, and I have little doubt that a free India on every plane will play a big part on the world stage, even on the narrowest plane of material power and strength. We hear a lot about the atom bomb and the various kinds of energy that it represents and in a sense today there is a conflict in the world between the atom bomb and what it represents and the spirit of humanity.

I hope that while India will no doubt progress in all these material spheres, she will always lay stress on that spirit of humanity. I have no doubt also in my mind that ultimately in this conflict that is convulsing the world, the human spirit will prevail over the atom bomb."

"There is no group in India, no party, no religious community, which can prosper if India does not prosper", said Pandit Nehru. "If India goes down, we go down, all of us, whether we have a few seats more or less, whether we get a slight advantage or not. But if it is well with India, if India lives as a vital, free country, then it is well with all of us, to whatever community or religion we may belong.

I am not placing before the House what I want done or what I do not want done but I should like the house to consider that we are on the eve of revolutionary changes—revolutionary in every sense of the word, because, when the spirit of a nation breaks its bonds, it functions in peculiar ways, and it should function in strange ways. It may be that the constitution that this House may frame may not satisfy that free India. A free India will do what it chooses. This House cannot bind down the next generation or the people who may succeed us in this task.

Therefore, let us not trouble ourselves too much about the petty details of what we do. Those details will not survive for long if they are achieved in conflict. What we achieve in human liberty by co-operation is likely to survive. What small points we may gain here and there by conflict and by overbearing manners and by threats will not survive long. It will only leave a trail of bad blood behind it."

Pandit Nehru concluded, "May this resolution bear early fruit and may the time come when, in the words of this reso-

lution, 'this ancient land attains its rightful and honoured place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind'." (Loud Cheers).

The Assembly then adopted the resolution amidst acclamation.

4. January 24, 1947.[1]

Advisory Committee on Minorities and Fundamental Rights.

The following resolution was adopted on the motion of Pandit Gobind Ballav Pant:[2]

"This Assembly resolves that in pursuance of paragraph 20 of the Cabinet Mission's Statement of May 16, 1946, an Advisory Committee be constituted as hereinafter set out:—

(A) The Advisory Committee shall consist of not more than 72 members, who may include persons who are not members of the Assembly.

(B) It shall consist initially of the following members:

Sj. Jairamdas Daulatram, Sj. Meher Chand Khanna, Dr. Gopi Chand Bhargava, Bakshi Sir Tek Chand, Dr. Prafulla Chandra Ghosh, Sj. Surendra Mohan Ghose, Dr. Syama Prasad Mookerjee, Sj. Prithvi Singh Azad, Sj. Dharam Prakash, Sj. H. J. Khandekar, Sj. Jagjivan Ram, Sj. P. R. Thakur, Dr. B. R. Ambedkar, Sj. V. I. Muniswami Pillai, Sardar Jogendra Singh, Sardar Baldev Singh, Sardar Partap Singh, Sardar Harnam Singh, Sardar Ujjal Singh, Gyani Kartar Singh, Dr. H. C. Mookerjee, Dr. Alban D'Souza, Shri Rocher Victoria, Shri Salve, Mr. S. H. Prater, Mr. Frank Reginald Anthony, Mr. M. V. H. Colons, Sir Homi Mody, Sj. M. R. Masani, Sj. R. K. Sidhwa, Sj. Rup Nath Brahma, Khan Abdul Ghaffar Khan, Khan Abdul Samad Khan, Rev. J. J. M. Nichols-Roy, Shri Mayaug Nokcha, Shri Phool Bhan Shaha, Sj. Devendra Nath Samanta, Sj. Jaipal Singh, Acharya J. B. Kripalani, Maulana Abul Kalam Azad, Sardar Vallabhbhai Patel, Sj. C. Rajagopalachari, Rajkumari Amrit Kaur, Shrimati Hansa Mehta, Pandit

[1] There was no session of the Constituent Assembly on January 23.
[2] Premier of the United Provinces.

Govind Ballabh Pant, Sj. Gopinath Bardoloi, Sj. Purushottamdas Tandon, Sir Alladi Krishnaswami Ayyar, Sj. K. T. Shah and Sj. K. M. Munshi.

(C) The President may at any one time or at different times nominate members to the Committee not exceeding 22 and 7 of whom shall be Muslims representing the provinces of Madras, Bombay, the United Provinces, Bihar, the Central Provinces, Orissa and Assam.

2. The Advisory Committee shall appoint sub-committees to prepare schemes for the administration of the North-Western Tribal areas, the North-Eastern Tribal areas and the Excluded and Partially Excluded areas. Each of such sub-committees may co-opt not more than two members from the particular tribal territory under the consideration for the time being to assist it in its work in relation to that territory.

3. The Advisory Committee may appoint other sub-committees from time to time as it may deem necessary.

3(A). The quorum for the Committee and its sub-committees shall be one-third of the total number of members for the time being of the Committee or sub-committee concerned.

4. The Advisory Committee shall submit the final report to the Union Constituent Assembly within three months from the date of this resolution and may submit interim reports from time to time, but shall submit an interim report on fundamental rights within six weeks and an interim report on minority rights within ten weeks of such date.

5. Casual vacancies in the Advisory Committee shall be filled as soon as possible after they occur by nomination by the President."

Pandit Pant, while moving the resolution pointed out that the voice of the minorities and representatives of the Excluded and Tribal Areas will preponderate in the Committee. They would be in a position to record their decisions and no section would be in a majority. "So this will fully reflect the opinion of the minorities and the backward tribes and will, I hope, be able to reach decisions which will fully secure their position and ensure the protection of their rights", Pandit Pant added.

Pandit Pant made an appealing speech that the minority question was the one rock on which all constitution-making efforts of different countries foundered.

He emphasised that the lesson of the history of the European countries with regard to the minority problem should be borne in mind by members in tackling this problem in India successfully, failing which, he made it clear, the making of the Indian constitution would be held up.

But for the masterly oration of the mover of the motion, the rest of the debate turned into a wrangle for more seats for every minority at the expense of the other.

Mr. Jaipal Singh of the Tribal Areas (Bihar) accused with confused argument all for robbing his group of proper representation.

Mr. Anthony for the Anglo-Indians in turn charged that the intention of this Committee was expressed by the authors as one set up solely for protecting the interests of Indian Christians and his community was neglected.

Thus everybody went on multiplying charges, much to the embarrassment of the Congress leaders, and the end came to the relief of all when Pandit Pant wound up the debate saying that representatives of the minorities were chosen with the individual and general approval of the respective minorities themselves and no question of personality should be allowed to interfere.

Mr. K. M. Munshi moved a series of amendments which, among other things, sought to increase the personnel of the Committee, directed the Committee to submit interim reports on fundamental rights and minorities within six weeks and ten weeks and empowered the President to nominate 22 more members to the Committee.[1]

Mr. Munshi explained that seven out of the 22 would be representatives of the Muslims representing the provinces of Madras, Bombay, U. P., Bihar, C. P., Orissa and Assam. Mr. Munshi said that it might be very soon that the Muslim League might come in when it would be difficult to convene a plenary session again for the purpose of electing the rest of

[1] Originally the resolution laid down that the Committee "shall consist of not more than 68 members"—52 members elected by the Assembly (proportional representation with single transferable vote), not more than 7 members elected by the Assembly "in such manner as the President may deem appropriate", and not more than 9 members nominated by the President.

the members. According to his amendment, 7 Muslim members from the Hindu majority provinces might be nominated by the President and they could join the Committee without delay.

Sir Gopalaswami Ayyangar moved an amendment prescribing quorum for the Committee and its sub-committees.

Pandit Pant replying to the debate accepted the amendments moved by Mr. Munshi and Sir N. Gopalaswami Ayyangar. In regard to the personnel of the Committee, Pandit Pant said that members of every group had been virtually elected by their own colleagues belonging to that group. He agreed that certain provinces had been omitted and more persons could have been profitably added to the Committee but there were practical limitations if the structure was not to break down by numbers. Difficulties must be tolerated, otherwise if they looked to a Utopia or for the establishment of a Platonic republic, they would never be able to do anything practically.

He believed committees of this kind would not arrive at a decision by taking votes. Everyone should co-operate with the other and a spirit of accommodation and give and take should pervade.

The House passed the resolution unanimously.

5. January 25, 1947.

Dr. Rajendra Prasad announced the unanimous election of Dr. H. C. Mookerjee[1] as Vice-President of the Constituent Assembly.

The Union Subjects Committee.

The Assembly decided to set up a Union Subjects Committee to define the scope of the Union subjects on the motion of Mr. C. Rajagopalachari.

Mr. Rajagopalachari spoke frankly on the Muslim League position. Those who were absent, he said, should not misunderstand the purposes of the Committee he was proposing.

[1] Indian Christian Retired Professor of English, Calcutta University.

"The Muslim League policy," he added, "has been to secure a separate sovereign State of their own. If they had only restricted their claim to what legitimately should be asked in pursuance of their policy possibly they might have achieved their object and they would not have been in the present difficulty."

"Let me put it frankly. The greatest difficulty for the Muslim League now is", he said, "that they have to join this Assembly on the explicit condition that they must accept the single sovereign State ideal for India and that is why they find it difficult to come in. Therefore, it is that we are proceeding with the work as far as we can, understanding very well the difficulties of the Muslim League members in the way of their coming and joining us at this stage.

"Let them think it over. Let us give them ample time to come. But that does not mean that we can stop our work, that we can stop thinking and that we ought to stop doing anything whatsoever until they make up their minds. That will only lead to indefinite postponement. Hence I have no hesitation in recommending to this House the appointment of this Committee."

"This Assembly", said Mr. Rajagopalachari, "has to consider very serious matters and we will have to do a great deal of thinking. We cannot simply go on the assumption that we are here only to register previously arrived at decisions or opinions or programmes. We have to do a lot of substantial thinking in the Constituent Assembly and in the nature of things, therefore, we would require the assistance of a select committee to consider the enormous difficulties that might arise in the course of our work.

