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THE CABINET MISSION IN 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.

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PREFACE

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. 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. 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. But the crisis of the

war revealed the width of the gulf which separated the Congress from the British Government. 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.

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 no body 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 the Cabinet Mission found 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. 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. Lord Linlithgow, true to the tradition of British policy initated by Lord Minto in 1906, invested Mr. Jinnah with the right to veto the constitutional progress of India.

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 has been partly revealed by Pandit Jawaharlal Nehru in his *Discovery of India.* Lord Linlithgow and the Civil Service sabotaged the plan. 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 representated 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 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.

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. 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. Mr. Attlee declared that the minority could not veto the progress of the majority and fully recognised the right of the Indian people to frame their own constitution.

In the following pages we have printed all important *published* documents relating to the work done by the Cabinet Mission in India. We have provided adequate space for each party and interest, although prominence has been given, naturally, to the views of the Congress and the League. In spite of the belated decision of the Muslim League to reject the Cabinet Mission's Plan and to undertake 'direct action', we 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, the story of the Cabinet Mission will have a permanent place in our national history.

July 31, 1946. A. C. BANERJEE.

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Arrival of Cabinet Ministers at New Delhi.

THE
CABINET MISSION IN INDIA

1. ANNOUNCEMENT OF FEBRUARY 19, 1946.

[After the return of the Parliamentary Delegation to London an official announcement was made in both Houses of Parliament on February 19, 1946. The following is the text of the *announcement made by Lord Pethick-Lawrence,* Secretary of State for India, in the House of Lords :]

" 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 election 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 Govts. 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 Govt. 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 goodwill to the ministers and the Viceroy in carrying out a task in which the future of 400,000,000 people and crucial issues both for India and the world will be at stake."

[Explaining the objects of the Mission Lord Pethick-Lawrence said in the House of Lords that the announcement did not alter the statement made by the Viceroy in September about framing a Constitution for India. The Viceroy's hand

would be strengthened by the presence of members of the Government.

It remained the intention of the British Government that it was for the Indians to decide the basis of their own Constitutional structure. The Mission would stay no longer than was vitally necessary but there was no desire that it should return with its work only half done.

The Mission would act as representative of the Cabinet in India and carry the authority of the Cabinet. No doubt, when it went it would be given certain specific instructions of direction and the general purpose of its procedure.

As far as he could commit himself at the moment he did not think the proposals would be out of the normal Constitutional procedure. The Mission were not going to override the Viceroy. They would be associated with him.

Their presence in India would not alter the substantive relationship between the Cabinet and the Viceroy. He would verify whether his presence in India as Secretary of State altered that fact. He understood that there would have to be a definite treaty between this country and India.

Lord Pethick-Lawrence said the Dominions had been informed. He would not like to be too specific about the precise nature of the Executive Council referred to in the announcement. It was hoped to base the Viceroy's Executive Council during the period while the Constitution-making body was proceeding with its labours on the main Indian parties.

The Prime Minister, Mr. Clement Attlee, in making a similar statement to the Commons added that the Mission would go to India towards the end of March.

Mr. Anthony Eden, acting Leader of Opposition, said: "While it is clear, I presume, that the Secretary for India will carry with him in his person the authority of the Secretary of State, it can also be assured that in respect of all matters which would normally require Cabinet decision there will be reference to Cabinet authority in London—that is that these three Ministers will not carry with them anything in the nature of Cabinet authority.

I would also ask whether Parliament will have an opportunity of discussing any developments of policy that may arise out of this visit and may I tell the Prime Minister that though it is hard to say at present it may be that we should like to have an opportunity to discuss India before the Ministers leave.

Finally, and the most important of all, may I ask the Prime Minister to make it clear that the main lines of British policy in respect of India still stand, that is to say that it is the responsibility of Indians and not the Ministers from this country to bring about a constitution-making body".

Mr. Attlee: "With regard to the first point, it is no use sending out responsible Ministers 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 matters coming before the House, clearly anything arising out of these discussions will be the subject of legislation and will have to come before the House. I am not sure whether it is feasible to have a debate before they go out. In any case there is a bill coming down to the House designed to give the Viceroy more elbow room in the formation of his Cabinet on which discussion could arise.

Perhaps Mr. Eden will discuss with the Lord President (Mr. Herbert Morrison) whether that is an adequate opportunity or not. Undoubtedly, it is our intention to set up a machinery in agreement with Indians whereby the Indian people themselves will decide their destinies".]

2. DEBATE IN HOUSE OF COMMONS, MARCH 15, 1946.

[Motion made, and question proposed, "That this House do now adjourn." The following speech was delivered by *Mr. R. A. Butler* :]

"We are very much obliged to the Government for giving us facilities for this discussion before the Mission of Cabinet Ministers and their advisers proceed to India next week. The rules of the House make it impossible for us unduly to enlarge on this discussion which is being held on a Motion for the Adjournment. Nevertheless, this is a valu-

able opportunity afforded to Parliament to express some views at this stage, and for His Majesty's Government to tell us a little more than they have done in the Prime Minister's statement of 19th February about the purpose of the Mission and what it hopes to achieve.

It has always been the practice in this House to regard India as a subject upon which our views on all sides of the House are put into a common pool. It has been a tradition to Parliament throughout our history that the affairs of India both excite and receive the maximum attention. The Government of the day have frequently found that it has been well worth their while to take the House and the country into their confidence. The Prime Minister will remember that before the previous Mission of the President of the Board of Trade, the plan upon which he was expected to enter into discussions with the Indian leaders was published for all to read. It was, therefore, possible for us to follow the events in India with some knowledge at our disposal. I ask the Prime Minister today whether he can make any statement which will further enlighten us on the likely terms of reference, or, to put it in general terms, on what sort of instructions the Mission is to have, in order that we may be better informed than we are at the present time. Of course, I realise that there must be limits upon what the Prime Minister can say. I hope, however, that he will tell us as much as he can.

My first task is to state on behalf of the Opposition, that we all wish to create by our intervention the necessary feli-

citous atmosphere in which the Mission may achieve some durable results. We would not, however, desire results to be achieved at any price. India can proudly boast with the most ancient civilisations, that her history extends over the centuries. No solution which is reached in a hurry for the sake of a solution can have any chance of ultimate success. This is not to say that we do not recognise the urgency of trying to satisfy the expectations of the Indian people. India's war record, to which we should all desire to pay our tribute and the standing of Indian statesmen, which many of us have experienced at first hand on many occasions, necessitate an early advance towards that goal of self-government to which we are all pledged. We trust that the Mission will go to India in a positive mood, or, if we prefer so to describe it, a positive state of mind. I do not doubt, looking at the right hon. Gentlemen opposite, that that will be the case. They should go proud of Britain's record in India and of the fact that we have on repeated occasions, made offers to India which are eloquent of our sincerity. There is no manner in which the success of this Mission could be more definitely prejudiced than if its members were to become victims of that propaganda which says that Britain has not carried out her pledges. Offers such as that carried by the President of the Board of Trade in 1942 have been made from time to time, but they have always foundered on the inability of the Indian peoples to come to an agreement between themselves, or on the refusal of this or that section of Indian opinion to accept what was put forward. As a further earnest of our in-

tentions it will, we hope, be helpful to have representatives of the British Cabinet in India at this important time.

It may be convenient if I remind the House that the best summary of our intentions towards India as a nation is included in the speech made by Mr. Amery, the former Secretary of State for India, in the House of Commons on 14th June of last year. He was then dealing with the statement of interim policy announced by the Government, and his speech ran as follows :

'As the statement makes clear, 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.'

This was brought together and epitomised in the King's Speech at the opening of the present Parliament, which contained this passage :

'In accordance with the promises already made to My Indian peoples, My Government will do their utmost to promote in conjunction with the leaders of Indian opinion the early realisation of full self-government in India.'

We accept these principles of policy and trust we may be told by the Government that the Mission will assist in

establishing machinery through which such a policy can be achieved, namely, the setting up of a constituent body composed of representative Indians. Anyone who understands and feels the tense atmosphere which prevails in India at the present time must realise the urgent need for finding a way out, a way along which the Indian people themselves are prepared to march forward. We cannot march for them, but we can all march together. All concerned with the conduct of affairs in India are equally anxious that a move be functioning. I should like to make it clear that we are not only definitely pledged to accept any solution which commends itself to Indian opinion but that it is emphatically in our own interests to bring about a radical improvement in a situation which is one of the utmost gravity.

The Ministers will, no doubt, also advise the Viceroy as to the best method of bringing into effect the interim policy which was described on 14th June last year, namely, the reconstitution of the Viceroy's Council on a broad basis, substituting Indian leaders for the present official members. We had a word about that on the Bill, the Second Reading of which has just been taken, and it will be interesting to hear whether there is any further enlightenment we can receive from the Government. Will it be the case, for example, that the general lines of the statement of 14th June are still adhered to and, for example, that the portfolio of External Affairs in this interim period will pass over in this manner ?

May I now make one or two observations about certain subjects of crucial importance and about which we feel particularly on this side of the House? First, anyone who has been living with the Indian problem for a long time must realise that the Mission will be brought sharply up against the main issue as to whether India is to be divided or not. In fact, the Mission will have ever before them the Muslim claim that the only way in which Muslim culture, civilisation and security can be assured is by the establishment of Pakistan. This is not the occasion for an examination of the merits or demerits of such a plan, upon which opinion must be sharply divided on all sides. Whatever decision may be reached, it cannot be out of place here to state that the unification of India has been achieved over the last century and a half by long patience and constructive statesmanship. Whatever arrangement may be made, it is hoped 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.

We have recently witnessed a hopeful augury for the future in the example given by representatives of the main parties in their decision to co-operate in dealing with the central food problem, and in the Bill which the hon. and learned Gentleman brought forward this morning definite powers were sought to retain authority at the Centre for dealing with this sort of vital problem which cannot be left to the units themselves alone. May I say—and I feel sure

that I shall be expressing the opinion of everyone in this House—how deeply we feel for India in facing the economic and social problems which beset her at the present time, and which cannot but obtrude themselves on the attention of His Majesty's Ministers ? We should also be grateful to hear of any statement that can be made of the interest which His Majesty's Ministers may well take in the very necessary development of India both industrial and in the agricultural sphere.

The next issue which particularly affects my right hon. and hon. Friends is that of the future of the Indian States. These States and their rulers are bound to the Crown by Treaties and engagements of various sorts which have been hallowed by long and scrupulous observance. We must insist 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.

Then there are in India those minorities whose plight and whose future we discussed at such length during the debates on the Government of India Act, whether they be the depressed classes with their large numbers, the Indian Christians, the Anglo-Indian community, whose services in an emergency are always pre-eminent, and many others who must find their place in any future scheme of constitutional development worked out by their fellow-countrymen. Can we be assured that His Majesty's Ministers will ever have

the interests of these minorities at heart ? There is also a body of men upon whose devotion to duty India's future depends. These are the members of the Civil Service of all grades, of the police forces, who have lately been strained and stretched to their utmost capacity. It is of the utmost importance that these men should know that the interests of themselves and their families are amply safeguarded, that their depleted ranks will be supplemented through new recruitment, and that an effort will be made to give them as great a certainty of outlook as possible in the present troubled state of affairs.

The last matter which I shall mention is the proposed treaty which may eventually be signed between the constitution-making body and the British Government. I think it would be simpler if I borrowed some words from my right hon. Friend the Prime Minister on this matter which he used in his broadcast of September of last year. He said that we should not seek in that treaty to provide for anything imcompatible with the interests of India.

It would be too much to ask the Government to give us today their final answers on all these points ; indeed, were they to do so, there would be little advantage in sending a Mission to India at all, and I do not doubt that the right hon. Gentleman would himself be disappointed. We can say, however, that unless some of these questions are resolved in a satisfactory manner, it were better that the Mission had never set out. It is on questions such as those I have men-

tioned, and on many others which time forbids me to mention, that Parliament will wish to be kept informed. Here I feel I am speaking not only for those on this side of the House, but for all Members of Parliament interested in this important matter. We realise that Ministers must have latitude in their negotiations. We trust, however, that they will remain in close contact with the Cabinet, and that Cabinet responsibility will stretch over, and overcome, the distance which separates the Ministers from their Government at home. We trust that the Cabinet in its turn will keep Parliament fully informed and in the picture, so that, when we finally come to consider Indian questions in the future, we may have profited by the initiative which the Government have thought it right to undertake to deal with this most important affair."

[The following speech was then delivered by the Prime Minister, *Mr. Attlee*:]

"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. 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 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 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 formulae 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 Siman 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. To-day I think that national idea has spread right through and not least, perhaps, among some of those soldiers who have given such wonderful service in the war. I should like to-day, therefore, not to stress too much the differences between Indians. Let us all realise that whatever the difficulties, whatever the divisions may be, there is this 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 deci-

sions. 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 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. Of course, the feelings in British India in regard to nationalism and the unity of India cannot be confined by the boundaries that separate these

States from the provinces. I hope that the statesmen of British India and of princely India will be able to work out a solution of the problem of bringing together, in one great polity, these disparate constituent parts. There again, we must see that the Indian States find their due place, there can be no positive veto on advance, and I do not believe for a moment that the Indian princes would desire to be a bar to the forward march of India. But, as in the case of any other problems this is a matter that Indians will settle themselves.

I am very well aware, as we all are, of the minority problems in India, and I think that Indian leaders are more and more realising the need for settling them if India is to have a smooth passage in future years. I believe that due 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. It is a most unfortunate circumstance, that, just at the time when we have to deal with these great political issues, there should be grave economic difficulties and, in particular, very grave anxiety over India's food supply. The House knows that His Majesty's Government are deeply concerned in this problem, and my right hon. Friend the Minister of Food is at the present time in the United States with an Indian delegation. We shall do our utmost to help her. 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. ARRIVAL OF THE MISSION, MARCH 23, 1946.