"It is with that object that this Committee has been proposed. It is not with the object of undermining the essential intentions of the Cabinet Mission's Statement or anything of that kind. It is to help us to think out our difficulties and to find solutions for those difficulties."

Referring to the Muslim League, Mr. Rajagopalachari said: "It is not only a matter of culture and good breeding but statesmanship to think of those who are absent, to think

of other people than ourselves when we deal with any matter. That is why in proposing every motion honourable members have had to deal with the intentions and purposes of those who are not yet present in our Assembly. We find a great many possibilities of misunderstanding and we try to anticipate those difficulties and remove possibilities of misunderstanding as far as we can."

"The object of the resolution", said Mr. Rajagopalachari, "was to help the Assembly in framing a constitution so as not to leave for the future any overlapping or conflict that might occur if the proceedings took place without co-relation in various Sections and the Assembly.

"This Assembly has been entrusted with a very serious task, probably more onerous than any Constituent Assembly in the world has had to deal with. The number of differences that have to be settled are enormous, the population that has to be satisfied is enormous and the problems that are before the Assembly are as difficult as any which any other Assembly has had before it. The British Government's statement has put things in a fairly clear way but not quite as clearly as one would desire."

Order of Business Committee.

The Assembly today agreed to Dr. Pattabhi Sitaramayya's motion to appoint a Committee consisting of Sir Gopalaswami Ayyangar, Mr. K. M. Munshi, and Mr. Biswanath Das to recommend the order of the further business of the Assembly in framing the constitution for All-India and to submit its report before the commencement of the next session.

Moving the motion Dr. Pattabhi Sitaramayya said that the appointment of such a Committee was a matter of importance. The Assembly, he said, had traversed the first part of the journey and before embarking upon the second part, it was necessary for it to acquire a proper idea of the way and the difficulties that lay ahead of it. This committee, Dr. Pattabhi added, would draw up a concrete plan of the future work for the Assembly.

59. MAULANA AZAD ON GROUPING, JANUARY 26, 1947.

Requested to clarify further the Congress position on Grouping, in view of doubts entertained in certain circles, Maulana Abul Kalam Azad said at New Delhi to an A. P. I. correspondent that such doubts were unfounded and unfortunate.

"The Cabinet Mission's statement of May 16th," he went on, "laid down that after the preliminary meeting of the Constituent Assembly, it would divide into three Sections. These Sections would decide whether there would be Grouping or not. Even if it was decided to form a Group and a constitution framed for it, provinces would have the right to opt out of the Group after the first elections held under the new constitution.

"Question then arose as to how the Sections would arrive at a decision on the point. The Congress held that the representatives of a province within the Section could act as a unit and decide whether the province should enter into the Group or not.

"The League and the Cabinet Mission, on the other hand, held that decision within the Section would be by a simple majority of votes and the provinces would exercise the right of opting out only after the first elections.

"This made Assam nervous as Bengal has a majority in Section C. Assam fears that Bengal might so frame the constitution of Assam as to make her right of opting out at a later stage a dead letter.

"Both the Secretary of State for India and Sir Stafford Cripps in their statements to Parliament made it definitely clear that this right of provinces to opt out must not be tampered with and any attempt to frame a provincial constitution which prejudiced such right of the province would be against the letter and spirit of the State Paper of May 16th.

"The Congress had, in its resolution of January 6, accepted the British Govrnment's interpretation of the State Paper expounded in the statement of December 6, and thus agreed that decision in the Section will be by a simple majority.

"My own opinion on the question of Grouping is well known. I have always held and made it perfectly clear to the Cabinet Mission that the idea of Grouping is artificial, and the Groups will have no real functions to perform. Subjects which can and demand to be dealt with jointly have already been referred to the Union, while subjects which remain in the provinces are of a nature that cannot be jointly administered.

"Every province has its own problems of education, health and rural development and conditions differ so much from province to province that no province is willing to give up its right to decide these questions itself.

"Communal passions may now blind people to the fact but when the Sections will start their work, the smaller provinces are bound to insist on the maintenance of their provincial integrity. This, however, is my personal opinion.

"The Congress has now decided that it is for the Sections to decide this question and if the Sections so desire, there is no hindrance to framing of a Group constitution subject to the province's right of opting out.

"I earnestly hope that the League Working Committee will, in their sitting on 29th January, consider the present situation in the country calmly and dispassionately and come to the decision that the resolution of the League Council for withdrawing from the Constituent Assembly be rescinded."

[The above is the summary of the A. P. I. report published in *Hindusthan Standard* on January 27, 1947. The following additional remarks of Maulana Azad were published in *The Statesman* on January 28 on the basis of the A. P. I. report.]

Referring to the work in the Sections, Maulana Azad said: "The manner in which the work in the Section is carried out has now become the most crucial issue. Proceedings in the Sections can be carried out in one of the two alternative ways.

"It is possible that Bengal, which has a majority in the Section, may use its majority in order to frame the constitution for Assam in a manner which would, in fact, though not in theory, destroy the right of the majority in the province to opt out at a later stage.

"The other method of working in the Section would be to refrain from any such interference with the constitution of Assam. In that case, Assam would be able to exercise its right of opting out at the appropriate time if a Group constitution was framed by the majority and if Assam so desired. Everything now depends on how the representatives of Bengal act in the Section. If the first of the two methods mentioned above is to be followed, Assam's apprehensions would be fully justified and nobody can blame them if her representatives walk out of the Section. If, however, Bengal's representatives adopt the second method, no problems will arise.

"The question does not arise in Section B in the same form or with the same intensity. If, however, the Punjab uses its majority to frame a Group constitution against the wishes of the other provinces, the N.-W. F. P. and Sind will be able to exercise their right of opting out, if they so desire, at the appropriate time.

"The above analysis makes it perfectly clear that Congress has accepted in full the British Government's statement of December 6, and the League can now have no excuse for remaining away from the Constituent Assembly."

60. INDIAN STATES ON THE CONSTITUENT ASSEMBLY, JANUARY 29-30, 1947.

1. Resolution, January 29, 1947.

The following resolution was passed by the Standing Committee of the Chamber of Princes at New Delhi on January 29:

"This meeting reiterates the willingness of the States to render the fullest possible co-operation in framing an agreed constitution for, and in the setting up of, the proposed Union of India in accordance with the accepted plan; and declares:—

(1) That the following fundamental propositions *inter alia* form the basis for the States' acceptance of the Cabinet Mission's plan:—

(I) The entry of the States into the Union of India in accordance with the accepted plan shall be on no other basis than that of negotiation, and the final decision shall rest with

each State. The proposed Union shall comprise, so far as the States are concerned, the territories of only such States or groups of States as may decide to join the Union, it being understood that their participation in the constitutional discussions in the meantime will imply no commitments in regard to their ultimate decision which can only be taken after consideration of the complete picture of the constitution.

(II) The States will retain all subjects and powers other than those ceded by them to the Union. Paramountcy will terminate at the close of the interim period and will not be transferred to or inherited by the new Government of India. All the rights surrendered by the States to the Paramount Power will return to the States. The proposed Union of India will, therefore, exercise only such functions in relation to the States in regard to Union subjects as are assigned or delegated by them to the Union. Every State shall continue to retain its sovereignty and all rights and powers except those that have been expressly delegated by it. There can be no question of any powers being vested or inherent or implied in the Union in respect of the States unless specifically agreed to by them.

(III) The constitution of each State, its territorial integrity, and the succession of its reigning dynasty in accordance with the custom, law and usage of the State, shall not be interfered with by the Union or any Unit thereof, nor shall the existing boundaries of a State be altered except by its free consent and approval.

(IV) So far as the States are concerned, the Constituent Assembly is authorised only to settle the Union constitution in accordance with the Cabinet Mission's plan, and is not authorised to deal with questions bearing on the internal administrations or constitutions of individual States or groups of States.

(V) His Majesty's Government have made it clear in Parliament that it is for the States to decide freely to come in or not as they choose. Moreover, according to the Cabinet Mission's memorandum of May 22, 1946, on States' treaties and paramountcy,[1] 'Political arrangements between the States on the one side and the British Crown and

[1] See *Introduction*, pp. xxvii-xxviii.

British India on the other will be brought to an end after the interim period. 'The void will have to be filled either by the States entering into a Federal relationship with the successor Government in British India, or failing this, entering into particular political arrangements with it.'

(*B*) That the States Negotiating Committee,[1] elected by the Standing Committee of the Chamber of Princes and set up at the request of His Excellency the Viceroy in accordance with Paragraph 21 of the Cabinet Mission's statement of May 16, 1946, is the only authoritative body competent under the Cabinet Mission's plan to conduct preliminary negotiations on behalf of the States, on such questions relating to their position in the new Indian constitutional structure as the States might entrust to it.

(*C*) That while the distribution *inter se* of the States' quota of seats on the Constituent Assembly is a matter for the States to consider and decide among themselves, the method of selection of the States representatives is a matter for consultation between the States Negotiating Committee and the corresponding Committee of the British India portion of the Constituent Assembly before final decision is taken by the States concerned.

This meeting

(*A*) Endorses the press statement issued on June 10, 1946, by the Standing Committee of the Chamber of Princes[2] in consultation with the Committee of Ministers and the Constitutional Advisory Committee, in regard to the attitude of the States towards the Cabinet Mission's plan : and

(*B*) Supports the official statement of the views communicated by the States delegation to the Cabinet Mission on April 2, 1946, which *inter alia* associated the States with the general desire in the country for India's complete self-government or independence in accordance with the accepted plan.

This meeting resolves that in accordance with this resolution and the instructions and resolutions of the States Constitutional Advisory Committee as endorsed by the Standing Committee of Princes and the Committee of Ministers, the

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[1] See *Introduction*, p. xlvii.
[2] See *The Cabinet Mission in India*, pp. 196-199.

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 reassembles 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."

2. Speeches, January 30, 1947.

Regret at the "organized campaign of misrepresentation and vilification against the Princely order" was expressed by the Nawab of Bhopal, Chancellor of the Chamber of Princes, presiding over a conference of over 60 Princes and 100 Ministers from various States today.

The Nawab reiterated the determination of Indian Princes not to hamper the political advance of the country in any way and to co-operate in the achievement of independence. He deplored the fact that the approach of the Princes had failed to evoke response in certain quarters in British India.

Sir C. P. Ramaswami Iyer, Dewan of Travancore, and Sir A. Ramaswami Mudaliar, Dewan of Mysore, also addressed the conference which was held chiefly to explain the reasons for yesterday's resolution defining the terms of reference of the States Negotiating Committee in its forthcoming discussions with the corresponding body set up by the British Indian portion of the Constituent Assembly.

"We have recently declared on a number of occasions," the Nawab of Bhopal said, "that we do not in any want to hamper the political advancement of our common motherland. Our attitude has, however, failed to evoke response from certain quarters in British India. We are asked to quit or exist on sufferance only. It would be unworthy on our part to succumb to these threats. We have been the spearhead of progress in many a field. Are we to disappear simply because we fail to subscribe to certain dogmas?"

He enumerated certain fundamental principles on which the States could not compromise. He said that some of the clauses in Pandit Nehru's resolution passed by the Constituent Assembly were in conflict with the Cabinet Mission's plan which had been accepted by the Princes. He quoted from the speeches and statements made by certain Indian political leaders and said that they claimed far greater powers for the Union Centre than had been assigned to it under the State Paper. The Nawab said that he had been assured by the highest authority that it was not intended to give ancillary powers to the Union.

He pleaded for the immediate implementation of his declaration on fundamental rights and privileges for States people made in January, 1946, at the annual session of the Chamber of Princes. If this was done the States would be able to cope successfully with the "malicious campaign now going on" against them, he said.

Sir C. P. Ramaswami Iyer, speaking at the request of the Nawab, emphasized that the powers of the Union Centre as defined in the Cabinet Mission's plan were strictly limited and confined to three subjects only, *viz.*, foreign affairs, defence and communications, with powers to raise the necessary finances for the working of these three departments. The States were intimately connected with what was meant by "powers to raise the finances" and also the scope of the three subjects. For instance, he asked, were State armies to be retained or not?

He expressed apprehension that the spokesmen of a certain party in British India might claim the right of direct taxation by the Union Centre. He quoted Pandit Nehru as saying that tariff and customs fell within the purview of foreign affairs. Sir Ramaswami said that in deciding such important matters the States must be consulted beforehand and not made to face a *fait accompli*.

Sir Ramaswami Mudaliar said that he wanted to make it clear that the States were not in a militant mood and did not want to adopt a policy of obstruction in approaching the constitutional problems of the country.

He thought that the resolution passed by the Constituent Assembly was full of dangerous potentialities and was sure to

delay the framing of the Indian Constitution. It was to obviate such risks that the Chamber of Princes had thought it necessary to define clearly the States' point of view.

Referring to the clause in the resolution on "objectives", recently passed by the Constituent Assembly, which dealt with sovereignty, Sir Ramaswami declared that there could be no compromise over the question of the monarchical form of government in Indian States. He said that some checks and breaks had to be provided for against the contingency of a majority party running amuck in the future governance of India. In his opinion, the retention of monarchy in the States would exercise a restraining influence on those quarters which believed in deciding everything by a brute majority.

Another serious implication of the resolution, Sir Ramaswami Mudaliar said, was interference with the territorial integrity of Indian States.

61. RESOLUTION OF THE LEAGUE WORKING COMMITTEE, KARACHI, JANUARY 31, 1947.

"The Working Committee of the All-India Muslim League has given careful consideration to the statement issued by H. M. G. on December 6, 1946, the resolution passed thereafter by the Congress Working Committee on December 22, 1946, and by the All-India Congress Committee on January 6, 1947, the speeches delivered by responsible leaders of the Congress at the A. I. C. C. session referred to above, and the proceedings of the Constituent Assembly during its two sessions so far held, and record their views as follows:

By their statement of December 6, H. M. G. admitted that the interpretation which the Muslim League had always put on paragraphs 19 (V) and 19 (VIII) of the Cabinet Mission's statement of May 16 was the correct one and accorded with the intention of the Cabinet Mission and H. M. G.

By that statement it was also proved that the Congress, on the other hand, had 'put forward a different view' and, therefore, had not accepted what H. M. G. themselves described

as 'this fundamental point', namely, that decision in the Sections, including questions relating to the framing of the constitutions of Provinces included in each Group, 'should,' in the absence of agreement to the contrary, be taken by a simple majority vote of the representatives in the Sections'.

H. M. G., furthermore, added that 'this statement, as so interpreted, must, therefore, be considered an essential part of the scheme of May 16 for enabling the Indian people to formulate a constitution which H. M. G. would be prepared to submit to Parliament'. Accordingly, in their statement of Dec. 6 they urged the Congress to accept 'this reaffirmation of the intention of the Cabinet Mission' or in the alternative to refer the point to the Federal Court at a very early date.

In their statement of Dec. 6 H. M. G. also affirmed that the Congress had agreed that other questions of interpretation of the statement of May 16 which might arise might be referred by either side to the Federal Court whose decisions should be accepted, and on the assumption that the Congress had agreed to this procedure, H. M. G. asked the Muslim League also to agree to it in order to ensure that 'the procedure both in the Union Constituent Assembly and in the Sections may accord with the Cabinet Mission's plan'.

H. M. G., in the last paragraph of their statement of Dec. 6, reiterated the fact that 'there has never been any prospect of success for the Constituent Assembly except upon the basis of the agreed procedure', and they repeated the assurance: 'Should the constitution come to be framed by a Constituent Assembly in which a large section of the Indian population had not been represented, H. M. G. would not, of course, contemplate—as the Congress has stated they would not contemplate—forcing such a constitution upon any unwilling parts of the country'.

The meaning and the application of this assurance were further clarified by Sir Stafford Cripps in his speech in the House of Commons on Dec. 12, 1946, when he said: 'But the Government had also to envisage the possibility in the clause in the final paragraph of the statement. This was, perhaps, a statement of the obvious—that, if the Muslim League could not be persuaded to come into the Constituent Assembly, then

parts of the country where they were in a majority[1] could not be held to be bound by the results."[2]

The situation created by the issue of this statement by H. M. G. is that the onus of taking the next step fell on the Congress and it was called upon :—

1. To accept honestly and unequivocally the correct interpretation of paragraphs 19 (V) and 19 (VIII) of the Cabinet Mission's statement of May 16, which interpretation has been already accepted by the Muslim League, or to refer the point to the Federal Court.

2. To reaffirm that it has accepted the procédure for the settling of other questions or interpretations that might arise, so that the decision should accord with the basic and fundamental principles of the scheme of May 16, 1946, namely, that either side could refer such questions to the Federal Court whose decisions would be binding on all concerned ; and

3. To postpone the session of the Constituent Assembly which had been called for Dec. 9, 1946, pending settlement of the dispute over the fundamental points of principle and procedure which had been brought to the fore by the statement of Dec. 6 and the correct interpretation of which the Congress has not accepted, as was made clear in that statement, there being no prospect of success for the Constituent Assembly without such agreement, particularly on the part of the Congress.

The Working Committee of the All-India Muslim League regrets to note that the Congress has reacted to the situation created by the statement of Dec. 6 in a manner which shows that it is determined to adhere to its own views and interpretations of the fundamental provisions in the Cabinet Mission's

[1] The word "they" obviously stands for "the Muslim League". So this statement of Sir Stafford Cripps gives the League the right of veto regarding 3 provinces—Bengal, the Punjab and Sind. Out of 10 representatives of Assam and 3 representatives of N. W. F. P. in the Constituent Assembly the League claims the allegiance of 3 and 1 respectively. Baluchistan has only one representative, and he has not so far submitted to the control of the League.

[2] The London *Times* observed on February 4, 1947, "The League, while apparently relying on the British declaration that a constitution framed by the Constituent Assembly, not fully representative, cannot be enforced upon unwilling parts of India, may perhaps have lost from sight the not less significant undertaking that a minority cannot be suffered indefinitely to impede the progress of the majority."

statement of May 16, which militate against the clearly expressed intentions and interpretations of the authors of that statement as well as of H. M. G. as a whole and which destroy the very basis on which the constitutional plan set forth in that statement has been drawn up.

By its resolution of Dec. 22 the Congress Working Committee rejected the suggestion that the point in dispute should be referred to the Federal Court[1] if the Congress did not accept 'this reaffirmation of the intention of the Cabinet Mission', and the Committee decided to convene a meeting of the A. I. C. C. for the purpose of giving a decision on the issue raised by the statement of Dec. 6.

The Working Committee of the Congress, however, in its resolution indulged in an attack on the British Government for their renewed interpretation and clarification, which had called the Congress bluff, and on the Muslim League for no other fault than that its stand had been at last vindicated.

The A. I. C. C., by its resolution passed on Jan. 6, purported 'to agree to advise action in accordance with the interpretation of the British Government in regard to the procedure to be followed in the Sections', about which there never was any doubt in the mind of any sane and honest person, but it immediately added the following qualifying clauses:

'It must be clearly understood, however, that this must not involve any compulsion on a Province and that the rights of the Sikhs in the Punjab should not be jeopardized.

'In the event of any attempt at such compulsion, a Province or part of a Province has the right to take such action as may be deemed necessary in order to give effect to the wishes of the people concerned.