[Lord Pethick-Lawrence, Sir Stafford Cripps and Mr. A. V. Alexander arrived at Karachi by air on March 23, 1946.

The names of the three Cabinet Ministers with their staff are as follows :—

(1) Lord Pethick-Lawrence, *Secretary of State for India.*

Staff :

Sir William Croft, *Deputy Secretary of State for India*
Mr. F. F. Turnbull, *Private Secretary.*
Mr. A. H. Joyce, *Publicity Adviser.*
Col. Fraser, *Political Aide-de-Camp.*
Mr. E. W. Plumby.

(2) Sir Stafford Cripps, *President of Board of Trade.*

Staff :

Major Woodrow Wyatt, *Member of Parliament.*
Major Short.
Mr. G. B. Blaker.

(3) Mr. A. V. Alexander, *First Lord of Admiralty.*
Staff :

Mr. F. W. Mottershed, *Private Secretary.*

N. B. Mr. Turnbull accompanied Sir Stafford Cripps on his Mission to India in 1942.

Major W. Wyatt recently toured India with the Parliamentary Delegation and is the newest and youngest Labour member. He has shown keen interest in India.

In a statement to a group of pressmen at Karachi Lord Pethick-Lawrence said :]

"As my colleagues and I set foot on the soil of India, we bring to the people of this country on behalf of the British Government and of the British people a message of cordial friendship and goodwill. We are convinced that India is on the threshold of a very great future when in the exercise of her freedom she will stand for the preservation of civilisation in the East and bring her great influence to bear in the counsels of the nations. We have come but 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.

We have, then, with all our Indian associates, the common objective for the achievement of which all our energies will be devoted in the coming weeks. The precise road towards final structure of India's independence is not yet clear but let the vision of it inspire us all in our renewed efforts to find the path of co-operation. I am confident we shall face our task together in faith and with determination to succeed."

[Sir Stafford Cripps identified himself with the observations of Lord Pethick-Lawrence, and said that a fuller statement would be made at Delhi at the Press Conference on Monday next.

Sir Stafford Cripps then replied to a barrage of questions. He said it was not true that a draft treaty of alliance between Britain and India was already discussed between Indian leaders and the British Government. "We have just come and we have come with an open mind. We are here to investigate and enquire all about that."

Asked about their views on Pakistan, Sir Stafford Cripps again emphasised that they had come with an open mind: "We have not come with any set views. We are here to investigate and enquire about."

Questioned if the Cripps proposal formed the basis of the present negotiations, Sir Stafford Cripps said: "We are not going backward. We are going forward."

As regards the possible duration of their stay, Sir Stafford Cripps remarked: "We have not decided about it. We ourselves do not know, but we shall return only when our work is over."

Sir Stafford Cripps said 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.]

4. STATEMENT OF LORD PETHICK-LAWRENCE, MARCH 25, 1946.

[The following statement was made by the Secretary of State to a Press Conference in New Delhi on March 25, 1946:]

"It is a great pleasure to me and to my colleagues, Sir Stafford Cripps and Mr. Alexander, to visit your country at a time of such crucial importance in its history. I was myself last in India in 1926 and I then made many friends with whom I have since kept in constant touch. Sir Stafford Cripps is well-known to you from his visit in 1942 and his earlier unofficial visit in 1940. Mr. Alexander has not before had the pleasure of visiting your country, but he is a good friend of India with a deep and sympathetic interest in your problems. The Viceroy, while continuing to carry the full load of his normal responsibilities, will join with us as our colleague in the discussions with Indian leaders for which the Mission has come here.

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 uptodate with the situation, and in conferring with His Excellency the Viceroy and with the Governors of Provinces who are coming to Delhi to see 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 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 desireable 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. My colleagues and I look with confidence therefore to you, who represent the great Indian press of all shades of opinion, to exercise with helpfulness and restraint the far-reaching influence which you

have in public affairs. There is no doubt that there are difficult questions which must be solved. During our talks we shall all need patience, tolerance, and a spirit of compromise ; and your co-operation in achieving and maintaining this helpful spirit of co-operation will greatly assist our task.

I have no doubt that success in our joint task is attainable provided that all of us set the good of the Indian people above any other interest, and that we let nothing interfere with our determination to solve the problem.

There are two matters connected with our programme that I should like to mention to-day. We are receiving a great number of requests from organisations and individuals all over India who wish us to hear their views in person. I must make it quite clear that I and my collegues have come here for the single purpose which I have already described to you. We have no wish to deny a hearing to anyone, but it is quite impossible for us to meet all who would wish us to see them. We shall therefore limit ourselves to seeing those who are judged to be best able to help us in our task. Moreover I, as Secretary of State, shall not be able to give interviews on matters outside the work for which the Cabinet delegation have come here. All such matters must be dealt with by the Government of India or the Crown Representative in the normal way. I fear that we shall have also to disappoint the great majority of the many kind people who are sending us social invitations. They will, I am sure, realise that we have a very heavy programme and that it is necessary to devote all our energies to the task in hand.

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.

My colleagues and I do not propose to hold Press Conferences on regular dates, but from time to time when we feel that we can usefully meet you we shall invite you to come. Mr. Joyce who is well-known to many of you, is principal Information Officer to the delegation, and he will hold more freequent conferences to keep you in touch with developments. I am sure you will appreciate that during our visit we shall be unable to give exclusive interviews for publication to any individual correspondent. We are anxious that all sections of the press, and the representatives of broadcasting organisations, should be treated with complete impartiality, and the only satisfactory way of achieving this is, of course, by the Press Conference procedure. But we hope we shall have opportunities of meeting you informally and off the record.

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 their 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 larger 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-Lawrance : 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 dont 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.]

5. THE CABINET MISSION AT WORK, MARCH 27—MAY 16, 1946.

NEW DELHI

March 27 : Delegation in Conference with Viceroy.
Secretary of State talks with the Food Member and the Director-General of Food, to keep himself informed of the famine situation.

Interview with Sir John Thorne, Home Member, in the evening.

March 28 : Another Conference with Advisers.

March 31 : Meeting with the Governors, lasting for over two and a half hours.
Whole problem of future India as affecting individual Provinces.

[20 rooms of the S. E. wing of the Viceroy's House had been set apart as office of the Delegation. The three Members were to work in separate rooms on the 2nd floor, fitted with 2 separate air-conditioned units. The Secretaries to the Delegation were to sit on the 1st floor. There was a large waiting room for visitors.]

INTERVIEWS :

[Interviews with the leaders began on April 1st and lasted upto the 17th. The Delegation had

also informal talks and meetings with prominent persons. In 182 sittings, the Delegation had interviews with 472 leaders.]

April 1: 72 minutes' interview between the Secretary of State and Mahatma Gandhi.

Previously Sir Stafford Cripps had talks with Mahatma Gandhi at the latter's Harijan colony residence for about half an hour.

Interviews with the Premiers of N. W. F. Province, Sind, the Punjab and Assam.

April 2: H. H. the Chancellor of the Chamber of Princes (Nawab of Bhopal).

Opposition Leaders from N. W. F. Province, Assam, the Punjab and Sind.

Their Highnesses the Rulers of Patiala, Bikaner, Nawnagar, Gwalior, Bhopal.

Sir Tej Bahadur Sapru at 2-30 P.M.

The Standing Committee of the All-India Newspaper Editors' Conference.

April 3: Representative appointed by the Congress (Maulana Abul Kalam Azad) in the morning. Mahatma Gandhi in the afternoon.

April 4: Mr. Jinnah and any other representative of the Muslim League.

Their Highnesses the Rulers of Dungarpur and Bilaspur.

Sir G. H. Hidayatullah had a 30 minutes' talk.
Mr. K. C. Neogy, M.L.A. (Central), by special invitation.

April 5: Master Tara Singh, Sardar Baldev Singh, Dr. Ambedkar, Rao Bahadur Sivaraj and other * representatives of the scheduled castes.
Premier of the Punjab.

April 6: Prospective Premiers of Madras, Bombay, United Provinces, Bihar—jointly.
Mr. Ravi Sankar Shukla (C.P.).
Mr. Hare Krishna Mahatab (Orissa).
The Premier of the Punjab.
Sardar Patel had informal talks with the Secretary of State.

April 8: The prospective Premier and Leader of Opposition in Bengal.
The prospective Leaders of Opposition in Madras, Bombay, United Provinces, Bihar, The Central Provinces, Orissa.

April 9: Nawab of Chhattari, Sir C. P. Ramaswami Aiyar, Sir Mirza Ismail, Mr. N. M. Joshi.

April 10: Mr. Anthony, Leader of the Anglo-Indians.
Sir Maharaj Singh, Leader of the Indian Christians.
Mr. Lawson, Leader of Europeans.
Sir Tej Bahadur Sapru.

April 11 : Miss Maniben Kaur
Mrs. Hansa Mehta
Dr. Jayakar

April 12 : Mr. Sarat Chandra Bose, Leader of Opposition in the Indian Legislature Assembly
Mr. Griffiths
Pandit H. N. Kunzru
Mr. Hossain Imam

[Before the interviews, the Delegation had discussions with the members of the Executive Council and the Governors of Provinces.]

April 13 : No official engagements.

April 15 : Dr. Shyama Prosad Mookerjee, President, All India Hindu Mahasabha ; Mr. Bhopatkar, Working President, A. I. H. Mahasabha.

Mr. Jai Prakash Narain had informal talks with Sir S. Cripps.

April 16 : Mr. Jinnah (second interview).

April 17 : Sir P. T. Rajan
Maulana Abul Kalam Azad
Mr. P. C. Joshi
[End of formal interviews.]

[The Delegation put the following Premiers and Leaders of Oppisition :

(1) What were their views on the new constitutional machinery in India ?

(2) Were they in favour of one Constituent Assembly or Union ? If so, on what basis ?

(3) Was an All-India Centre necessary ? On what basis ? With what powers ? In what manner should it be formed ?

(4) What should be the relation of the Units to the Centre ?

(5) What were their views on the problem of the States ?

(6) Is agreement between Congress and the League possible ? On what basis ?

(7) If no agreement is reached between the Congress and the League, what did they want the Delegation to do ?

INTERVAL

April 17 : Cabinet Mission leaves for Kashmir on a 7-days' holiday, to review the results of the interviews and informal talks with the leaders.

SECOND PHASE

April 24 : Mission returns to Delhi.
Prolonged conference with Viceroy.
Sir Stafford Cripps has informal talks with Pandit Jawaharlal Nehru and Mr. Jinnah.

April 25 : Mission's attempt to bring about agreement between the Congress and the League.
Talks with Pt. Nehru and Mr. Jinnah.

Mission discusses alternative proposals with Viceroy.

April 26: Sir Stafford Cripps meets Maulana Azad and Mahatma Gandhi.

April 27: Mission calls upon the Presidents of the Congress and the League to appoint 4 (four) representatives each for a joint Conference.

April 29: Congress nominees to Tripartite Conference: Maulana Abul Kalam Azad, Pandit Jawaharlal Nehru, Sardar Vallabhai Patel, Khan Abdul Ghaffar Khan.

League nominees: Mr. Jinnah, Nawabzada Liaquat Ali Khan, and two other Muslim Leaguers.

Tripartite talk to open at Simla on May 1.

May 1: Cripps meets Gandhiji and Maulana Azad.

Tripartite Conference not to meet before May 6.

Arrangements made at Simla for stay of leaders.

May 2: Leaders arrive at Simla.

Cabinet Mission's proposal for Indian Union intimated to the Presidents of the Congress and the League—This to form the basis of discussions.

Mission determined to finish negotiations at Simla.

Pandit Nehru meets Viceroy by invitation.

May 3 : Cripps meets Gandhiji.
Mission in Conference with Viceroy.

May 5 : Meeting between the Congress and the League delegates to the Mission to settle procedure to be adopted at the Tripartite Conference. Tripartite Conference opens at 10 A.M.

No commitments by the Congress or the League in accepting the invitation to the Conference, regarding the tentative proposals by the Mission, which were to form the basis of the discussion.

The Committee appointed to draft daily a joint statement to the press to contist of : Sir Stafford Cripps, Sardar Vallabhai Patel, Nawabzada Liaquat Ali Khan.

May 6 : Second Session 11-30 A.M. to 5-54 P.M.
Gandhiji meets the Mission and the Viceroy, by invitation, at 7-30 P.M. and stays for 90 minutes.
Negotiations reach a crucial stage. Mission in touch with Whitehall.

May 7 : Leaders' views—"Agreement not likely. Next step with the Mission."
Mission in Conference with Viceroy.
Mr. Jinnah meets Mission at 7 P.M.

May 8 : Conference postponed till 3 P.M., May 9th.
New proposals by Mission.
Maulana Azad and Pandit Nehru meet Viceroy for 80 minutes. Sardar Patel for 1 hour. Pandit Nehru pessimistic.

New arrivals :

The Political Adviser to Crown Representative.
The Secretary, Political Department.
Representatives of the States (bringing the Indian States into the picture).

May 9 : Maulana Azad's 40 minutes' talk with Sir S. Cripps in the morning.
Maulana Azad's second interview at 12-30 P.M.
Pandit Nehru meets Sir S. Cripps in the afternoon.
Tripartite Conference meets at 5 P.M.

May 10 : The League in Session : Congress Leaders meet.
Exchange of letters between Pandit Nehru and Mr. Jinnah.

May 11 : No agreement reached between Congress and the League.
Cabinet Mission in touch with Whitehall.
Pandit Nehru meets Mr. Jinnah at 10-30—Talks lasted for 76 minutes.
Sealed letter from Viceroy to Maulana Azad.
Conference met again at 3 P.M. to 5-45 P.M. and adjourned till 6 P.M., May 12.

Gandhiji meets Viceroy and Mission at 7 P.M.

May 12 : Tripartite Conference fails : End of Simla talks. Delegation to announce next step.

Viceroy on behalf of Mission sees Pandit Nehru (100 minutes) and Mr. Jinnah (40 minutes). Leaders leaving for Delhi.

May 16 : Simultaneous Announcement in England and India at 8 P.M.

6. 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 let you know the locus of the negotiations which will in all probability be in Simla, where the climate will be more temperate."

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

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

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

Your reference to two groups of provinces, the one of the predominantly Hindu provinces and the other of the predominantly Muslim provinces, is not clear. The only

predominantly Muslim provinces are the North-West Frontier Province, Sind and Baluchistan. Bengal and Punjab have a bare Muslim majority. We consider it wrong to form groups of provinces under the Federal Union and more so on religious or communal basis. It also appears that you leave no choice to a province in the matter of joining or not joining a group. It is by no means certain that a province as constituted would like to join any particular group. In any event it would be wholly wrong to compel a province to function against its own wish.

While we agree to the provinces having full powers in regard to all remaining subjects as well as the residuary powers, we have also stated. that it should be open to any province to exercise its option to have more common subjects with the Federal Union. Any sub-federation within the Federal Union would weaken the Federal Centre and would be otherwise wrong. We do not therefore favour any such development.

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

You have referred to certain "fundamental principles" but there is no mention of the basic issue before us, that is, Indian Independence and the consequent withdrawal of the British Army from India. It is only on this basis that we can

discuss the future of India, or any interim arrangement.

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

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

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

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

My colleagues and I fully appreciate the further attempt that the Cabinet Mission and His Excellency the Viceroy are making to bring about an agreement between the Muslim League and the Congress by proposing a meeting of the representatives of the two organisations for the purpose of negotiating an agreement. They, however, desire me to invite your attention to the position taken up by the Muslim League since the passing of the Lahore Resolution in 1940 and, thereafter, 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

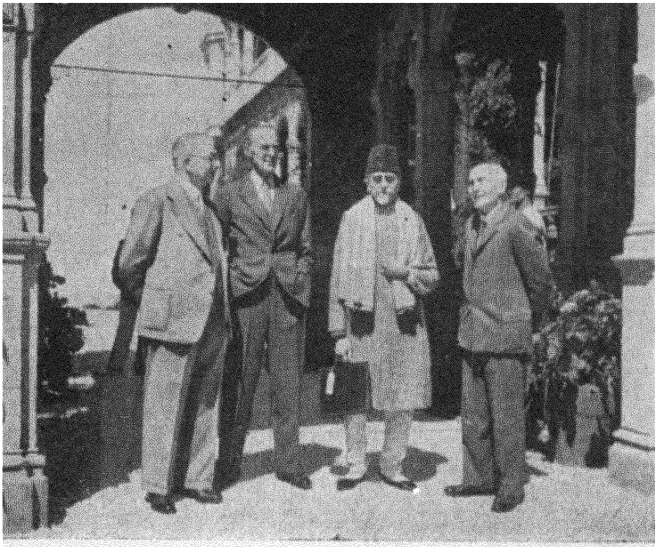
detail, in your brief letter, require elucidation and clarification, which in their opinion, can be achieved at the meeting proposed by you.

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."

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 representa-



Cabinet Ministers welcoming Maulana Azad at the opening of the Tripartite Conference.

Mahatma Gandhi meets Lord Pethick-Lawrence

tives 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 Vallabhai 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 28th. 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 required for these subjects.

2. All the remaining powers shall vest in provinces.

3. Groups of provinces may be formed and such Groups may determine the provincial subjects which they desire. 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 7 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 finances 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 tomorrow."

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 re-

collection of what took place in the Conference room. It is true that the Congress representatives expressed their view that the limitation was too narrow and argued further that even so limited it necessarily included certain ancillary matters. Up to a point you recognised that there was some force in the argument because you agreed, as I understood, that some power to obtain the necessary finance must be given. There was no final decision on this matter (or of course on any other).

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

3. You further take exception to the machinery that we suggest should be set up for making the constitution. I would point out to you however that you yourself in explaining how your two constitution-making bodies would work agreed on Tuesday last in the Conference that they would have to join together in the end to decide the constitution of the Union and you took no exception to their having a preliminary session in common to decide procedure. What we are proposing is in fact precisely the same thing expressed in

different words. I am therefore quite at a loss to understand what you have in mind when you use the words :

"This proposal was also categorically turned down by the Congress."

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

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

"We have never contemplated that acceptance by the Muslim League and the Congress of our invitation would imply as a preliminary condition for 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 agreements 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 worte 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 official.

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.

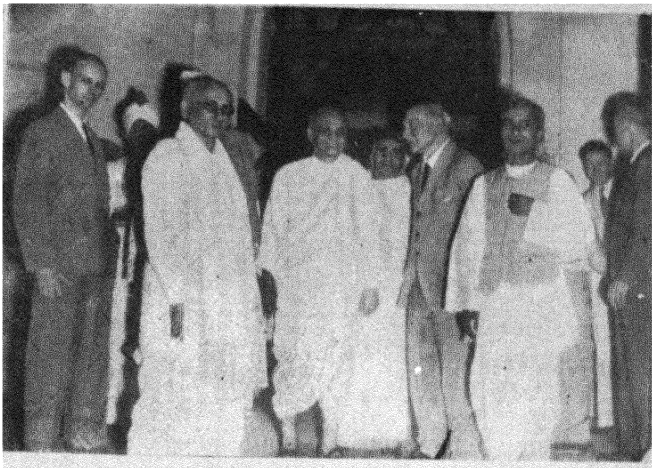
From the proposals you have sent us (8 D. E. F. G.) it would appear that two or three separate constitutions might emerge for separate Groups, joined together by a flimsy common super-structure left to the mercy of the three disjoined Groups.

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 ?

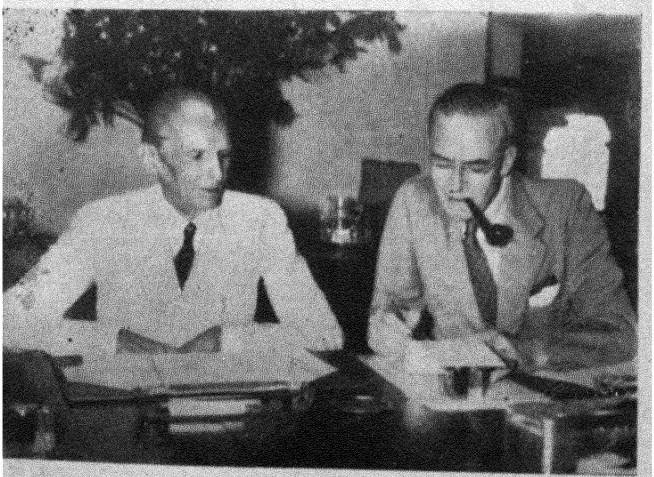
We realise that in dealing with human beings, as individuals or groups, many considerations have to be borne in mind besides logic and reason. But logic and reason cannot be ignored altogether, and unreason and injustice are dangerous companions at any time and, more especially, when we are building 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



Congress Working Committee meet Cabinet Mission



Mr. Jinnah and Sir Stafford Cripps

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 the 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. This 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 weighed 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 worn 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.

"Received your letter of 10th May at 6 P.M.

As 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 proopsal 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 implications 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, 1946.

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 Communication 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 communities will be provided for.

10. The constitution of the Union shall contain a provision whereby any province can, by a majority vote of its Legislative Assembly, call for reconsideration of the terms

of the constitution, and will have the liberty to secede from the Union at any time after an initial period of ten years.

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

17. Congress Suggestions, May 12, 1946.

1. The Constituent Assembly to be formed as follows :—
   (*i*) Representatives shall be elected by each Provincial Assembly by proportional representation (single transferable vote). The number so elected should be one-fifth of the number of members of the Assembly 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, Communitions, Fundamental Rights, Currency, Customs and Planning as well as such other subjects as, on closer scrutity, 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.

Note by the Congress on the principles to be agreed upon as suggested on behalf of the Muslim League, dated 12th May, 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 question, 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 but 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 provision 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.

7. THE COMMUNIST PARTY MEMORANDUM TO THE CABINET MISSION, APRIL 15, 1946.

1. *Declaration of Independence* :

The foremost desire of all Indians today is the immediate ending of British rule which has meant for them economic degradation and political slavery. Two centuries of British rule with its record of brutal suppression of the Indian

people and of famine, destitution and poverty for the mass of people, has convinced every Indian that there is no decent existence possible for him unless the British overlordship over India is ended. Successive British Governments, who have not hesitated to break their pledged word, have battered the faith of the Indian people in the willingness of Britain to transfer power.

The Communist Party, therefore, will judge the Cabinet Mission only by its practice and the first proof of sincerity that they demand is an unequivocal and unambiguous declaration recognising Indian independence and Indian sovereignty.

In further proof of its sincerity, the British Government should declare its determination to effect within six months the total withdrawal of British troops from all Indian territory, including the States.

Such a declaration should be made and implemented irrespecttive of the fact whether India's political parties have settled their differences. The question of Indian unity is an internal question to be settled by the people themselves. It cannot be made an excuse for the refusal of Britain to transfer power. The withdrawal of British troops and the recognition of India's sovereignty must begin forthwith and the following measures should be taken to achieve the same :

2. *Transfer of Power* :

Establishment of a Provisional Government, based on main popular parties. We think that the best course would

be an agreement between the Congress and the League for parity in the Government and for adequate representation to minorities.

All the powers vested in the British Government and the King-Emperor as the paramount and sovereign power vis-a-vis the Indian States and the present Indian Government as well as all special powers vested in the Viceroy and the Governors must be forthwith ended. This alone will enable the Provisional Government freely to negotiate with the British Government on the basis of equality and to be in a position to deal with the question of the Indian Princes and the States and their future place in a free India.

3. *Function of the Provisional Government*:

(*i*) The main task of the Provisional Government will be to convene a Constituent Assembly within six months of its establishment and ensure that the elections to the Assembly are free and democratic.

(*ii*) The Provisional Government would be responsible to the Constituent Assembly when the latter comes into existence, as stated below, and in the meanwhile it would not lie within its competence to commit India to any political, economic or military treaty with any power.

(*iii*) The Provisional Government should prepare a treaty to be negotiated with the British Government for the prompt payment of sterling balances

and mutual trade relations, subject to its final ratification by the all-India Constituent Assembly.

4. *Constituent Assembly* :

It is the right of the Indian people to frame their own constitution and it is in the Indian people alone that full sovereignty is vested.

The Constitution-making Body envisaged by the British Government is undemocratic, as it will be formed by election of delegates by the members of the Provincial Assemblies, on the basis of indirect election. The existing Provincial Assemblies based on a narrow franchise keep the vast majority of the people out of power.

5. *Self-Determination* :

The acute differences between the Congress and the League on the issue of Constituent Assembly can only be settled by the just application of the principle of self-determination.

We suggest that the Provisional Government should be charged with the task of setting up a Boundaries Commission to redraw the boundaries on the basis of natural ancient homelands of every people, so that the redemarcated Provinces become as far as possible linguistically and culturally homogeneous National Units, e.g., Sind, Pathanland, Baluchistan, Western Punjab, etc.* The people of each such unit should

* The following is the comprehensive list of the National Units that will come into existence as suggested above and after the dissolution of the Indian States as contemplated under section 6—*viz.*: Tamilnad, Andhra-

have the unfettered right of self-determination, *i.e.*, the right to decide freely whether they join the Indian Union or form a separate sovereign state or another Indian Union.

The elections to the Constituent Assembly should, therefore, be based on recognition of this fundamental right and during the elections the question of separation or union should be put by the political parties to the people. The delegates elected from each National Unit shall decide by a majority whether they will join the all-India Constituent Assembly to form an Indian Union or remain out and form a separate sovereign state by themselves or join another Indian Union.

The Communist Party stands for a free, voluntary democratic Indian Union of sovereign units. It is firmly convinced that the best interests of the Indian masses will be served by their remaining together in one common Union in a common brotherhood to defend the freedom and solve the problems of poverty which require the co-operation of all. It is only on the basis of the application of the principle of self-determination as indicated above that Indian unity can be preserved.

6. *States* :

The Indian people are determined to put an end to the Princes' autocracy which holds sway over one-third of India. Indian freedom and Indian democracy will have no meaning, in fact, they will be constantly endangered, if one-third of

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desha, Kerala, Karnatak, Maharashtra, Gujarat, Rajasthan, Sind, Baluchistan, Pathanland, Kashmir, Western Punjab, Central Punjab, Hindustan, Bihar, Assam, Bengal, Orissa.

Dr. Shyama Prasad Mookerjee and
Mr. L. P. Bhopatkar.

India is allowed to remain, under the yoke of these medieval autocrats. The Princes are the creation of the British Government, and have been in the past and are to-day maintained by British bayonets as a useful prop to British rule. India regards the so-called treaties and obligations of the British Government as merely a conspiracy against Indian democracy. There should be, therefore, no question of inviting the Princes to share power in the Interim Government or of allowing them any share in determining the decisions of the Constituent Assembly.

The peoples of the Indian States should, therefore, have the same rights and franchise as the rest of the Indian people. The people of each state should have the full right to decide through a freely-elected Constituent Assembly whether they should join the Indian Union as a separate Province or join any particular reconstituted Province, inhabited by people of the same nationality.

7. *Civil Liberties* :

Normally when the independence of a country is to be discussed, an essential precondition to the opening of discussions should be the restoration of complete civil liberties and a general amnesty for all political prisoners. The Communist Party has noted that whatever is being done at present, is full of hesitation and discrimination.