'The future course of action will depend upon the developments that take place and the A. I. C. C., therefore, directs the Working Committee to advise upon it, whenever circumstances so require, keeping in view the basic principle of provincial autonomy.'

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[1] Is it 'honest' on the part of the Muslim League to conceal the fact that the Congress could not refer the matter to the Federal Court after clear declarations on the part of H.M.G. and the League that they would not accept the decision of the Federal Court if it went against their point of view?

These qualifying clauses, in the considered opinion of the Working Committee of the All-India Muslim League, confer the right of veto within the Section on 'a Province' and, what is more absurd, on 'a part of a Province'[1], as well as on the Sikhs in the Punjab, and, therefore, they completely nullify the advice or so-called 'acceptance' by the Congress of the Dec. 6 statement, and this A. I. C. C. resolution is no more than a dishonest trick and jugglery of words by which the Congress has again attempted to deceive the British Government, the Muslim League, and public opinion in general.

The question at issue was a very simple one. What was required was a straight and honest answer and not these evasions, equivocations, and camouflage from one of the two major contracting parties to the questions whether the Congress honestly and sincerely agreed to the proposals of May 16 as clarified by H. M. G. on Dec. 6, 1946, and whether it was prepared to honourably abide by them and carry out the letter and spirit of the proposals which were put before the two major parties by the British Government, who were merely acting as mediators as, unfortunately, the two major parties had failed to come to any agreement at Simla and the conference at Simla had broken down.

Of the second point in H. M. G.'s statement of Dec. 6, namely, the procedure whereby either side could refer other questions of interpretation to the Federal Court,[2] the resolution of the A. I. C. C. makes no mention, but the mover of the resolution, Pandit Nehru, on being questioned on the second day of the A. I. C. C.'s deliberations as to whether the Congress had agreed to this procedure, categorically answered in the negative and declared:

'Apart from this, in view of the recent developments and the statement of Dec. 6, which produces a new situation, I am

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[1] The League welcomes the statement of H.M.G. that no constitution would be forced upon "any unwilling parts of the country". The Congress point of view is the same, namely, no constitution should be imposed on "a Province or part of a Province". What is the distinction between "parts of the country" and "a Province or part of a Province"?

[2] Mr. Jinnah has never indicated his willingness to accept decisions of the Federal Court on disputed points, and the Statement of May 16 provides for reference to Federal Court on *major communal issues alone*.

not prepared to admit for an instant that we have agreed to any future procedure about references. Whatever the future brings, we shall have to consider it. I should like to make it perfectly clear that we are giving no assurance about any references in regard to any other matters to the Federal Court . . . . We are not going to commit ourselves at the present moment to any reference to the Federal Court or to any other authority. We shall decide—or the Constituent Assembly shall decide—as we think best in the circumstances.'

With regard to the third point, namely, that if a constitution comes to be framed by a Constituent Assembly in which 'a large section of the Indian population has not been represented', such a constitution would not be forced upon any 'unwilling parts of the country', the A. I. C. C. resolution, in paragraph 3, completely distorts the meaning and application of this principle and makes this an excuse to instigate a section[1] of the population of Assam, the N.-W. F. P., the Sikhs and even Baluchistan, to revolt against decisions that might be taken by the relevant Sections sitting as a whole and by a simple majority vote. In the opinion of the Working Committee of the All-India Muslim League the subsequent decision of the Assam Provincial Congress not to abide by the procedure laid down for Sections and its reiteration that 'the Constitution for Assam shall be framed by her own representatives only' is a direct result of this instigation and is a step taken by Assam Congressmen in collusion with the all-India leaders of the Congress.[2]

The Constituent Assembly met on Dec. 9 and subsequent dates and thereafter on Jan. 20 and subsequent dates and has already taken decisions of vital character, so far as it is known

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[1] This 'section', of course, means 70 p.c. of the population of Assam and 67 p.c. of the population of the N.W.F.P.

[2] The London *Times* observed on February 4, 1947, "The resolution passed by the Congress Party Working Committee (?) on January 6 signified only a grudging and qualified acceptance of the British Government's finding . . . but it was an acceptance. The reservation, exempting provinces from 'compulsion' and safeguarding Sikh rights in the Punjab, however ill-advised in view of League susceptibilities, was a plain invitation to Mr. Jinnah and his supporters to give Assam, the Frontier Province and the Sikhs some kind of assurances as they were demanding for themselves . . . . The League Working Committee lamentably failed to grasp this opportunity."

to the public : and as some of the sittings were held in camera it is very difficult to get correct information as to what other resolutions it has passed or what decisions it has already taken. It has passed a resolution, known as the independent sovereign republic resolution, laying down the objectives.

It is not only a proclamation of India as an independent sovereign republic but it lays down fundamentals of the Constitution as was admitted by Pandit Nehru, the mover of the resolution. It is a very vital resolution. It lays down the essentials of the next Constitution ; several things which are mentioned there are fundamentals of the Constitution. It speaks of a republic or Union, functions and powers vested in the Union or as are inherent or implied in the Union and resulting therefrom, and talks of present boundaries, States and present authorities, the residuary powers, powers being derived from the people, minority rights and fundamental rights.

These are undoubtedly fundamentals of the Constitution and they are beyond the limit of the powers and the terms of the scheme of the Cabinet Mission's statement of May 16 and the resolution is therefore illegal, ultra vires and not competent to the Constituent Assembly to adopt.

Next, it has appointed several committees and has proceeded to elect an Advisory Committee, referred to in paragraph 20 of the statement of the Cabinet Mission and the Viceroy, on the rights of citizens, minorities, tribal and excluded areas. Further it has appointed a Steering Committee and various other committees[1], and as some of the decisions have been taken in camera[2] it is very difficult to say what resolutions

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[1] In these Committees seats to which League members are entitled have been left vacant.

[2] With reference to this statement the Secretariat of the Constituent Assembly issued the following Press communique on February 4, 1947 :

". . . . the Constituent Assembly has passed no secret resolution and taken no secret decision. On two occasions the Assembly resolved itself into a Committee of the whole House sitting in camera and discussed the rules of procedure and the budget, this procedure being adopted in order to facilitate the freedom and informality of discussion necessitated by these particular subjects. Thereafter the Committee assembled in public session and took decisions therein which are public property. No other subject was discussed nor any decision taken in these 'in camera' meetings."

it has passed or decisions it has taken. It has also passed the rules of procedure and assumed control of Sections by means of these rules for which there is no warrant or justification, particularly rule 63 which runs as follows:

'1. The Assembly shall, before finally settling the Union Constitution, give an opportunity to the several provinces and States through their legislatures to formulate, within such time as it may fix, their views upon the resolutions of the Assembly outlining the main features of the Constitution or, if the Assembly so decides, upon the preliminary draft of the Constitution.

'2. Before the Constitution of any province is finally settled or the decision to set up a Group Constitution for the Section in which the province is included is finally taken, an opportunity shall be given to the province concerned through its legislature to formulate, within such time as may be fixed for the purpose, its views (*a*) upon the resolution outlining the main features of the Constitution or, if the majority of the representatives of the province in the Assembly so desire, upon the preliminary draft of such Constitution, and (*b*) upon the preliminary decision of the Section concerned as to whether a Group Constitution shall be set up for the provinces included in the Section and, if so, with what provincial subjects the Group should deal.'

It has also appointed a committee to define the scope of the Union subjects, whereas the position was made quite clear, immediately after the statement of May 16 was issued, by the Secretary of State for India in his broadcast and by Sir Stafford Cripps at his Press conference where he read out an explanatory statement. Both of them stated in the clearest possible terms the time and manner in which the Group Constitutions were to be framed by the Sections concerned before the Union Constitution was taken up.

The Secretary of State said: 'After a preliminary meeting in common, these representatives of the provinces will divide themselves up into three Sections. These Sections will decide upon provincial and Group matters. Subsequently they will reunite to decide upon the Constitution for the Union.'

Sir Stafford Cripps at his Press conference said: 'So the three Sections will formulate the provincial and Group Constitutions and when that is done they will work together with the States' representatives to make the Union Constitution. That is the final phase, and the Union is strictly confined to three subjects.'[1]

It is clear from the above that the Constituent Assembly, in which only the Congress Party is represented,[2] has taken decisions on principles and procedure, some of which exceed the limitations imposed by the Statement of May 16 on the Constituent Assembly's functions and powers at the preliminary stage and which further impinge upon the powers and functions of the Sections. By taking these decisions in the Constituent Assembly and by appointing a committee consisting of individuals chosen by the Congress, the Congress has already converted that truncated Assembly into a rump and something totally different from what the Cabinet Mission's statement had provided for.

In view of these facts and circumstances the Working Committee of the Muslim League is definitely of opinion that

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[1] Professor D. N. Banerjee pointed out in his Presidential Address at the Indian Political Science Conference, Delhi, December 31, 1946: "How can the Provincial and Group Constitutions be *properly* framed at all unless the Union Constitution is *first settled* and an agreement is reached among all parties on the structure, *powers* and *functions* of the Union (*i.e.*, Central) Government of India as a whole? . . . . It may be argued . . . . that . . . . the statement of 16th May last has expressly and specifically enumerated the powers to be vested in the Centre (*i.e.*, the Union Government). To that my reply is that therein lies the crux of the whole question. What exactly are meant by the proposed Union (*i.e.*, Central) matters, namely, 'Foreign Affairs, Defence, and Communications', and 'the powers necessary to raise the finances required for the above subjects'? . . . . Those who naively say that the powers of the Centre (*i.e.*, the Union Government) have been expressly limited to only four subjects, do not appear to have rightly understood the whole question . . . powers specifically or expressly conferred upon any authority in a Federal State automatically involves, under the doctrine of implied powers, such other powers as are 'necessary and proper for the effective exercise' of the powers specifically or expressly given. This is the 'doctrine of construction' which has . . . been accepted by the Supreme Court of the United States from the very beginning."