The Communist Party, therefore, demands :

(*i*) the immediate release of all political prisoners including those convicted of terrorist offences

and in particular the Bengal pre-reform prisoners, many of whom have been in jail for more than fifteen years ;

(*ii*) the immediate release of all Indians belonging to the Army, Navy and Air Force who have been imprisoned or convicted in connection with the recent strikes ;

(*iii*) the immediate release of all soldiers of the *Azad Hind Fauj* (Indian National Army) still in prison and of all Indians in the Armed Forces who during the past six years have been convicted or detained on account of their political activities ;

(*iv*) the immediate lifting of the ban on all political parties (*e.g.*, Congress Socialist Party, Forward Bloc, etc.) that still remain illegal ;

(*v*) the immediate restoration of full civil liberties to the entire people, including the cessation of arrests of political workers and of demands from newspapers for security, etc., actions which, in particular, are being increasingly directed at members and newspapers of the Communist Party.

8. *Conclusion* :

The Communist Party is of the opinion that only if the British Government proceeds along the lines laid down in this Memorandum, will it be able to achieve stable democratic settlement between the Indian people and the British people on the basis of equality, thus solving one of the knottiest problems of world security and peace among peoples.

Any attempt, however, to exploit the differences among the Indian people, to impose an arbitrary partition, and to retain the Princes in order to perpetuate British domination will be resisted by the Indian people with all the strength at their command.

8. THE HINDU MAHASABHA MEMORANDUM TO THE CABINET MISSION, APRIL 24, 1946.

1. *Declaration of Independence* :

As all sovereignty in respect of India vests in the Indian people, it is the right of the Indians to be fully and completely free like all the free peoples in the world.

It is only absolutely unfettered freedom that will enable India to be a front-line nation in the world, and to play her rightful role in the maintenance of world-peace and world-order. It is independence, coupled with India's natural resources, man-power and strategic position in the geography of the world, that will enable her to hold the scales even between the West and the East. There are also several other considerations which require that India should be free from any external obligations and control.

The Hindu Mahasabha, therefore, urges that India should be fully free and independent, and that a declaration to that effect should be immediately made by the British Cabinet through proper channel.

The Mahasabha is of the opinion that it is alliance on equal terms with, rather than membership of, the British Commonwealth of Nations, that will be in tune with the

time-sprit, and will also prove beneficial to both in the long run.

2. *India's Integrity and Indivisibility* :

Be the modes of living and worship of the Indian people what they may, there can be no doubt that geographically, historically, ethnologically, politically, and even culturally India is one, whole and indivisible, and it must remain so in future. This integrity and indivisibility must be maintained, whatever the cost and sacrifice be.

No community in India can rightfully claim to constitute a nation, much less a sovereign nation, with a separate homeland of its own. Partition of India into two or more sovereign nations under any guise or disguise will be economically unsound and disastrous ; and politically unwise and suicidal.

3. *Territorial self-determination* :

The Hindu Mahasabha is opposed to the new-fangled principle of territorial self-determination, as in theory it is vicious and in practice will prove more dangerous than Pakistan itself.

4. *Indian Union* :

India's Constitution should be of a federal type with the Indian Union at the Centre and the Provinces and the Indian States as its federating Units.

The Constitution should leave no room for any Province or an Indian State not to accede to the said Union or to secede therefrom.

5. *Provincial Autonomy and Residuary powers* :

The Constitution should provide for the grant of the utmost possible measure of autonomy to the federating Units, but with the residue of powers vested in the Centre.

The Union Government should have the power of superintendence and control in cases where the federating Units go wrong in respect of national policy or interest and should be strong enough to exercise this power effectively.

6. *Rule of majority* :

The Constitution should contain no provision which will tend directly or indirectly, to reduce a majority into a minority by the grant of special concessions to minorities such as weightage, excessive representation, parity and so forth. The governing principle of the Constitution should be democracy, which means the rule of the majority. The so-called "parity of representation" should not be recognised even with joint electorates, as it would amount to penalizing the Hindus for no fault of theirs but for the mere reason that they constitute a majority.

The Constitution shall guarantee adequate safeguards for the protection of religion, culture and language for all, including minorities.

7. *Joint Electorates and Adult Franchise* :

The representation both in the Federal and Provincial Legislatures should be on the principle of adult franchise and one man one vote. The electorates should be joint with

reservation of seats for minorities according to the population basis, wherever necessary.

The Hindu Mahasabha is of the opinion that it will be highly imprudent to frame India's Constitution on principles other than those as envisaged above, as such a Constitution will not fail to be a perennial source of political irritation and strife.

8. *Interim Government* :

An Interim Central Government should be formed immediately composed of representatives of the political parties willing to shoulder responsbility. The formation of such a Government should not be delayed on the plea of non-co-operation on the part of any particular party. During the period of transition, the Viceroy will act as the Constitutional Head and will not exercise his power of veto.

There should take place complete transfer of power and authority of the Government of India to the Interim Government.

It should be one of the primary functions of this Government to provide adequate facilities to the Constituent Assembly to carry on its work without let or hindrance.

9. *Constituent Assembly* :

The Constituent Assembly will consist of representatives of all political parties in proportion to their voting strength as shown in the last elections.

The Constituent Assembly will be the sovereign body which will decide the terms of treaty with Great Britain.

The Constituent Assembly will decide all matters by majority vote, and the decisions so taken should be binding on all.

The Constitution framed by the Constituent Assembly will be the Constitution of India.

These are broadly the main principles which the Hindu Mahasabha stands for, in so far as India's Constitution is concerned.

9. MEMORANDUM OF THE AKALI PARTY TO THE CABINET MISSION.

[This Memorandum was submitted by Master Tara Singh, leader of the Akalis, to the Cabinet Mission.]

The position of the Minorities has changed since the Cripps Mission. As conceded by Major Attlee, Indians cannot be made responsible for governing themselves and at the same time power retained in the hands of an authority outside India for intervention on behalf of such Minorities for ensuring their proper treatment by the majority.

This makes it all the more necessary for the Sikhs to safeguard in the Constitution itself their political status in the future policy of the country.

The draft declaration provides for the right of non-accession of provinces. The Sikhs make it plain that they are opposed to any possible partition of India as envisaged in the draft declaration. As stated above, the Sikhs form a compact cultural nationality of about six millions.

They further maintain that, judged by any definition or test, the Punjab is not only their homeland, but their holy land. They were the last rulers of the Punjab and before the advent of the British they enjoyed in the Punjab independent economic and political status which has gradually deteriorated under British rule.

They wish, however, to point out that, with the inauguration of Provincial Autonomy on the basis of the Communal Award, they have been reduced to a state of complete helplessness. If the existing provincial political set-up is continued, the transference of power to the people would perpetuate the coercion of the Sikhs under what in practice has come to be Muslim rule.

That set-up is unjust to the Sikhs. Its working has meant Muslim communal rule in the Punjab which has almost exasperated the Sikhs to the point of revolutionary protest. The intervention of war conditions alone has been responsible for the Sikhs acquiescing temporarily in this communal tyranny. They cannot be expected to continue to submit to it as a permanent arrangement in any new scheme of Indian polity.

Akali Demands: The statutory Muslim majority in the Legislature of the Province must go and the position of the Sikhs must be strengthened by increased representation therein so as to ensure to the Sikhs an effective voice in the administration of the country.

In the alternative, 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.

The Sikhs cannot, however, blind themselves to the fact that the Muslims have declared that they are a separate nation as distinct from the Sikhs, the Hindus and others, and that on that basis they are entitled to Pakistan. We have already expressed unequivocally our opposition to the establishment of such a State.

In view of the rumours that are current we are obliged to take note of the possibility of the Cabinet Mission giving serious consideration to the Muslim League claim.

Before the Mission arrives at a decision on this question, we would emphasise that the Sikhs have as good a claim for the establishment of a separate sovereign Sikh State as the Muslims for Pakistan and that the Mission should not concede the claim for Pakistan without conceding at the same time the claim for a separate State made on behalf of the Sikhs.

The Sikhs are in favour of a single constitution-making body in which they should be represented as already indicated above.

In case the Mission should think of taking into serious consideration the proposal that has been made for two constitution-making bodies, one for Pakistan and the other for the rest of India, we wish, in the light of what has been said

by us above, to make our position clear that there should be a separate constitution-making body also for the Sikh State.

10. 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 and 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 acording 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
Br. Baluchistan	438,930	62,701
	22,653,294	13,840,231
	62.07%	37.93%
North-Eastern Area—		
Bengal	33,005,434	27,301,091
Assam	3,442,479	6,762,254
	36,447,913	34,063,345
	51.69%	48.31%

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

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

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 Syllhet; and (*c*) a large part of Western Bengal, including Calcutta, in which city the Muslims form 23·6% of the population. 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 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 recommendation 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 India 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 Assem-

bly, 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 utilize the recently elected Provincial Legislative Assemblies as the 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 inequalities 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 the 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 Legislature (General, Muslim or Sikh) electing its own representatives by the method of proportional representation with the 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
North-West 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 Croog Legislative Council.

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

(*ii*) It is the intention that the States should be given in the final Constituent Assembly appropriate representation which would not, on the basis of the calculations 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*) The representatives thus chosen shall meet at New Delhi as soon as possible.

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

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

(*vi*) The representatives of the Sections and the Indian

States shall reassemble for the purpose of settling the Union Constitution.

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

The Chairman of the Assembly shall decide which (if any) 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.

(*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 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.

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 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.

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.

We ask you to consider the alternative to acceptance of these proposals. After all the effort 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.

11. DEBATE IN THE HOUSE OF COMMONS, MAY 16, 1946.

[Mr. Attlee read the Cabinet Mission's statement, and a debate followed. *Mr. Winston Churchill,* Leader of the Opposition, delivered the following speech :]

"I think the Prime Minister was right to read to the House the able but melancholy document to which we have listened, and that it was appropriate that he should read it instead of merely circulating it. Certainly I have heard nothing for a long time which so deeply deserves the attention of Parliament and the British nation. The respectful attention which the House gave to every word uttered by the Prime Minister is proof that this opinion is well-founded.

It would, of course, be most unwise this afternoon for any of us to attempt detailed comment on the long complicated proposals which have now been laid before us.

The Prime Minister did me the courtesy of sending me a copy last night, but although I read it carefully in the small hours of the morning, and I have now had the advantage of hearing it again, I should certainly not commit myself at this juncture to anything but observations of a most general character.

Moreover, these observations, such as they are, arise from the situation in respect of India which we have known for a long time rather than from the new proposals, to which however I make a brief reference.

I am bound to make it clear, however, without delay what is the position of the official Opposition.

I, as head of the Coalition Government, and my colleagues of those days are committed to the offer made to the people of India at the time of the Cripps Mission of 1942, by which we offered Dominion Status as expressed by the Statue of Westminster, including the right of sucession.

We offered this to the many peoples of India, subject to certain provisions. The first was that there should be a broad, real and sincere agreement between the main Indian parties, and the second was that in the constitution we should have provision for honourable discharge of the obligations we have contracted in India towards the minorities, who, added together, are themselves a majority, and also for the discharge of those obligations, embodied in treaties with the Indian states.

These proposals were made at a moment when the danger of Japanese invasion threatened India in a terrible manner. I personally was induced to agree to them by the all compelling war interest of trying to rally all forces in India to the defence of their soil against Japanese aggression, and all horrors which would have followed therefrom.

The Cripps Mission failed. The answer which Mr. Gandhi gave to the British Government at that time was 'Quit India'. He and the Congress proceeded to raise or encourage a revolt or a widespread disturbance affecting principally communications on which the British and Indian forces relied for holding the threatened fronts. These disorders, although seriously fomented, were suppressed with surprising ease and very little loss of life, and the inducement to revolt found no response outside political classes from the great mass of the Indian people. We persevered and presently the tide turned. India was successfully defended and emerged from the second world convulsion in our lifetime, protected against external violence by the armies, sea power

and diplomacy at the disposal of the British Empire, including the valiant contribution of the Indian forces themselves and the Gurkhas.

Nevertheless we still persisted in our effort which had been rejected in 1942 and the former Secretary of State for India, Mr. Amery, on June 14 last, when Government had ceased to be Coalition and was a Conservative Government, used the following words which were quoted by Mr. Eden when the proposal was made to send a Cabinet Mission to India in February.

These are the words of Mr. Amery: 'The statement makes clear that the offer of March, 1942, stands in its entirety. That offer was based in 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 of Nations, or even without it. The second principle is that this can only be achieved under a constitution or constitutions framed by India to which the main elements of India's national life are the consenting parties.'

By that statement we were and are bound. Now, however, a new situation has arisen. We are confronted with the fact reiterated in the Prime Minister's statement, that there is no agreement. The main elements of Indian national life are not at present time consenting parties, to quote the words of Mr. Amery.

No one will doubt the sincerity and earnestness with which the Cabinet Ministers and the Viceroy have laboured

to bring about a solution of the Indian difficulty and worked for a solution with a zeal which would be natural, were it to gain an empire and not to cast it away. But the fact is that they have failed, through no fault of their own, despite all their efforts and devotion and ingenuity, which is a fact which should be education in Indian matters, not only in this country but throughout the world.

During these negotiations it has been increasingly clear that the object sought for was not Dominion Status and the subsequent consequence of the right of secession, but direct and immediate independence. I am not sure that result had been realised by the House—it certainly came as a surprise to me.

The new proposals that we have had seem at first sight to shift the onus of deciding the future constitution of India from Indian parties to the British Government, who have themselves come forward with an elaborate and detailed scheme. In so far as this shifting of onus may prove to be the case it certainly seems to have been an unfortunate step which goes beyond what we understood was the purpose of the Ministers' Mission, the mandate they received, which was defined by the Prime Minister as to set up machinery for Indians to decide their form of Government.

It will, I hope, however, be common ground that we cannot enforce by British arms a British-made constitution upon Indians against the wishes of any of the main elements in Indian life. (*Cheers*).

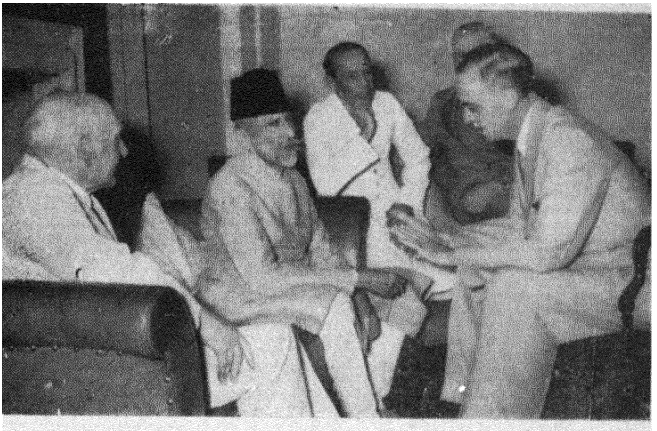
There remains the discharge of our obligations to Indian minorities and the States. We must study the documents with long and searching attention in order to see that these duties have been faithfully safeguarded.

It would seem at first sight that attention should be particularly directed to the position of the Muslim community of nearly 80,000,000, already most formidable of all races and creeds in the Indian sub-continent, and whose interest and culture are a matter of great consequence to the community as a whole and vital to the peace of India.

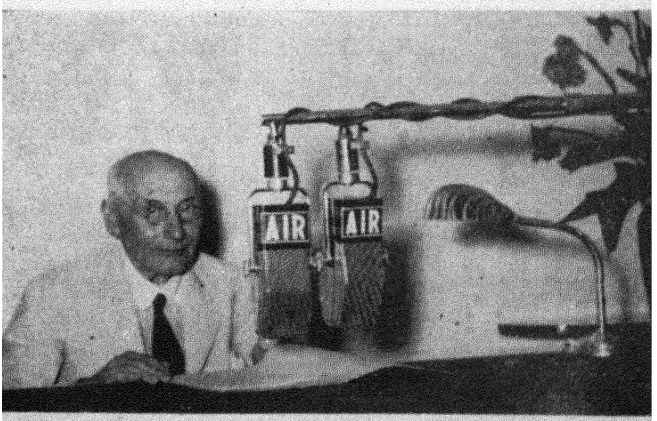
Secondly, we must examine the provision made for the Depressed Classes, or untouchables as they are called, who number nearly 60,000,000, and for whose status and future repeated assurances have been given and pledges made by many British Governments in ancient and more recent times.

Finally there are relations which the Indian States, which comprise a quarter of the population and one-third of the territory of the Indian sub-continent, are to have to the Crown and to the new Government. At present these relations are defined by solemn treaty, dependent upon the paramountcy of the Crown. Apparently this is to be abolished. In a sentence which was obscure and could be either one thing or the other, they would be relegated to a kind of no-man's land—this question of paramountcy—and if that is so, it would seem that all foundation for those treaties would be swept away.

All these matters and many others which will occur to members as they study the White Paper will require several



Maulana Azad talking with Sir Stafford Cripps and Lord Pethick-Lawrence.



Lord Pethick-Lawrence broadcasting from New Delhi, May 16, 1946.

weeks of profound and earnest consideration, and it would certainly not in my view be desirable to bring this whole matter to debate in the House with all that a debate in these circumstances may entail—it would not be right to bring it in any precipitate manner.

We don't even know at the present time what are the legislative steps which would be required either for the setting up of an Interim Government or in the event of an agreement being reached, what legislation would be necessary for the creation of a new constitution or abrogation of the King's title of Emperor of India. We know nothing of that. Therefore I say in the name of the Opposition that a new situation has been created, that we are bound to review it in the light of the existing facts, and that we reserve our entire freedom of action as to the future course we should take".

12. LORD PETHICK-LAWRENCE'S BROADCAST, 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," said Lord

Pethick-Lawrence, Secretary of State for India, in a broadcast this evening.

"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 for 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 commitee will be to formulate funda-

mental 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 evisage 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 godspeed."

13. SIR STAFFORD CRIPPS AT PRESS CONFERENCE, MAY 16, 1946.

Explaining the Cabinet Mission's statement at a Press conference, which was also attended by Lord Pethick-Lawrence and Mr. A. V. Alexander, Sir Stafford Cripps said: "We hope from the bottom of our hearts that the Indian people will accept this statement in the spirit of co-operation in which it has been drawn up and that within a week or two the process of constitution-making may begin and the Interim Government may be formed".

Lord Pethick-Lawrence, Secretary of State for India, joined Sir Stafford in stressing "the determination of the British people as a whole to do everything in their power to assist you in securing a constitution which will enable your future to be great in the annals of your country and in the history of the world".

Sir Stafford Cripps said:

"You have heard two broadcasts on the statement and you have the document before you. This evening the members of the Mission wanted an opportunity to meet you to give you a few words of explanation and to-morrow we shall be meeting you again to answer questions which you may have to put.

I will make a few remarks about the statement while we are waiting for the Secretary of State to come from the broadcasting studio.

The first thing I want to point out is what the statement does not purport to do. 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 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.

This matter of the Interim Government is of supreme importance because of the enormous tasks facing India at the moment. It is these great tasks, and perhaps the greatest of them is to deal with the food situation, that make it absolutely essential that we should between us arrange a smooth and efficient transition.

Nothing could be more fatal to the Indian people to-day in the face of dangers of famine than a breakdown of administration and communications anywhere in India, and that is why we stress as we do the vital need for co-operation between all parties and communities including the British in this time of transition.

So much then for the vitally important point of the Interim Government. Some of you may wonder how soon this means that the British will sever their Governmental connection with India—I hope that, in any event we shall remain the closest friends, when Indian freedom comes. Well, we certainly can't say that. Who can foretell how quickly constitutions can be hammered out ? One thing is, however,

absolutely certain and this is the quicker you start the quicker you will end and the sooner we shall be able to withdraw, handing over the power to the new Governments of the Union, provinces and, if it is so decided, of the Groups.

This brings me to what has been decided rather than recommended. 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 representa-

tion 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.

Now that I think gives you some picture of the main points with which we have dealt in our statement.

There is only one other point that I want to stress before leaving the matter with you until to-morrow morning.

You will realise, I am sure, how terribly important is this moment of decision for the Indian people.

We are all agreed that we want a speedy conclusion of these matters ; so far we have not been able all to agree upon how it should be brought about. We have done in this statement what we believe to be best after two months of discussion and very hard work and in the light of all we have heard and studied. This is our firm opinion and we do not, of course, intend to start all the negotiations over again. We intend to get on with the job on the lines we have laid down. We ask the Indian people to give this statement calm and careful consideration. I believe that the happiness of their future depends upon what they now do.

Failing in their own agreement, they will accept this method that we put forward of getting on with the making of a new constitution for India. We can between us make it a smooth transition and a rapid one but if the plan is not accepted no one can say how great will be the disturbance, or how acute and long the suffering that will be self-inflicted on the Indian people.

We are convinced that this statement offers an honourable and peaceful method to all parties and if they will accept it we will do all that lies in our power to help forward the constitution-making so as to arrive at the speediest possible settlement.

Let no one doubt for one moment our intentions. We have not come to India and stayed here so long and worked so hard except to carry out what has long been the policy of the British Labour Party and that is to transfer power to the

Indian people as quickly, as smoothly and as co-operatively as the difficulties of the process permit.

We hope from the bottom of our hearts that the Indian people will accept the statement in the spirit of co-operation in which it has been drawn up, and that within a week or two the process of constitution-making may begin and the Interim Government may be formed."

14. LORD PETHICK-LAWRENCE AT PRESS CONFERENCE, 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 opinion 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 rediscussion.

Question: If the provinces in section "B," which formed a Muslim majority areas, 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.

15. LORD WAVELL'S BROADCAST, MAY 17, 1946.

I speak to the people of India at the most critical hour of India's history. The statement of the Cabinet Delegation containing their recommendations has now been before you for twenty-four hours. It is a blue-print for freedom, an outline of which your representatives have to fill in the details and construct the building.

You will have studied the statement, most of you, and may perhaps already have formed your opinion on it. If you think that it shows a path to reach the summit at which you have been aiming for so long, the independence of India, I am sure you will be eager to take it. If you should have formed the view—I hope you have not—that there is no passage that way, I hope that you will study again the route indicated to you, and see whether the difficulties in the path—and we know they are formidable—cannot be surmounted by skill and patience and boldness.

I can assure you of this, that very much hard work, very much earnest study, very much anxious thought, and all the goodwill and sincerity at our command have gone to the making of these recommendations. We would much have preferred that the Indian leaders should have themselves

reached an agreement on the course to be followed and we have done our best to persuade them : but it has not been found possible, in spite of concessions on both sides which at one time promised results.

The proposals put before you are obviously not those that any one of the parties would have chosen if left to itself. But I do believe that they offer a reasonable and workable basis on which to found India's future constitution. They preserve the essential unity of India which is threatened by the dispute between the two major communities ; and in especial they remove the danger of the disruption of that great fellowship, the Indian army, to which India already owes so much and on whose strength, unity and efficiency her future security will depend.

They offer to the Muslim community the right to direct their own essential interests, their religion, their education, their culture, their economic and other concerns in their own way and to their own best advantage. To another great community, the Sikhs, they preserve the unity of their homeland, the Punjab, in which they have played and can still play so important and influential a part. They provide in the special committee, which forms a feature of the constitution-making machinery, the best chance to the smaller minorities to make their needs known and secure protection for their interests. They seek to arrange the means for the Indian States, great and small, to enter by negotiation into the polity of a united India. They offer to India the prospect of peace—a peace from party strife, the peace so needed for

all constructive work there is to do, and they give you the opportunity of complete independence so soon as the Constituent Assembly has completed its labours.

I would like to emphasize the constructive work to be done. If you can agree to accept the proposals in the statement as a reasonable basis on which to work out your constitution then we are able at once to concentrate all the best efforts and abilities in India on the short-term problems that are so urgent—you know them well—the immediate danger of famine to be countered and measures taken to provide more food for everyone in future years ; the health of India to be remedied ; great schemes of wider education to be initiated ; roads to be built and improved ; and much else to be done to raise the standard of living of the common man.

There are also great schemes in hand to control India's water supplies, to extend irrigation, to provide power, to prevent floods ; there are factories to be built and new industries to be started, while in the outside world India has to take her place in international bodies in which her representatives have already established a considerable reputation.

It is therefore my earnest desire that in these critical times ahead, in the interim period while the new constitution is being built, the government of India should be in the hands of the ablest of India's leaders, men recognised as such by the Indian people, whom they will trust to further their interests and bring them to their goal.

As said in the statement, I am charged with the responsibility to form such a Government as soon as possible to

direct the affairs of British India in the interim period. There will be no doubt in the minds of anyone, I hope, how great a step forward this will be on India's road to Self-Government. It will be a purely Indian Government except for its head, the Governor-General, and will include, if I can get the men I want, recognised leaders of the main Indian parties, whose influence, ability and desire to serve India are unquestioned.

Such a Government must have a profound influence and power not only in India but also in the outside world. Some of the best ability in India which has hitherto been spent in opposition, can be harnessed to constructive work. These men can be the architects of the new India.

No constitution and no form of Government can work satisfactorily without goodwill ; with godwill and determination even an apparently illogical arrangement can be made to work. In the complex situation that faces us there are four main parties : the British, the two main parties in British India, Hindus and Muslims ; and the Indian States. From all of them very considerable change of their present outlook will be required as a contribution to the general good, if this great experiment is to succeed. To make concession in ideas and principles is a hard thing and not easily palatable. It requires some greatness of mind to recognise the necessity, much greatness of spirit to make the concession. I am sure that this will not be found wanting in India as I think you will admit that it has not been found wanting in the British people in this offer.

I wonder whether you realise that this is the greatest and most momentous experiment in Government in the whole history of the world—a new constitution to control the destiny of 400,000,000 people. A grave responsibility indeed on all of us who are privileged to assist in making it.

Lastly, I must emphasise the seriousness of the choice before you. It is the choice between peaceful construction or the disorder of civil strife, between co-operation or confusion. I am sure you will not hesitate in your choice for co-operation.

May I end with some words which were quoted by one great man to another at a crisis of the late war, and may well be applied to India at this crisis :

" Thou too, sail on, o ship of state,
Sail on, o union, strong and great :
Humanity with all its fears
With all the hopes of future years,
Is hanging breathless on thy fate."

16. GENERAL AUCHINLECK ON THE POSITION OF THE ARMED FORCES, MAY 17, 1946.

Explaining the Cabinet Mission's proposals to the armed forces of India His Excellency the Commander-in-Chief, General Auchinleck, in a broadcast in Hindustani to-night said that in the Interim Government the post of War Member would be held by an Indian civilian and that the Commander-in-Chief would continue to be responsible for the command

and welfare of the Army, Navy and Air Force. "All political matters," the Commander-in-Chief said, "will be in the hands of the War Member under whom I shall serve, just as the Commanders in Britain serve under civilian Ministers".

Stressing the importance of discipline General Auchinleck said: "There is no doubt that to-day there is danger of strife and disorder in the country. Whether you are in the Army, the Navy or the Air Force, you will know the good that comes from discipline and toleration. You have also learned to live together, Hindu, Muslim, Sikh and Christian, in the service of your country without quarrelling or jealousy.

You have learned each to respect the other and to work side by side for one subject—the good of your country. In this you have set an example to all India. I trust you, as I have always trusted you, to go on setting this example and to do your duty, as you have always done it in war and peace. I for my part shall do the same. So long as I am here you may rely on me to safeguard your interest in the future as in the past.

As you have heard from H. E. the Viceroy the British Government have put forward a scheme to enable Indians to make their own constitution and set up an independent Indian Government. As you all know too, Members of the British Government and the Viceroy have for some time past been discussing with the leaders of the Muslim League and of the Congress. They have been trying to decide what kind of Government shall be set up in India. Their object is to

make good the promise of the British Government that in future India shall be governed entirely by her own people, free from all control by Britain, and free to remain within the British Commonwealth or to go outside as she likes.