[2] This is an echo of Mr. Churchill's voice (pp. 243-246). For facts relating to the representative character of the Constituent Assembly, see pp. 238, 302. The States are also prepared to co-operate with the Assembly through the Negotiating Committees (pp. 333—334).

the Congress, by rejecting this final appeal of H. M. G. to accept the correct interpretation of the fundamental procedure of the Cabinet Mission's statement of May 16, and by having already, by the resolutions and decisions taken in two sessions, converted the Constituent Assembly into a body of its own conception, has destroyed all fundamentals of the statement of May 16 and every possibility of compromise on the basis of the Cabinet Mission's constitutional plan. The Working Committee accordingly calls upon H. M. G. to decide that the constitutional plan formulated by the Cabinet Mission, as announced on May 16, has failed because the Congress after all these months of efforts has not accepted the statement of May 16, nor have the Sikhs, nor the Scheduled Castes[1].

The proposals of May 16 could only be given effect to and carried out if the two major parties agreed to accept them. The Congress had not, and has not accepted and does not accept them, although the Muslim League had accepted, by its resolution, the statement of May 16 as far back as June 6, 1946[2]. But in view of the fact that the Congress refused to accept the proposals in toto and unequivocally, the Muslim League had to withdraw its acceptance on July 29, 1946.

The Working Committee of the Muslim League is, therefore, emphatically of opinion that the elections to, and thereafter the summoning of the Constituent Assembly, in spite of strong protests and most emphatic objections on the part of the League, were *ab initio* void, invalid and illegal[3] as not only

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[1] Is it "honest" on the part of the League to make this false statement? *All* representatives of the Scheduled Castes elected to the Constituent Assembly are participating in its proceedings. Even Dr. Ambedkar, who claims to be the leader of the Scheduled Castes opposed to the Congress, and whose follower Mr. J. N Mandal has been nominated by Mr. Jinnah to represent the League in the Interim Government, has joined the Constituent Assembly and declared that he prefers a strong Centre. (See pp. 215-216).

The London *Times* observed on February 4, 1947, "Though predominantly under the Congress party influence the Constituent Assembly is neither a party caucus nor exclusively Hindu; non-Muslim minorities are well represented."

[2] See *Introduction*, p. xxxi.

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

the major parties had not accepted the statement but even the Sikhs and the Scheduled Castes had also not done so and that the continuation of the Constituent Assembly and its proceedings and decisions are *ultra vires*, invalid, and illegal and it should be forthwith dissolved."[1]

62. JOINT STATEMENT OF PANDIT NEHRU AND NAWAB OF BHOPAL, NEW DELHI, FEBRUARY 9, 1947.

"The States' Negotiating Committee[2] set up by the Chamber of Princes and the corresponding Committee of the Constituent Assembly[3] held joint meetings yesterday and to-day. In the course of the discussions, reference was made to the Cabinet Delegation's statement of the 16th May, the resolutions of the Constituent Assembly and the resolution passed by the Conference of Rulers. The discussions were friendly and satisfactory. On the basis of a general understanding arrived at, it was decided to take up the question of the representation of the States in the Constituent Assembly. The Secretariats of the Assembly and the Chamber of Princes were accordingly asked together to draw up detailed proposals for the allocation of the 93 seats allotted to the States and to place them for consideration before the next joint meeting of the two Committees which will consider the proposed allocation as well as the method of selection of the States' representatives.

The next joint meeting will be held on March 1."

["It is . . . . learnt that it was made clear on the part of the British Indian representatives that they accepted the British Cabinet Plan of May 16, 1946, with its implications. It is learnt that agreement was reached that the entry of the

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[1] The London *Times* observed on February 4, 1947, ". . . . it was highly preposterous for the Karachi meeting to call upon the British Government for a declaration that the Cabinet Mission plan has failed and to demand the dissolution of the Constituent Assembly. The plan has not failed. It still offers one hope of evolving an Indian constitution. . . . ."

[2] See *Introduction*, p. xlvii.

[3] Pandit Nehru, Sardar Patel, Maulana Azad, Dr. Pattabhi Sitaramyya, Mr. Shanker Rao Deo, Sir N. Gopalaswami Ayyangar.

States into the Union should be on the basis of negotiations and should be voluntary in character in respect of each State.

There was no question of any changes or adjustment of territories except by pure voluntary and consensual agreement. It was further agreed that the States under the Cabinet Plan will retain all powers other than those ceded or delegated by them to the Union and that the Union will exercise only such functions as are so assigned by the States to the Union. The question of implied or inherent powers is a matter which will have to be carefully defined with special reference to the above proposition and provision will have to be specially made in the constitution for that purpose and for the resolution of difficulties in the application of the doctrine. It was further agreed that the Cabinet Mission's Plan proceeded on the footing of the autonomy of each State in regard to its internal structure and constitution.

The lapse of paramountcy on the coming into existence of the new constitution was also taken for granted and there was no claim that paramountcy as such will be exercised by any body after British paramountcy disappears. The powers of the Union Centre in the future would not partake of the nature of paramountcy but would be conferred by the Union constitution. Although informal and individual consultations with particular States or other bodies or organisations could not be ruled out, the Negotiating Committee appointed under the Cabinet Mission Plan was assumed to be the only formal body acting on behalf of the States as now constituted, which could deliver the goods. . . .

The Cabinet Mission's Plan involving the allocation of 93 seats, on the basis of one seat for each million of the population, will be adhered to, although it was clear that in the case of States having less than a million people there would have to be groupings and mutual adjustments. . . .

Discussions also took place regarding the nomination of various States' representatives to Committees appointed by the Constituent Assembly . . . . . no final decision as to personnel or otherwise has been so far reached . . . ."

—*Associated Press of India*, February 9, 1947.]

63. STATEMENT OF THE BRITISH GOVERNMENT, FEBRUARY 20, 1947.

Mr. Attlee made the following statement in the House of Commons:

"It has long been the policy of successive British Governments to work towards the realisation of self-government in India. In pursuance of this policy, an increasing measure of responsibility has been devolved on Indians, and to-day the civil administration and the Indian armed forces rely to a very large extent on Indian civilians and officers. In the constitutional field, the acts of 1919 and 1935 passed by the British Parliament each represented a substantial transfer of political power. In 1940 the Coalition Government recognised the principle that Indians should themselves frame a new constitution for a fully autonomous India, and in the offer of 1942 they invited them to set up a Constituent Assembly for this purpose as soon as the War was over.

"His Majesty's Government believe this policy to have been right and in accordance with sound democratic principles. Since they came into office, they have done their utmost to carry it forward to its fulfilment. The declaration of the Prime Minister of the 15th March last, which met with general approval in Parliament and the country, made it clear that it was for the Indian people themselves to choose their future status and constitution and that in the opinion of His Majesty's Government the time had come for responsibility for the government of India to pass into Indian hands.

"The Cabinet Mission which was sent to India last year spent over three months in consultation with Indian leaders in order to help them to agree upon a method for determining the future constitution of India, so that the transfer of power might be smoothly and rapidly effected. It was only when it seemed clear that without some initiative from the Cabinet Mission agreement was unlikely to be reached that they put forward proposals themselves.

"These proposals, made public in May last, envisaged that the future constitution of India should be settled by a Constituent Assembly composed, in the manner suggested therein, of representatives of all communities and interests in British India and of the Indian States.

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[1] This statement was published after the printing of the book had been completed.

"Since the return of the Mission, an Interim Government has been set up at the Centre composed of the political leaders of the major communities, exercising wide powers within the existing constitution. In all the Provinces Indian Governments responsible to legislatures are in office.

"It is with great regret that His Majesty's Government find that there are still differences among Indian parties which are preventing the Constituent Assembly from functioning as it was intended that it should. It is of the essence of the plan that the Assembly should be fully representative.

"His Majesty's Government desire to hand over their responsibility to authorities established by a constitution approved by all parties in India in accordance with the Cabinet Mission's plan. But unfortunately there is at present no clear prospect that such a constitution and such authorities will emerge. The present state of uncertainty is fraught with danger and cannot be indefinitely prolonged. His Majesty's Government wish to make it clear that it is their definite intention to take necessary steps to effect the transference of power to responsible Indian hands by a date not later than June, 1948.

"This great sub-continent now containing over four hundred million people has for the last century enjoyed peace and security as a part of the British Commonwealth and Empire. Continued peace and security are more than ever necessary today if the full possibilities of economic development are to be realised and a higher standard of life attained by the Indian people.

"His Majesty's Government are anxious to hand over their responsibilities to a Government which, resting on the sure foundation of the support of the people, is capable of maintaining peace and administering India with justice and efficiency. It is, therefore, essential that all parties should sink their differences in order that they may be ready to shoulder the great responsibilities which will come upon them next year.

"After months of hard work by the Cabinet Mission a great measure of agreement was obtained as to the method by which a constitution should be worked out. This was embodied in their statement of May last. His Majesty's Government there agreed to recommend to Parliament a constitution worked out in accordance with the proposals made therein by a fully representative Constituent Assembly. But if it should appear that such a constitution will not have been worked out by a fully representative Assembly before the time mentioned in Paragraph 7, His Majesty's Government will have to consider to whom the powers of the Central Government in British India should be handed over, on due date, whether as a whole to

some form of Central Government for British India, or in some areas to the existing Provincial Governments, or in such other way as may seem most reasonable and in the best interests of the Indian people.

"Although the final transfer of authority may not take place until June, 1948, preparatory measures must be put in hand in advance. It is important that the efficiency of the civil administration should be maintained and that the defence of India should be fully provided for. But inevitably, as the process of transfer proceeds, it will become progressively more difficult to carry out to the letter all the provisions of the Government of India Act, 1935. Legislation will be introduced in due course to give effect to the final transfer of power.