In spite of every attempt to find a form of Government which would be acceptable to the Congress and the Muslim League, no agreement has been reached.

The Muslim League considers that there must be two independent and separate Governments in India, Pakistan for the Muslims and Hindustan for the Hindus. The Congress thinks that India must not be divided and that there should be one Central Government with the provinces controlling their own affairs to the greatest possible extent.

This very briefly is the position taken up by the two main political parties.

It was hoped that between the two points of views some compromise acceptable to both parties might be found. This has, however, not been found possible, although both parties have, for the sake of goodwill, modified their views to a considerable extent.

The British Government, therefore, having failed to get the two principal political parties to agree, has decided that it is their duty to the people of India to lay down that everything shall be done in order to give India her independence as soon as possible in an orderly and peaceful manner so that the mass of the people may be put to the least inconvenience and disturbance.

In making these arrangements, the British Government has tried to ensure justice and freedom for the smaller as well as for the large sections of the people of India.

The British Government realises that the Muslims have a real fear that they may be forced to live for always under a Hindu Government and that any new form of government must be such as to make this fear groundless for all time.

With this in view, the possibility of setting up a completely separate and independent Muslim state of Pakistan has been most carefully considered from every point of view and without any partiality at all.

As a result of this examination the British Government has been forced to conclude that the setting up of completely independent states not linked together in any way would not result in a settlement of the differences between Hindu and Muslim.

The setting up of two or more independent Governments would, in their opinion, result in great loss and danger to India in the future.

They, therefore, cannot agree to divide India into separate states, though they do think that some way must be found for the predominantly Muslim areas to govern themselves if they wish to do so and to live their own lives. This is also recognised by the Hindus and the Congress Party.

The British Government, therefore, have approved neither the setting up of completely separate states nor the retention of all power at the Centre. They consider that

although the different areas should have a large measure of independence if the people desire it, the responsibility for the army, navy and air force and for the defence of the whole of India in war, must rest with one authority for the whole of India.

Apart from this, they have accepted the principle that each province or group of provinces may have powers to manage its own affairs as desired by its own people without interference from the Centre.

These proposals are meant to ensure that all creeds and classes shall have their say in how they are to be governed and also to prevent any one section of the people being forced to live under the rule of any other section, without being sure that they will have the right to live their lives in their own way without fear or persecution.

The details of this new system of government for India must be worked out by the people of India themselves. It is not the task of the British Government to do this.

To carry on the administration of the country while a new system of government is worked out the Viceroy proposes to form an Interim Government composed of himself and of leaders of political opinion who have the confidence of the people.

In this temporary Government the post of War Member which is at present held by the Commander-in-Chief (that is myself) will be held by a civilian who will be an Indian. I shall continue to be responsible for the command and wel-

fare of the army, navy and air force but all political matters will be in the hands of the new War Member under whom I shall serve, just as the Commanders in Britain serve under civilian Ministers.

While this temporary Government carries on the daily business of governing the country, it is proposed that there should be set up three Assemblies composed of representatives of all parties and creeds and classes, and elected by the provincial legislatures.

It will be the task of these three Assemblies together with representatives from the Indian States to decide how India will be governed in the future.

The British Government hopes that in this way peace and security will come to India under the rule of her own leaders and that she will become great and prosperous as she deserves.

While these discussions and meetings are going on it is the duty of the navy, army and air force to continue to serve the Government and to carry out its orders.

As I have said, this temporary Government will be an Indian Government composed of members chosen from the leaders of the main political parties in the country who have full confidence of the people.

17. MEMORANDUM ON STATES' TREATIES AND PARAMOUNTCY, MAY 22, 1946.

[Here is the full text of the Memorandum on States' Treaties and Paramountcy presented by the Cabinet Delega-

tion to His Highness the Chancellor of the Chamber of Princes.

The Cabinet Delegation desire to make it clear that the document issued today entitled "Memorandum on States' Treaties and Paramountcy presented by the Cabinet Delegation to His Highness the Chancellor of the Chamber of Princes" was drawn up before the Mission began its discussions with party leaders and represented the substance of what they communicated to the representatives of the States at their first interviews with the Mission. This is the explanation of the use of the words "succession Government or Governments of British India," an expression which would not of course have been used after the issue of the Delegation's recent statement.]

Prior to the recent statement of the British Prime Minister in the House of Commons an assurance was given to the Princes that there was no intention on the part of the Crown to initiate any change in their relationship with the Crown or the rights guaranteed by their treaties and engagements without their consent. It was at the same time stated that the Princes' consent to any changes which might emerge as a result of negotiations would not unreasonably be withheld.

The Chamber of Princes has since confirmed that the Indian States fully share the general desire in the country for the immediate attainment by India of her full stature.

His Majesty's Government have now declared that if the Succession Government or Governments in British India desire independence, no obstacle would be placed in their

way. The effect of these announcements is that all those concerned with the future of India wish her to attain a position of independence within or without the British Commonwealth. The Delegation have come here to assist in resolving the difficulties which stand in the way of India fulfilling this wish.

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

In the meanwhile, the Indian States are in a position to play an important part in the formulation of the new constitutional structure for India, and H. M. G. have been informed by the Indian States that they desire in their own interests and in the interests of India as a whole, both to make their contribution to the framing of the structure, and to take their due place in it when it is completed. In order to facilitate this they will doubtless strengthen their position by doing everything possible to ensure that their administrations conform to the highest standard. Where adequate standards cannot be achieved within the existing resources of the State they will no doubt arrange in suitable cases to form or join administrative units large enough to enable them to be fitted into the constitutional structure.

It will also strengthen the position of States during this formulative period if the various Governments which have

not already done so take active steps to place themselves in close and constant touch with public opinion in their States by means of representative institutions.

During the interim period it will be necessary for the States to conduct negotiations with British India in regard to the future regulation of matters of common concern, especially in the economic and financial field. Such negotiations, which will be necessary whether the States desire to participate in the new Indian constitutional structure or not, will occupy a considerable period of time, and since some of these negotiations may well be incomplete when the new structure comes into being, it will, in order to avoid administrative difficulties, be necessary to arrive at an understanding between the States and those likely to control the succession Government or Governments that for a period of time the then existing arrangements as to these matters of common concern should continue until the new agreements are completed. In this matter, the British Government and the Crown Representative will lend such assistance as they can, should it be so desired.

When a new fully self-governing or independent Government or Governments come into being in British India, H.M.G.'s influence with these Governments will not be such as to enable them to carry out the obligations of paramountcy.

Moreover, they cannot contemplate that British troops would be retained in India for this purpose. Thus, as a

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

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

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

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

The formula was as follows :—

"A Union Government will deal 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, first, 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 pronouncements by the Secretary of State for India and other responsible British statesmen from time to time, reaffirming the August declaration.

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

[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."

ing units be established and they laid down that foreign Affairs, Defence, Currency, Customs, Tarriffs "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 resting 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) A major point in the Union constitution which affects the communal issue shall not 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 Hindusthan 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 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 pleading 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 came 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 embracting 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.

(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-fourth. 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 purely non-communal issue?

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

(6) Coming to the constitution-making machinery, here

again a representative of British Baluchistan is included in Section B but how he will be elected is not indicated.

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

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

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.

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

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

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

These are some of the main points which I have tried to put before the public after studying this important document. I do not wish to anticipate the decision of the Working Committee and the Council of the All-India Muslim League

which are going to meet shortly at Delhi. They will finally take such decisions as they may think proper after a careful consideration of the 'pros and cons' and a thorough and dispassionate examination of the statement of the British Cabinet Delegation and His Excellency the Viceroy.

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

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

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

As we understand the statement, it contains certain recommendations and procedure for the election and functioning of the Constituent Assembly. The Assembly itself, when formed, will, in my Committee's opinion, be a sovereign body for the purpose of drafting the constitution unhindered by any external authority, as well for entering into a treaty. Further that it will be open to the Assembly to vary in 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. The individual may not make a difference in the Constituent Assembly, but it would make a difference if such an individual speaks for a whole province which he really does not represent in any way. It is far better not to have representation at all than to have this kind of representation which will mislead and which may decide the fate of Baluchistan contrary to the wishes of its inhabitants. If any kind of popular representation can be arranged, we would welcome it. My Committee were pleased, therefore, to hear Gandhiji say that you are likely to include Baluchistan within the scope of the Advisory Committee's work.

In your recommendations for the basic form of the constitution[1] you state that provinces should be free to form Groups with executives and legislatures and each Group could determine the provincial subjects to be taken in common. Just previous to this you state that all subjects other than the Union subjects and all residuary powers should vest in the provinces. Later on in the statement, however, you state that the provincial representatives to the Constituent Assembly will divide up into three sections and "These sections shall proceed to settle the provincial constitutions for the province 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 a 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 dominating role in the section, the Punjab in Section B and Bengal in Section C. It is conceivable that this dominating province may frame a provincial constitution entirely against

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

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 recommendations made by you.

Gandhiji has informed my Committee that you contemplate that British troops will remain in India till after the establishment of the Government in accordance with the instrument produced by the Constituent Assembly. My

Committee feel that the presence of foreign troops in India will be a negation of India's independence.

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

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

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

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

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

There are two further points which we think we should mention. First, in your letter you describe the Constituent Assembly as a Sovereign body, the final decisions of which will automatically take effect. We think the authority and the functions of the Constituent Assembly and the procedure

which it is intended to follow are clear from the statements. 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 provisions which are mentioned in the statement and which are not, we believe, controversial, namely, adequate provision for the protection of minorities and willingness to conclude a treaty to cover matters arising out of the transfer of power.

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

20. 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 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 neces-

sarily 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 that 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 shall 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 provision in the statement in regard to the Indian States are vague and much has been left for future decision. The Working Committee would, however, like to make it

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

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

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

The Working Committee consider that the connected problems involved in the establishment of a provisional

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

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

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

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.

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

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.

Once the Constituent Assembly is formed and working on this basis, there is no intention of interfering with its discretion or questioning 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).

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.

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

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.

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.

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.

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.

As the Congress statement recognises, the present constitution must continue during the interim period; and the Interim Government cannot therefore be made legally respon-

sible 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 no-confidence is passed against them.

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

22. 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 otherwise. 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 Unit should be unimpaired. Any member of the sections 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 freedom 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 valid 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".

23. AZAD-WAVELL CORRESPONDENCE, MAY 25—30, 1946.

(1) From Maulana Azad to Lord Wavell, May 25, 1946 :

Your Excellency will remember that the demand of the Congress from the very beginning of the present discussions regarding the Interim Government has been that there must be a legal and constitutional change in order to give it the status of a truly National Government. The Working Committee has felt that this is necessary in the interest of a peaceful settlement of the Indian problem. Without such status, the Interim Government would not be in a position to infuse in the Indian people a consciousness of freedom which is to-day essential. Both Lord Pethick-Lawrence and you have, however, pointed out the difficulties in the way of offering such constitutional change, while at the same time assuring us that the Interim Government would have, in fact if not in law, the status of a truly National Government. The Working Committee feel that after the British Government's declaration that the Constituent Assembly will be the final authority for framing the constitution and any constitution framed by it will be binding, the recognition of Indian independence is imminent. It is inevitable that the Interim Government which is to function during the period of the Constituent Assembly must reflect this recognition. In my last conversation with you, you stated that it was your intention to function as a constitutional head of the Government and that in practice the Interim Government would have the same powers as that of a Cabinet in the Dominions.

This however is a matter which is so important that it would not be fair either to you or to the Congress Working Committee to let it rest upon what transpired in informal conversations. Even without any change in the law there could be some formal understanding by which the Congress Working Committee may be assured that the Interim Government would in practice function like a Dominion Cabinet.

(2) From Lord Wavell to Maulana Azad, May 30, 1946 :

I have received you letter of 25th May on the Interim Government. We have discussed this matter on several occasions and I recognise the importance that you and your party attach to a satisfactory definition of the powers of the Interim Government and appreciate your reasons for asking for such a definition. My difficulty is that the most liberal intentions may be almost unrecognisable when they have to be expressed in a formal document.

I am quite clear that I did not state to you that the Interim Government would have the same powers as a Dominion Cabinet. The whole constitutional position is entirely different. I said that I was sure that His Majesty's Government would treat the new Interim Government with the same close consultation and consideration as a Dominion Government.

His Majesty's Government have already said that they will give to the Indian Government the greater possible freedom in the exercise of the day to day administration of

the country; and I need hardly assure you that it is my intention faithfully to carry out this undertaking.

I am quite clear that the spirit in which the Government is worked will be of much greater importance than any formal document and guarantee. I have no doubt that if you are prepared to trust me, we shall be able to co-operate in a manner which will give India a sense of freedom from external control and will prepare for complete freedom as soon as the new constitution is made.

I sincerely hope that the Congress will accept these assurances and will have no further hesitation in joining to co-operate in the immense problems which confront us.

In the matter of time table you will be aware that the All-India Muslim League Council is meeting on June 5 at which, we understand, decisive conclusions are to be reached. I suggest, therefore, that if you summon your Working Committee to reassemble in Delhi on Friday the seventh, it may be possible for final decisions to be made by all parties on all outstanding questions early in the following week.

24. CORRESPONDENCE BETWEEN MASTER TARA SINGH AND LORD PETHIC-LAWRENCE, MAY 25-JUNE 1, 1946.

1. From Master Tara Singh to Lord Pethick-Lawrence, May 25, 1946.

Since the British Cabinet Mission's recommendations for the future constitution of India have been published, a wave

of dejection, resentment and indignation has run throughout the Sikh community. The reasons are quite obvious.

The Sikhs have been entirely thrown at the mercy of the Muslims. Group 'B' comprises the Punjab, the N.W.F. Province, Sind and Baluchistan, and the representatives given to each community will be Muslims 23, Hindus 9 and Sikhs 4. Can anybody expect from this Assembly, constituted as it is, any consideration of justice for the Sikhs ? The Cabinet Mission recognises "the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu majority rule."

But is there no "genuine and acute anxiety" among the Sikhs lest they should find themselves subjected to a perpetual Muslim majority rule ? If the British Government is not aware of the Sikh feelings, the Sikhs will have to resort to some measures in order to convince everybody concerned of the Sikh anxiety, in case they are subjected to a perpetual Muslim domination. The Cabinet Mission has not only put under Muslim domination the non-Muslim areas of the Punjab and Bengal, but the whole province of Assam where the non-Muslims are in overwhelming majority. This is evidently done to placate the Muslims. If the first consideration of the Cabinet Mission's recommendations is to give protection to the Muslims, why should the same consideration be not shown for Sikhs ? But 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 pro-

vided that the majority of both the Hindus and Muslims is necessary for certain purposes. The Sikhs are entirely ignored, though they are as much concerned as the other communities.

This is how I read the recommendations of the Cabinet Mission. But as the issues are very grave and momentous, the Sikh representatives assembled here to-day to consider the situation created, has advised me to seek clarification from you and find out if there is any hope of such amendments as may save the Sikhs from perpetual domination.

So, I put three questions :—

(1) What is the significance of recognising the Sikhs as one of "the main communities" ?

(2) Suppose the majority of Section 'B' frames a constitution under Section 19(5) but the Sikh members do not agree. Does it mean deadlock or does the opposition of the Sikh members mean simply disassociation ?

(3) Is there any hope of obtaining for the Sikhs the same right as is given to the Muslims and the Hindus under Section 15(2) and 19(7) ?

2. From Lord Pethick-Lawrence to Master Tara Singh, June 1, 1946.

Thank you for your letter of 25th May.

The anxieties of the Sikhs were kept prominently in mind when we were drafting the Cabinet Mission's statement and I can certainly claim that of the various alternatives

open to us the best one from the Sikh point of view was chosen. You will, I am sure, admit that if India had been divided into two sovereign states, or if the Punjab had been partitioned, either of these decisions would have been far less acceptable to the Sikhs than the one which is actually reached.

I have considered carefully the detailed points you raise at the end of your letter. I fear the Mission cannot issue any addition to, or interpretation of, the statement. There is, however, no intention whatever to prejudice the position of the Sikhs in the Punjab or in the North-West Group, nor do I think their position has been prejudiced, for it is inconceivable that either the Constituent Assembly or any future Government of the Punjab will overlook the special place in the province of the Sikhs. The estimate of the importance of your community would never depend on the number of seats that you held in the Constituent Assembly.

25. 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 para-

mountcy 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 causes 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."

26. THE VICEROY'S LETTER TO MR. JINNAH, JUNE 4, 1946.

You asked me yesterday to give you an assurance about the action that would be taken if one party accepted the scheme in the Cabinet Delegation's statement of May 16 and the other refused.

I can give you on behalf of the Cabinet Delegation my personal assurance that we do not propose to make any discrimination in the treatment of either party; and that we shall go ahead with the plan laid down in the statement so far as circumstances permit if either party accepts; but we hope that both will accept.

I should be grateful if you would see that the existence of this assurance does not become public. If it is necessary for you to tell your Working Committee that you have an assurance I should be grateful if you would explain to them this condition.

27. 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 $1\frac{1}{2}$ 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. Acceptance 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 groupings, 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.

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

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 :

That the references made and the conclusions recorded in paragraphs 6, 7, 8, 9, 10 and 11 of the statement concerning the Muslim demand for the establishment of 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 mutilation 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 perpetual Hindu majority rule."

Second, " this feeling has become so strong and widespread amongst the Muslims that is 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 Hindus with their greatly superior numbers must be a 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 complete sovereign Pakistan still remains the unalterable objective of the Muslims of India for the achievement of which they will, if necessary, employ every means in their power and consider no sacrifice or suffering too great.

That notwithstanding the affront offered to Muslim sentiments by a choice of injudicious words in the preamble of 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, and all the other people inhabiting this 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 details hereinbefore adumbrated to which the Muslim League is irrevocably committed.

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.

29. INDIAN PRINCES ON THE CABINET MISSION'S PLAN, JUNE 7, 1946.

[Press Note issued by the Director of Public Relations, Chamber of Princes, on June 7, 1946, regarding a meeting of Rulers and Ministers held on that day at Bombay under the Chairmanship of the Nawab of Bhopal, Chancellor of the Chamber of Princes.]

A meeting of Rulers and ministers who met the Cabinet Delegation early in April was held to-day at Bombay under the chairmanship of His Highness the Nawab of Bhopal, Chancellor of the Chamber of Princes. The meeting reviewed the statement issued by the Cabinet Mission on 16th May, 1946, and also the memorandum on Indian States issued by them on May 22, 1946. General opinion at the meeting

seemed to be in favour of accepting the proposals put forward by the Delegation. The meeting, however, was of the opinion that there were certain points in the statement as well as in the memorandum which required elucidation and clarification by the authorities concerned. There will be a detailed discussion on these points at the meeting of the States Constitutional Advisory Committee which is to be held on Saturday the 8th June. The decision of the Constitutional Advisory Committee will be considered by the Committee of Ministers to be held on Sunday, the 9th June, and by the Standing Committee of Princes to be held on Monday, the 10th June. It is understood that His Highness the Chancellor will take up the various points which require elucidation with His Excellency the Viceroy.

To-day's meeting also considered the question of the personnel and powers of the Negotiation Committee which is to be set up soon. The Committee arrived at certain tentative conclusions on the subject which will be put up before the Committee of Ministers and the Standing Committee of Princes. The ways and means of speeding up constitutional reforms in the States and bringing the administration in the States up to the highest level as quickly as possible were also considered. The views of to-day's meeting on the various subjects will be exhaustively discussed at to-morrow's meeting of the Constitutional Advisory Committee

Among those who attended to-day's meeting were His Highness the Maharaja Scindia of Gwalior, His Highness the Jam Sahib of Nawnagar, His Highness the Maharaja of

Bikaneer, His Highness the Maharaja of Dungarpur, Nawab Sahib of Chattari, Sir C. P. Ramaswamy Aiyer and Sir Mirza Ismail.

[The A.P.I. understand that the princes and their ministers are reported to be of the opinion that once the Provisional National Government begins to function at Delhi, the Crown Representative should exercise paramountcy in consultation with a committee to be appointed by the Princes.

A recommendation on these lines will go forth to the Crown Representative at the end of the present series of meetings of the princes and their ministers in Bombay].

30. PANDIT JAWAHARLAL NEHRU ON STATES PEOPLES' RIGHTS, JUNE 8, 1946.

Pandit Jawaharlal Nehru addressing the General Council of the All-India States Peoples' Conference at New Delhi on June 8 referred to the "explosive background in the Indian States" and reaffirmed the objective of the conference as responsible government in the States under the aegis of the ruler as a constitutional head, but made it clear that "the only ultimate rights we recognise are the rights of the people."

"That objective continues till it is changed," Pandit Nehru said speaking in Hindustani. "I wish to make this clear because of recent events in Kashmir. Those events have not changed our objective, though there is a growing feeling for change. Ultimately, of course, it will be for the people of the States to decide about the future of the head of their

State. There is much talk about dynastic rights and the like. While we have accepted the continuance of the ruler as a constitutional head, it must be made perfectly clear that the only ultimate rights we recognise are the rights of the people. Everything else must give way to them. Sovereignty must reside in the people and not in any individual.

The immediate problems before us are (1) making of an Indian constitution, (2) arrangements for the interim period, (3) democratisation of the States to bring them up to the common level of the rest of India.

It has been one of the fundamental policies of the States people that in the constitution-making body their elected representatives must take part. They will not submit to their fate being decided by their rulers or by the rulers' nominees. We hold by that.

It is clear that when a Federal Union is established each unit will have equal rights. There will be no paramountcy of one part over another. This presumes, of course, equal development and democracy in all the parts. There will be no paramountcy as it exists to-day, or it may be said that paramountcy for the whole of India will vest in the Federal Union Government.

During the interim period some kind of Ad-Hoc arrangement will have to be made. Whatever this arrangement is going to be the States people should not be left out. It is essential that there should be a unified policy even during this interim period between the provisional Government and

the States, and that in the formation of this policy the States people should have a considerable voice. It is not possible even during this period to continue the present arrangements. Even if to some extent the old form prevails, the content of it must undergo a complete change. There has been nothing so reactionary in India as the Political Department. It must be possible to have a joint committee, representatives of the provisional Government and the States, to consider all common problems and develop a unified policy. In this committee the principle of representation of the Indian States must be accepted. How this should be done is a matter for consideration.

The difficulty as it faces us to-day is largely due to the autocratic character of the States Governments. If there had been democracy there no difficulty would have arisen. Therefore, for this reason as well as others it is exceedingly important that urgent steps should be taken to introduce democratic and responsible Government in the States. As soon as the Government and the people are one, most problems vanish. That should be the immediate objective.

In regard to many matters which normally come under paramountcy, such as succession, maladministration etc., they may well be referred to a tribunal or to the Federal Court for decision".

31. STATEMENT OF THE NAWAB OF BHOPAL, JUNE 10, 1946.

[The following statement was issued by the Nawab of

Bhopal, Chancellor of the Chamber of Princes, on behalf of the Standing Committee :]

The Standing Committee of the Chamber of Princes have in consultation with the Committee of Ministers and the Constitutional Advisory Committee given careful consideration to the statement issued by the Cabinet Delegation and His Excellency the Viceroy on May 16, 1946. They have also examined the Delegation's memorandum on States treaties and paramountcy, and the further statement of May 26. They are of the view that the plan provides the necessary machinery for the attainment by India of independence as well as a fair basis for further negotiations. They welcome the declaration of the Cabinet Mission in regard to paramountcy, but certain adjustments for the interim period will be necessary.

There are however a few points in the plan which still require elucidation. There are also several matters of fundamental importance which are left over for negotiation and settlement. The Standing Committee have therefore accepted the invitation of His Excellency the Viceroy to set up a negotiating committee and have authorised the Chancellor to arrange discussions as contemplated in the plan. It is proposed to place the results of these negotiations before a general conference of rulers and representatives of States.

As regards the arrangements for the interim period, the Standing Committee confirm the following proposals made by the Chancellor :—

(*a*) That a special committee may be set up consisting of representatives of the States and of the Central Government to discuss and reach agreement on matters of common concern during the interim period ;

(*b*) That disputes on justiciable issues and on fiscal, economic, or financial matters should be referable to courts of arbitration as a matter of right ;

(*c*) That in personal and dynastic matters the agreed procedure should be implemented in letter and spirit, and the Crown Representative should ordinarily consult the Chancellor and a few other Princes if not objected to by the States concerned ;

(*d*) That in agreement with the States, machinery may be provided for the early settlement of the pending cases and for the revision, at the instance of the States concerned, of the existing arrangements in regard to such subjects as railways, ports and customs.

The Committee have therefore authorised the Chancellor to conduct further negotiations with a view to reaching early decisions.

The Standing Committee endorse the suggestion made by the Cabinet Delegation that the States will doubtlessly strengthen their position by doing everything possible to ensure that their administrations conform to the highest standard. Where adequate standards cannot be achieved

within the existing resources of the State they will no doubt arrange in suitable cases to form or join administrative units large enough to enable them to be fitted into the constitutional structure. It will also strengthen the position of the States during this formulative period if the various Governments which have not already done so take active steps to place themselves in close and constant touch with public opinion in their States by means of representative institutions.

The Standing Committee wish to emphasise the necessity for the States, which have not done so, to declare immediately their decision to follow the lines of internal reforms laid down in the declaration made by the Chancellor at the last session of the Chamber of Princes and to take necessary steps to implement that decision within 12 months.

32. THE ALL-INDIA STATES PEOPLES CONFERENCE ON THE CABINET MISSION'S PLAN, JUNE 10, 1946.

[Resolution of the Conference, June 10, 1946.]

The General Council of the All-India States Peoples Conference have considered the various statements made by the British Cabinet Delegation and the Viceroy in regard to the drawing up of the constitution for India. The Council have noted with surprise and regret that the representatives of the States people have been completely ignored by the Cabinet Delegation in their talks and consultations. No constitution for India can have any validity or 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 General Council, therefore, record their feeling of resentment at the way the people of the States have been ignored and bypassed at this critical juncture of India's history.

In the statement issued by the Cabinet Delegation and the Viceroy on May 16 references to the States are brief and vague and no clear picture emerges as to how they will function in regard to the constitution-making processes. No reference has been made to the internal structure of the States. It is not possible to conceive of a combination of the existing internal structure, which is autocratic and feudal, with a democratic Constituent Assembly or a Federal Union.

The Council welcome, however, the statement that paramountcy will end when the new All-India constitution comes into effect. The end of paramountcy necessarily means the end of the treaties existing between the rulers of the States and the British Paramount Power. Even during the interim period the functioning of paramountcy should undergo a fundamental change so as to prepare for its total termination.

33. THE SIKHS ON THE CABINET MISSION'S PLAN, JUNE 10, 1946.

The decision to start their struggle against the Cabinet Mission's award with a prayer on June 23 which was fixed as a "Prayer Day" was taken at the historic Panthic Conference which concluded its session at Amritsar on June 10.

Several Akali leaders including Sardar Baldev Singh, Development Minister, Punjab, Bawa Harkishen Singh, and Sardar Amar Singh Dosan delivered speeches expounding the policy of the Akali Dal.

Sardar Baldev Singh explaining at length the injustice done to the Sikhs said that their indignation was fully justified. He said now that the Council of Action was formed, he would leave the Punjab Ministry on a 24-hour notice. He would not hesitate to resign when called upon. He assured the gathering that he would also take part in the struggle.