"In regard to the Indian States, as was explicitly stated by the Cabinet Mission, His Majesty's Government do not intend to hand over their powers and obligations under Paramountcy to any Government of British India. It is not intended to bring Paramountcy, as a system, to a conclusion earlier than the date of the final transfer of power, but it is contemplated that for the intervening period the relations of the Crown with individual States may be adjusted by agreement.

"His Majesty's Government will negotiate agreements in regard to matters arising out of the transfer of power with representatives of those to whom they propose to transfer power.

"His Majesty's Government believe that British commercial and industrial interests in India can look forward to a fair field for their enterprise under the new conditions. The commercial connection between India and the United Kingdom has been long and friendly and will continue to be to their mutual advantage.

"His Majesty's Government cannot conclude this statement without expressing on behalf of the people of this country their goodwill and good wishes towards the people of India as they go forward to this final stage in their achievement of self-government. It will be the wish of everyone in these Islands that, notwithstanding constitutional changes, the association of the British and Indian peoples should not be brought to an end ; and they will wish to continue to do all that is in their power to further the well-being of India.

"The House will wish to know of an announcement which is being made public today. Field-Marshal the Right Honourable Viscount Wavell was appointed Viceroy in 1943, after having held high military command in the Middle East, South-East Asia and India with notable distinction since the beginning of the War. It was agreed that this should be a war-time appointment. Lord Wavell has discharged this high office during this very difficult period with devotion and a high sense of duty.

It has, however, seemed that the opening of a new and final phase in India is an appropriate time to terminate this war appointment. His Majesty has been pleased to approve, as successor to Lord Wavell, the appointment of Admiral the Viscount Mountbatten, who will be entrusted with the task of transferring to Indian hands responsibility for the government of British India in a manner that will best ensure the future happiness and prosperity of India. The change of office will take place during March. The House will be glad to hear that His Majesty has been pleased to approve the conferment of an Earldom on Viscount Wavell."

APPENDIX

1. MEMBERS OF THE CONSTITUENT ASSEMBLY

MADRAS

General—45 Members :

45 Members Nominated by Congress :

1. Mr. C. Rajagopalachari (Member of the Congress Working Committee. Former Premier of Madras. Member in charge of Industries and Supplies, Government of India.)
2. Dr. Pattabhi Sitaramayya (Former member of the Congress Working Committee).
3. Mr. T. Prakasam (Premier of Madras).
4. Sir N. Gopalaswami Ayyangar (Member of the Council of State. Former Prime Minister of Kashmir).
5. Sir Alladi Krishnaswami Aiyar (Former Advocate-General of Madras).
6. Mr. M. Anantasayanam Iyengar (M.L.A., Central).
7. The Raja of Bobbili (Former Chief Minister of Madras. A leader of Justice party).
8. Kumararaja Sir M. A. Muthia Chettiar (M.L.A., Provincial).
9. Mrs. Ammu Swaminathan (M.L.A., Central).
10. Mr. Ramnath Goenka (Managing Director of the "Indian Express," Madras).
11. Mr. T. T. Krishnamachari (Former M.L.A., Central).
12. Dr. P. Subbarayan (Former Minister of Madras).
13. The Rev. Fr. Jerome D'Souza (Principal of the Loyola College, Madras).
14. Mrs. Dakshayani Velayudhan (Member of the Cochin Legislative Council).
15. Mr. B. Gopala Reddi (M.L.A., Provincial. Former Minister of Madras).
16. Mr. D. Govind Doss.

17. Mr. K. Kamaraj Nadar (M.L.A , Provincial. President of the Tamilnad Provincial Congress Committee).
18. Mr. K. Madhava Menon (Member of the Madras Legislative Council. President of the Kerala Provincial Congress Committee).
19. Mr. P. Kunhiraman.
20. Mr. V. I. Muniswami Pillai (M.L.A., Provincial. Former Minister of Madras).
21. Mr. V. Nadimuthu Pillai (Former M.L.A., Provincial).
22. Mr. S. Nagappa (M.L.A., Provincial).
23. Mr. P. L. Narasimha Raju (M.L.A., Provincial).
24. Mr. C. Perumalswami Reddiar.
25. Mr. T. A. Ramalingam Chettiar (M.L.A., Central).
26. Mr. O. P. Ramaswami Reddiar (Member of the Madras Legislative Council).
27. Prof. N. G. Ranga (M.L.A., Central. President of the Andhra Provincial Congress Committee).
28. Mr. N. Sanjeev Reddi (M.L.A., Provincial).
29. Mr. S. H. Prater (M.L.A., Bombay).
30. Mr. U. Srinivasa Mallayya (M.L.A., Provincial).
31. Mr. Kala Venkata Rao (M.L.A., Provincial).
32. Mr. P. Kakkan (M.L.A., Provincial).
33. Mr. M. C. Virabahu Pillai.
34. Mr. T. J. M. Wilson (M.L.A., Provincial).
35. Mr. V. C. Kesava Rao.
36. Mr. K. Santhanam (Former M.L.A., Central. Joint Editor, *Hindustan Times*).
37. Mr. B. Shiva Rao (Journalist).
38. Mr. H. Sitarama Reddi.
39. Mr. C. Subramaniam.
40. Mr. V. Subramaniam.
41. Mr. P. M. Velayudhapani.
42. Mr. O. V. Alagesan.
43. Mr. K. Chandramouli (M.L.A., Provincial).
44. Mr. L. Krishnaswami Bharathi (Former M.L.A., Provincial).
45. Mrs. G. Durga Bai.

Muslim—4 Members :

4 Members Nominated by Muslim League :

1. Haji Abdul Sathar H. Issaq Sait (M.L.A., Central).
2. Mr. K. T. M. Ahmed Ibrahim (Member, Madras Legislative Council).
3. Mr. A. Mahabub Ali Baig (M.L.A., Provincial).
4. Mr. B. Poker (M.L.A., Provincial).

BOMBAY

General—19 Members :

19 Members Nominated by Congress :

1. Sardar Vallabhbhai Patel (Member, Congress Working Committee. Former Congress President. Home Member, Government of India).
2. Mr. Shankarrao Deo (General Secretary of the Congress. Member of the Congress Working Committee).
3. Mr. B. G. Kher (Premier of Bombay).
4. Mr. Kanyalal Desai (President of the Gujarat Provincial Congress Committee).
5. Mr. K. M. Munshi (Former Home Minister, Bombay).
6. Mr. R. R. Diwakar (Former President of the Karnatak Provincial Congress Committee).
7. Dr. Alban D'Souza (M.L.A., Provincial).
8. Mr. N. V. Gadgil (M.L.A., Central).
9. Mr. B. M. Gupte (M.L.A., Provincial).
10. Mr. K. M. Jedhe (President of the Maharashtra Provincial Congress Committee).
11. Mr. S. N. Mane (M.L.A., Provincial).
12. Mrs. Hansa Mehta (President of the All India Women's Conference).
13. Mr. R. M. Nalwade (M.L.A., Provincial).
14. Mr. S. Nijalingappa (President of the Karnatak Provincial Congress Committee).
15. Mr. S. K. Patil ((President of the Bombay Provincial Congress Committee).
16. Mr. M. R. Masani (M.L.A., Central. Parsi).

17. Mr. H. V. Pataskar (M.L.A., Provincial).
18. Mr. Shantilal Shah (Member of the Bombay Legislative Council).
19. Mr. Khandubhai Desai (M.L.A., Provincial).

Muslim—2 Members :

2 Members Nominated by Muslim League :

1. Mr. I. I. Chundrigar (Member in charge of Commerce, Government of India).
2. Mr. Abdul Kader Sheikh (M.L.A., Provincial).

ORISSA

General—9 Members :

8 Members Nominated by Congress :

1. Mr. Harekrishna Mahatab (Premier of Orissa. Former member of the Congress Working Committee).
2. Mr. Biswanath Das (Former Premier of Orissa).
3. Mrs. Malati Chowdhury (President of the Utkal Provincial Congress Committee).
4. Mr. Bodhram Dube (Former Minister of Orissa).
5. Mr. B. Das (Former M.L.A., Central).
6. Mr. Rajkrishna Bose (M.L.A., Provincial).
7. Mr. Nanda Kishore Das (Former Deputy Speaker of the Orissa Legislative Assembly).
8. Mr. Santanu Kumar Das (M.L.A., Provincial).

1 Independent Member :

1. Mr. Laxminarayan Sahu (M.L.A., Provincial).

UNITED PROVINCES

General—47 Members :

14 Members Nominated by Congress :

1. Pandit Jawaharlal Nehru (Vice-President and Member for External Affairs, Government of India. Former President of the Indian National Congress).

2. Mr. Purshottamdas Tandan (Speaker of the U. P. Legislative Assembly).
3. Pandit Govind Ballabh Pant (Premier of U. P. Former Member of the Congress Working Committee).
4. Sir S. Radhakrishnan (Vice-Chancellor of the Benares Hindu University).
5. Acharya J. B. Kripalani (President of the Indian National Congress).
6. Pandit Shri Krishna Dutt Paliwal (M.L.A., Central).
7. Sardar Jogendra Singh (M.L.A., Central).
8. Mr. A. Dharam Dass (M.L.A., Provincial. Indian Christian).
9. Mrs. Sucheta Kripalani.
10. Mrs. Vijaya Lakshmi Pandit (Minister for Health and Local Self-Government, U. P.).
11. Mrs. Purnima Banerjee (M.L.A., Provincial).
12. Dr. Kailash Nath Katju (Minister for Justice and Agriculture, U. P.).
13. Pandit Hriday Nath Kunzru (Member of the Council of State. President of the Servants of India Society).
14. Mrs. Kamala Chaudhuri.
15. Mr. Dayal Das Bhagat (M.L.A., Provincial).
16. Mr. Dharam Prakash.
17. Mr. Masuria Din (M.L.A., Provincial).
18. Mr. Sunder Lal.
19. Mr. Bhagwan Din (M.L.A., Provincial).
20. Mr. Pragi Lal.
21. Seth Damodar Swarup (M.L.A., Central. President of the U. P. Provincial Congress Committee).
22. Pandit Govind Malaviya (M.L.A., Central).
23. Mr. Balkrishna Sharma (M.L.A., Central).
24. Mr. Sri Prakasa (M.L.A., Central).
25. Mr. Mohan Lal Saxena (M.L.A., Central).
26. Mr. Ram Chandra Gupta.
27. Mr. Maheswar Dayal Seth (Landholder).
28. Mr. Hargovind Pant (M.L.A., Provincial).
29. Mr. Hariharnath Shastri.
30. Mr. Shibban Lal Saxena.
31. Mr. Ajit Prasad Jain (M.L.A., Provincial. Former Parliamentary Secretary).

32. Mr. Vishambhar Dayal Tripathi (M.L.A., Provincial).
33. Mr. Feroz Gandhi (Parsi).
34. Mr. Kamlapati Tewari (M.L.A., Provincial).
35. Mr. R. V. Dhulekar (M.L.A., Provincial).
36. Mr. Algu Rai Shastri (M.L.A., Provincial).
37. Mr. Phool Singh (M.L.A., Provincial).
38. Mr. Venkatesh Narain Tewari (M.L.A., Provincial. Former Parliamentary Secretary).
39. Mr. Gopinath Srivastava (Former Parliamentary Secretary).
40. Mr. Gopal Narain (M.L.A., Provincial).
41. Mr. Banshidhar Misra (M.L.A., Provincial).
42. Mr. Khurshed Lal.
43. Mr. Jaspat Rai Kapoor.
44. Acharya Jugal Kishore (General Secretary of the Congress. Member of the Congress Working Committee. M.L.A., Provincial).

3 Independent Members :

1. Raja Jagannath Baksh Singh (M.L.A., Provincial).
2. Sir Jwala Prasad Srivastava (Industrialist and former Member of the Viceroy's Executive Council).
3. Sir Padampat Singhania (Industrialist).

Muslim—8 Members :

7 Members Nominated by Muslim League :

1. Nawab Mohammad Ismail Khan (M.L.A., Central).
2. Chaudhuri Kaliquzzaman (M.L.A., Provincial)
3. Maharajkumar Amir Haider Khan (M.L.A., Provincial).
4. Begum Aizaz Rasul (Member of the U. P. Legislative Council).
5. Mr. S. M. Rizwanullah (M.L.A., Provincial).
6. Maulvi Aziz Ahmad Khan (M.L.A., Provincial).
7. Maulana Hasrat Mohani (M.L.A., Provincial).

1 Member Nominated by Congress :

1. Mr. Rafi Ahmed Kidwai (Minister, U. P. Member of the Congress Working Committee).

C. P. & BERAR

General—16 Members :

16 Members Nominated by Congress :

1. Mr. Guru Agamdas Agarmandas (M.L.A., Provincial).
2. Mr. Laxman Shrawan Bhatkar (Former M.L.A., Provincial).
3. Mr. Brijlal Nandlal Biyani (Member of the Council of State. President of the Berar Provincial Congress Committee).
4. Thakur Chhedilal (M.L.A., Provincial).
5. Dr. Punjabrao Shamrao Deshmukh (Former Minister of Education, C. P.).
6. Mr. Shankara Tryambak Dharmadhikari (M.L.A., Provincial).
7. Mr. Cecil Edward Gibbon (Anglo-Indian).
8. Sir Hari Singh Gaur (Former M.L.A., Central).
9. Seth Govinddas (M.L.A., Central).
10. Mr. V. R. Kalappa (M.L.A., Provincial).
11. Mr. Hari Vishnu Kamath (Forward Bloc).
12. Rajkumari Amrit Kaur (Indian Christian, Punjab).
13. Mr. Hemchandra Jagobaji Khandekar (M.L.A., Provincial).
14. Mr. Bhagwantrao Annabhan Mandloi (M.L.A., Provincial).
15. Pandit Ravi Shankar Sukla (Premier of C. P.).
16. Mr. Rustomji Khursedji Sidhwa (M.L.A., Sind. Parsi).

Muslim—1 Member :

1 Member Nominated by Muslim League :

1. Mr. Kazi Syed Karimuddin (M.L.A., Provincial).

BIHAR

General—31 Members :

28 Members Nominated by Congress :

1. Dr. Rajendra Prasad (President of the Constituent Assembly. Member in charge of Food and Agriculture, Government of India. Member of Congress Working Committee. Former Congress President).

2. Mr. Bhagwat Prasad (M.L.A., Provincial).
3. Mr. Anugraha Narayan Singh (Finance Minister of Bihar).
4. Dr. Raghunandan Prasad (M.L.A., Provincial).
5. Mr. Jagjivan Ram (Member in charge of Labour, Government of India).
6. Mr. Phulan Prasad Varma (M.L.A., Provincial).
7. Mr. Mahesh Prasad Singh (M.L.A., Provincial).
8. Mr. Sarangdhar Singh (M.L.A., Provincial. Former Parliamentary Secretary).
9. Mr. Rameshwar Prasad Singh (M.L.A., Provincial).
10. Mr. Devendranath Samanta (Adibasi).
11. Mr. Jadubans Sahay (M.L.A., Provincial).
12. Mr. Amiyo Kumar Ghosh (M.L.A., Provincial).
13. Mr. Satyanarain Sinha (M.L.A., Central).
14. Mr. Kamaleshwari Prasad Yadav (M.L.A., Provincial).
15. Mr. Dipnarain Singh.
16. Mr. Ramnarain Singh (M.L.A., Central).
17. Mr. Guptanath Singh (M.L.A., Provincial).
18. Mr. Jagdish Narain Lal.
19. Mr. Sri Krishna Sinha (Premier of Bihar).
20. Mr. Boniface Larke (Adibasi).
21. Mr. Brajeswar Prasad.
22. Mr. Chandrika Ram.
23. Rai Bahadur Sri Narain Mahtha (Member of the Council of State).
24. Prof. K. T. Shah[1].
25. Mr. Banarsi Prasad Jhunjhunwala (M.L.A., Central).
26. Dr. P. K. Sen.
27. Mrs. Sarojini Naidu (Former Congress President. Member, Congress Working Committee).
28. Dr. Sachchidananda Sinha (M.L.A., Provincial. Former Vice-Chancellor of the Patna University. Interim Chairman, Constituent Assembly).

3 Independent Members :

1. The Maharajadhiraj of Darbhanga (President, All-India Landholders' Association).

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[1] See p. 343

2. Rai Bahadur Shyam Nandan Sahay (Member of the Bihar Legislative Council).
3. Mr. Jaipal Singh (Adibasi).

Muslim—5 Members :

5 Members Nominated by Muslim League :

1. Mr. Hussain Imam (Member of the Council of State).
2. Mr. Latifur Rahman (M.L.A., Provincial).
3. Mr. Tajamal Hussain (M.L.A., Provincial).
4. Saiyid Jaffar Imam (M.L.A., Provincial).
5. Mr. Muhammad Tahir (M.L.A., Provincial).

COORG

Mr. C. M. Poonacha (Congress).

DELHI

[As Mr. Asaf Ali, now Indian Ambassador in U.S.A., was M.L.A. for Delhi, he automatically became member of the Constituent Assembly. When he joined the Interim Government as Member for Railways, he resigned his seat in the Central Legislative Assembly, of which he then became a nominated member. Lala Deshbandhu Gupta, already elected as a member of the Constituent Assembly from Bihar, succeeded Mr. Asaf Ali as M.L.A. for Delhi. Still Mr. Asaf Ali attended the Constituent Assembly as a member. It appears now—February 12, 1947—that Mr. Asaf Ali is starting for U.S.A., Lala Deshbandu Gupta has resigned his Bihar seat, and Prof. K. T. Shah has been elected from Bihar in his place.]

AJMER-MERWARA

Mr. Mukut Bihari Lal Bhargava (Congress: M.L.A., Central).

PUNJAB

General—8 Members :

6 Members Nominated by Congress :

1. Dr. Gopi Chand Bhargava (M.L.A., Provincial).
2. Pandit Shri Ram Sharma (M.L.A., Provincial).
3. Bakhshi Sir Tek Chand (Former Judge of Lahore High Court).
4. Sardar Prithvi Singh Azad (M.L.A., Provincial).
5. Diwan Chaman Lal (M.L.A., Central).
6. Mr. Mehr Chand Khanna (Finance Minister, North-West Frontier Province)

2 Members Nominated by the Unionist Party :

1. Rao Bahadur Chaudhri Suraj Mal (M.L.A., Provincial).
2. Chaudhri Harbhaj Ram (M.L.A., Provincial).

Muslim—16 Members :

15 Members Nominated by Muslim League :

1. Mr. Mahomed Ali Jinnah (President of the All-India Muslim League. M.L.A., Central).
2. Sardar Abdur Rab Nishtar (Member in charge of Posts & Air, Government of India).
3. Nawab Iftikhar Hussain Khan of Mamdot (M.L.A., Provincial. Leader of the Opposition in the Punjab Assembly).
4. Mian Mumtaz Muhammad Khan Daultana (M.L.A., Provincial).
5. Mr. Feroz Khan Noon (M.L.A., Provincial. Former Member of the Viceroy's Executive Council).
6. Mr. Ghazanfar Ali Khan (Member for Health, Government of India).
7. Mr. Abu Bakar Ahmad Haleem (Professor, Aligarh University. M.L.A., U. P.).
8. Mian Muhammad Iftikhar-ud-din (M.L.A., Provincial).
9. Chaudhri Muhammad Hassan (M.L.A., Provincial).

10. Khan Bahadur Sheikh Karamat Ali (M.L.A., Provincial).
11. Begum Jahan Ara Shah Nawaz (M.L.A., Provincial).
12. Syed Ghulam Bhik Nairang (M.L.A., Central).
13. Khan Bahadur Chaudhri Nazir Ahmad Khan.
14. Dr. Malik Omar Hayat (Principal of the Islamia College, Lahore).
15. Syed Amjad Ali (Former M.L.A., Provincial).

1 Member Nominated by the Unionist Party :

1. Nawab Sir Muzaffar Ali Khan Qazilbash (Revenue Minister, Punjab).

Sikh—4 Members :

3 Members Nominated by the Akali Party :

1. Sardar Ujjal Singh (M.L.A., Provincial).
2. Giani Kartar Singh (M.L.A., Provincial).
3. Sardar Harnam Singh.

1 Member Nominated by Congress :

1. Sardar Pratap Singh (M.L.A., Central. Member of the Congress Working Committee).

N. W. F. PROVINCE

Muslim—3 Members :

2 Members Nominated by Congress :

1. Maulana Abul Kalam Azad (Member in charge of Education and Arts, Government of India. Former President of the Indian National Congress. Member of the Congress Working Committee).
2. Khan Abdul Ghaffar Khan (Member of the Congress Working Committee).

1 Member Nominated by Muslim League :

Khan Sardar Bahadur Khan (M.L.A., Provincial. Former Speaker, N.W.F.P. Legislative Assembly).

SIND

General—1 Member :

1 Member Nominated by Congress :

1. Mr. Jairamdas Daulatram (Former Member of the Congress Working Committee).

Muslim—3 Members :

3 Members Nominated by Muslim League :

1. Khan Bahadur M. A. Khuhro (Minister, Sind).
2. Pirzada Abdus Sattar (Minister, Sind).
3. Mr. M. H. Gazdar (President of the Sind Provincial Muslim League).

BALUCHISTAN

Nawab Mohammad Khan Jogazai (Independent).

BENGAL

General—27 Members :

25 Members Nominated by Congress :

1. Mr. Frank Reginald Anthony (President, Anglo-Indian Association).
2. Mr. Satya Ranjan Bakshi (Journalist).
3. Dr. Suresh Chandra Banerjee (M.L.A., Provincial).
4. Mr. Sarat Chandra Bose (Former Member, Congress Woking Committee. Former Member in charge of Works, Mines and Power, Government of India).
5. Mr. Raj Kumar Chakravarty (Professor, Bangabasi College).
6. Mr. Radhanath Das (M.L.A., Provincial).
7. Mr. Dhirendra Nath Datta (M.L.A., Provincial).

8. Mr. Surendra Mohan Ghose (President, Bengal Provincial Congress Committee).
9. Dr. Prafulla Chandra Ghosh (Member, Congress Working Committee).
10. Mr. Arun Chandra Guha.
11. Mr. Damber Singh Gurung (M.L.A., Provincial).
12. Mr. Debi Prasad Khaitan (M.L.A., Provincial).
13. Sir Uday Chand Mahtab (Maharajadhiraj Bahadur of Burdwan) (M.L.A., Provincial).
14. Mr. Jnanendra Chandra Majumdar (M.L.A., Provincial).
15. Mr. Ashutosh Mallick (M.L.A., Provincial).
16. Dr. H. C. Mookerjee (Indian Christian. Retired Professor, Calcutta University. Vice-President, Constituent Assembly).
17. Dr. Syama Prasad Mookerjee (M.L.A., Provincial. President, All-India Hindu Mahasabha. Former Vice-Chancellor, Calcutta University. Former Finance Minister, Bengal).
18. Mr. Hem Chandra Naskar (M.L.A., Provincial).
19. Mr. Prasanna Deb Raikat[1] (M.L.A., Provincial. Former Minister, Bengal).
20. Mrs. Lila Roy.
21. Mr. Dhananjay Roy (M.L.A., Provincial).
22. Mr. Kiran Sankar Roy (Leader of Congress Party in Bengal Legislative Assembly).
23. Mr. Prafulla Chandra Sen.
24. Mr. Priya Ranjan Sen (Lecturer, Calcutta University).
25. Mr. Pramatha Ranjan Thakur (M.L.A., Provincial).

1 *Member Nominated by the Scheduled Castes Federation :*

Dr. B. R. Ambedkar (Former Member, Viceroy's Executive Council).

1 *Member Nominated by the Communist Party :*

Mr. Somnath Lahiri.

[1] Died on December 4, 1946.

Muslim—33 Members :

32 Members Nominated by Muslim League :

1. Khan Bahadur A. M. Abdul Hamid (M.L.A., Provincial).
2. Khan Bahadur Abdulla-al-Mahmood.
3. Mr. Md. Abdulla-hel Baqui (M.L.A., Provincial).
4. Mr. Abul Hashem (M.L.A., Provincial. Secretary of Bengal Provincial Muslim League).
5. Mr. Abdul Kasem Khan.
6. Mr. M. S. Ali.
7. Khan Bahadur M. Altaf Ahmed.
8. Mr. M. Azizul Haque (Former Member of Viceroy's Executive Council).
9. Khan Bahadur Bazlul Karim.
10. Khan Bahadur Ebrahim Khan (M.L.A., Provincial).
11. Mr. Fazlur Rahman (M.L.A., Provincial. Minister for Lands and Jails, Bengal).
12. Mr. Formuzul Huq.
13. Khan Bahadur Ghiyasuddin Pathan (M.L.C., Bengal).
14. Mr. Hamidul Huq Chowdhury.
15. Mr. H. S. Suhrawardy (Premier of Bengal).
16. Dr. I. H. Qureshi (Professor, Delhi University).
17. Mr. M. A. Ispahani.
18. Mr. Liaquat Ali Khan (Finance Member, Government of India).
19. Dr. Mahmud Hussain (Reader, Dacca University).
20. Mr. Mazharul Huq (Professor, Dacca University).
21. Mr. Mohammad Hassan.
22. Mr. Mohammad Hussain Malik.
23. Mr. Mujibar Rahman Khan.
24. Khwaja Nazimuddin (Former Premier of Bengal).
25. Mr. K. Nuruddin.
26. Mr. Raghib Ahsan.
27. Mr. Serajul Islam (M.L.A., Provincial).
28. Maulana Shabbir Ahmad Usmani (President, Jamiat-ul-Islam).
29. Mr. K. Shahabuddin (Former Minister, Bengal).
30. Begum S. S. Ikramullah.
31. Mr. Tamizuddin Khan (M.L.A., Central).
32. Shahzada Yusuf Mirza.

1 Member Nominated by Krishak-Praja Party :

Mr. A. K. Fazlul Huq[1] (M.L.A., Provincial. Former Premier of Bengal).

ASSAM

General—7 Members :

7 Members Nominated by Congress :

1. Mr. Gopinath Bardoloi (Premier of Assam).
2. Mr. Basanta Kumar Das (Home Minister, Assam).
3. Rev. J. J. M. Nichols Roy (Minister, Assam. Indian Christian).
4. Mr. Rohini Kumar Chaudhury (M.L.A., Central. Former Minister, Assam).
5. Mr. Omeo Kumar Das (M.L.A., Provincial).
6. Mr. Dharanidhar Basumatari (M.L.A., Provincial).
7. Mr. Akshay Kumar Das (M.L.A., Provincial).

Muslim—3 Members :

3 Members Nominated by Muslim League :

1. Mr. Muhammad Saadulla (M.L.A., Provincial. Former Premier of Assam).
2. Mr. Abdul Matin Choudhury (M.L.A., Provincial. Former Minister of Assam).
3. Maulvi Abdul Hamid (M.L.A., Provincial).

[1] Joined the Muslim League in August, 1946.

2. PARTIES IN THE CONSTITUENT ASSEMBLY

SECTION A—(MADRAS, BOMBAY, ORISSA, U.P., C.P. & BERAR, BIHAR, COORG, DELHI, AJMER-MERWARA)—190.
Congress—164 (163 General, 1 Muslim)
Muslim League—19 (Muslim).
Independent—7 (General).

SECTION B—(PUNJAB, N. W. F. PROVINCE, SIND, BALUCHISTAN) —36
Congress—10 (7 General, 2 Muslim, 1 Sikh).
Muslim League—36 (Muslim).
Unionist Party—3 (2 General, 1 Muslim).
Akali Party—3 (Sikh).
Independent—1 (Muslim).

SECTION C—(BENGAL, ASSAM)—70
Congress—32 (General).
Muslim League—36 (Muslim).
Communist—1 (General).
Scheduled Castes Federation—1 (General).

GRAND TOTAL—
Congress—206 (202 General, 3 Muslim, 1 Sikh).
Muslim League—74 (Muslim).
Independent—8 (7 Hindus, 1 Muslim).
Unionist Party—3 (2 Hindus, 1 Muslim).
Akali Party—3 (Sikhs).
Communist—1 (Hindu).
Scheduled Castes Federation—1.

Total : 296.

(The members belonging to the Unionist Party and the Akali Party co-operate with the Congress. It is also expected that no less than 6 Independent members are likely to follow the Congress—see *Introduction*, p. xi).

INDIAN CONSTITUTIONAL DOCUMENTS

VOLUME I: 1757—1858
VOLUME II: 1858—1945

Edited with Introduction & Notes
By **A. C. Banerjee**

This is the most comprehensive work dealing with the development of Indian constitution and administration from the battle of Plassey to the failure of the Simla Conference of 1945. Some opinions on Volume I are quoted below. Volume II, published in August, 1946, is indispensable for all who are interested in the making of the future constitution of independent India.

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RAJPUT STUDIES
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