Bawa Harkishen Singh appealed to make a voluntary contribution of Re. 1/4/- per head by way of "Ardasa" as they had no time to go to collect funds for the movement. Sardar Bahadur Jodh Singh explained that the representative Panthic Board would try to tackle the situation in constitutional manner failing which the Council of Action would start its campaign.

The Sikh Panthic Conference at its resumed sitting today appointed a Council of Action to give a tough fight to the British Government in case the proposals of the British Cabinet Mission are not modified according to their wishes, and will continue the struggle until the demands are conceded.

To-day's proceedings were conducted by Sardar Mohan Singh of the Akali Takht who acted as the Stage Secretary. An enthusiastic crowd listened to the proceedings with the

aid of loud-speakers from outside the Teja Singh Hall. An important feature of the conference was that several Congress Sikhs who had absented yesterday attended the session to-day headed by the President of the District Congress Committee.

The Council of Action according to the resolution will be presided over by the I.N.A. leader Col. Nirajan Singh Gill as Dictator. He has been given powers to nominate up to 7 members.

Master Tara Singh, the Akali leader, who had placed the case of the Sikhs before the British Cabinet Mission, addressing the Panthic Conference warned the British that they should realise that the Sikhs could do more harm than the Muslims, if enraged. Unless the Sikhs started some direct action, he felt, the British Government would not concede their just right. As it was, there were only two ways open to the Sikhs: either to finish the British or be finished themselves.

Master Tara Singh added that at a crucial moment like this, there should be no dissension in their ranks. On the other hand they should be united so that they could press their case with vigour and speak with one voice.

Sardar Ishar Singh Mahjail, M.L.A. (Panthic) described how the British Cabinet Mission had let down the Sikhs and emphasised how important it was for them in order to maintain their self-respect to right the wrong done by sacrifices.[1]

[1] The Sikhs did not take part in the election of members of the Constituent Assembly.

34. THE HINDU MAHASABHA ON THE CABINET MISSION'S PLAN, JUNE 15, 1946.

The All-India Committee of the Hindu Mahasabha, meeting at New Delhi on June 15, 1946, discussed for over three hours the main resolution on the Cabinet Mission's proposals. Dr. Shyamaprasad Mookerjee presided. About 125 members from different provinces attended the session.

The resolution, which was moved by Mr. N. C. Chatterjee and seconded by Mr. L. B. Bhopatkar, Working President of the Mahasabha, notes that the fundamental principle of the Hindu Mahasabha, viz., the unity and integrity of India, has been accepted in theory by the Cabinet Mission by their proposal for the formation of one Indian Union and by their rejection of Pakistan but regrets that "the apprehension of the communal domination of the Muslims has been exaggerated although the apprehension of the minority in the Muslim majority area has been ignored". It calls upon the Hindus to "realise the danger inherent in these proposals and urges upon them to mobilise effectively public opinion so that these proposals are suitably modified in order to meet the aspirations of a free and United India."

35. MR. JINNAH'S LETTER TO THE VICEROY, JUNE 12, 1946.

I am in receipt of your letter of June 12.

I have already informed you by my letter dated June 8 that our decision in accepting the scheme embodied in the

statement of the Cabinet Delegation was based on your formula of parity, as one of the most important considerations which weighed with the Working Committee and the Council of the Muslim League in finally arriving at their decision.

I understand that the Congress have not yet given their decision, and it seems to me that until they decide it is not advisable to discuss how best either the personnel or the portfolios should be adjusted. I agree with you that the important portfolios should be equally distributed between the two major parties and we should get the best possible men suited for these portfolios. But I am of the opinion that no use or purpose would be served until the Congress have given their decision with regard to the scheme embodied in the statement of the Mission of May 16.

If you wish to discuss anything further I shall be glad to see you alone.

36. AZAD-WAVELL CORRESPONDENCE, JUNE 14-15, 1946.

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

In the course of our talk to-day you mentioned that among the Muslim League nominees suggested for the Provisional Government was one from the North-West Frontier Province who had recently been defeated at the Provincial elections. This was said by you confidentially and we shall, of course, treat it as such. But I feel I must inform you, to avoid any possi-

bility of misunderstanding, that any such name will be considered objectionable by us. This objection is not personal, but we feel that the name is suggested for entirely political reasons and we cannot agree to any such course.

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

This is in answer to your confidential letter of June 14 about one of the Muslim League nominees.

I am afraid that I cannot accept the right of the Congress to object to names put forward by the Muslim League, any more than I would accept similar objections from the other side. The test must be that of ability.

37. LORD WAVELL'S ANNOUNCEMENT, JUNE 16, 1946.

His Excellency the Viceroy, in consultation with the members of the Cabinet Mission, has for some time been exploring the possibilities of forming a Coalition Government drawn from the two major parties and certain of the minorities. The discussions have revealed the difficulties which exist for the two major parties in arriving at any agreed basis for the formation of such a Government.

The Viceroy and the Cabinet Mission appreciate these difficulties and the efforts which the two parties have made to meet them. They consider, however, that no useful purpose can be served by further prolonging these discussions. It is indeed urgently necessary that a strong and representative Interim Government should be set up to conduct the

very heavy and important business that has to be carried through.

The Viceroy is, therefore, issuing invitations to the following to serve as members of the Interim Government on the basis that the constitution-making will proceed in accordance with the statement of May 16 :—

Sardar Baldev Singh, Sir N. P. Engineer, Mr. Jagjivan Ram, Pandit Jawaharlal Nehru, Mr. M. A. Jinnah, Nawabzada Liaquat Ali Khan, Mr. H. K. Mahtab, Dr. John Matthai, Nawab Mohammad Ismail Khan, Khwaja Sir Nazimuddin, Sardar Abdur Rab Nishtar, Mr. C. Rajagopalachari, Dr. Rajendra Prasad, Sardar Vallabhai Patel.

If any of those invited is unable for personal reasons to accept, the Viceroy will, after consultation, invite some other person in his place.

The Viceroy will arrange the distribution of portfolios in consultation with the leaders of the two major parties.

The above composition of the Interim Government is in no way to be taken as a precedent for the solution of any other communal question. It is an expedient put forward to solve the present difficulty only, and to obtain the best available Coalition Government.

The Viceroy and the Cabinet Mission believe that Indians of all communities desire to arrive at a speedy settlement of this matter so that the process of constitution-making can go forward and that the Government of India may be carried on as efficiently as possible in the mean time.

They, therefore, hope that all parties, especially the two major parties, will accept this proposal so as to overcome the present obstacles, and will co-operate for the successful carrying on of the Interim Government. Should this proposal be accepted the Viceroy will aim at inaugurating the new Government about the 26th June.

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

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

38. LORD WAVELL'S LETTER TO PRESIDENTS OF CONGRESS AND LEAGUE, JUNE 16, 1946.

I send herewith a copy of the statement which, as indicated in the letter I sent you yesterday, will be released at 4 P.M. this evening.

As the statement shows, the Cabinet Ministers and I are fully aware of the difficulties that have prevented an agreement on the composition of the Interim Government. We are unwilling to abandon our hope of a working partner-

ship between the two major parties and representatives of the minorities. We have, therefore, done our best to arrive at a practicable arrangement taking into consideration the various conflicting claims, and the need for obtaining a Government of capable and representative administrators. We hope that the parties will now take their share in the administration of the country on the basis set out in our new statement. We are sure we can rely on you and your Working Committees to look to the wider issues and to the urgent needs of the country as a whole, and to consider this proposal in a spirit of accommodation.

39. CONGRESS-VICEROY CORRESPONDENCE, JUNE 12—22, 1946.

(1) From Lord Wavell to Pandit Jawaharlal Nehru, June 12, 1946 :

Dear Pandit Nehru,

I am anxious to have an opportunity of consulting you together with Mr. Jinnah as to how best I can fill the various posts in the Interim Government. Could you come to see me for this purpose at 5 P.M. to-day ?

It is not my intention to discuss any question of principle such as " parity " or otherwise, but to concentrate upon what I know to be our common objective, that is to get the best possible Interim Government drawn from the two major parties and some of the minorities and to approach this deci-

sion by a consideration of what the portfolios should be and how each one can best be filled.

I am sending a similar letter to Mr. Jinnah.

Sd/-. Wavell.

(2) From Pandit Jawaharlal Nehru to Lord Wavell, June 12, 1946 :

Dear Lord Wavell,

I am sorry for the slight delay in answering your letter of to-day's date. Your invitation to me to see you to-day at 5 P.M. in order to confer with you and Mr. Jinnah about the Interim Government placed me in a somewhat difficult position. I would gladly meet you at any time, but our official spokesman in regard to such matters is naturally our President, Maulana Azad. He can speak and confer authoritatively, which I cannot do. It is, therefore, proper that he should be in charge on behalf of the Congress in authoritative conversation that might take place. But since you have asked me to come I shall do so. I hope, however, that you will appreciate my position and that I can only talk without authority, which vests in our President and the Working Committee.

(Sd). Jawaharlal Nehru.

(3) From Maulana Azad to Lord Wavell, June 13, 1946 :

Dear Lord Wavell,

Thank you for your letter of the 12th June, which I have just received, inquiring after my health. I have now more or less recovered.

Pandit Jawaharlal Nehru has reported to my Committee and me the gist of the conversations between Your Excellency and him. My Committee regret that they are unable to accept your suggestions for the formation of the Provisional National Government. These tentative suggestions emphasise the principle of "Parity" to which we have been and are entirely opposed. In the composition of the Cabinet suggested by you, there is 'Parity' between the Hindus including the Scheduled Castes and the Muslim League, that is the number of Caste Hindus is actually less than the nominees of the Muslim League. The position thus is worse than it was in June 1945 at Simla where, according to your declaration then, there was to be "Parity" between the Caste Hindus and Muslims, leaving additional seats for the Scheduled Caste Hindus. The Muslim seats then were not reserved for the Muslim League only but could include non-League Muslims. The present proposal thus puts the Hindus in a very unfair position and at the same time eliminates the non-League Muslims. My committee are not prepared to accept any such proposal.

Indeed as we have stated repeatedly we are opposed to "Parity" in any shape or form.

In addition to this "Parity" we are told that there should be a convention requiring that major communal issues should be decided by separate group voting. While we have accepted this principle for long term arrangements we did so as an effective substitute for other safeguards. In your present proposals, however, both "Parity" and this conven-

tion are suggested. This would make the working of the Provisional Government almost impossible and deadlock a certainty.

As I have often pointed out to you we are strongly of opinion that the Provisional Government should consist of fifteen members. This is necessary to carry out the administration of the country efficiently, as well as to give adequate representation to the smaller minorities. We are anxious that the various minorities should have scope in such a Government. The work before the Provisional Government is likely to be much heavier and more exacting. In your proposals Communications include Railways, Transport, Posts (Post and Telegraphs) and Air. It is difficult for us to conceive how all these can be joined together in one portfolio. This would be highly undesirable at any time. Owing to industrial troubles and in the possibility of railway strikes this arrangement would be wholly wrong. We think also that planning is an essential department for the Centre. We think, therefore, that the Provisional Government must consist of fifteen members.

The suggested division of portfolios appears to us to be undesirable and unfair.

My Committee should also like to point out that a Coalition Government in order to be successful must have some common outlook and programme for the time being. The manner of approach in forming such a Government has been such as to leave this out of consideration and my Committee

do not feel any confidence that such a Coalition can function successfully.

It was our intention to write to you about certain other matters also, but for reasons known to you our letter has been delayed. I shall write to you about these and other matters later. My purpose in writing to you now is to convey to you without any delay our reactions on the tentative proposals that you put forward to-day.

(Sd.) Abul Kalam Azad.

(4) Maulana Azad to Lord Wavell, June 14, 1946 :

Dear Lord Wavell,

In my letter to you sent yesterday I promised to send you another letter. I am now doing so.

On May 24th the Congress Working Committee passed a resolution which I conveyed to you. In this resolution we gave our reactions to the statement dated May 16, 1946, which the British Cabinet Delegation and you issued on behalf of the British Government. We pointed out what were in our opinion some of the omissions and defects in that statement and we also gave our interpretation of some of its provisions. In a subsequent statement issued by you and the Cabinet Delegation our viewpoint was not accepted.

You know, and we have repeatedly emphasised this, that our immediate objective has been and is the independence of India. We have to judge everything by this standard. We suggested that even though no legal change might be

made at this stage, independence in practice might be recognised. This has not been agreed to.

In your letter dated May 30, 1946, addressed to me, you explained what in your view the status and powers of the Interim Government would be. This too falls short of what we aim at. Yet the friendly tone of your letter and our desire to find some way out led us to accept your assurance in these matters. We came to the conclusion also that, unsatisfactory as were many of the provisions of your statement of May 16th, we would try to work them according to our own interpretation and with a view to achieve our objective.

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

But two insuperable obstacles remained and we had hoped that you would be able to remove them. One of these related

to the part that European members of the Provincial Assemblies might play in the election to the Constituent Assembly. We have no objection to Englishmen or Europeans as such, but we do have a strong objection to persons, who are foreigners and non-nationals and who claim to belong to the ruling race, participating in, and influencing the elections to, the Constituent Assembly. The Cabinet Delegation's statement lays down clearly that the future constitution of India has to be decided by Indians. The basic principle of the statement of May 16th was the election of a member of the Constituent Assembly to represent one million inhabitants. On this basis, the representatives of 146,000 Muslims in Orissa and 180,000 Hindus and 58,000 Sikhs in the North-West Frontier Province have not been given the right to elect any member to the Constituent Assembly. The European population of Bengal and Assam numbers only 21,000 but their representatives can return to the Constituent Assembly by their own vote 7 out of 34 members, thus appropriating to themselves the right to represent seven millions. They are returned to the Provincial Assembles 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 fiight for their exclusion at the threshold of the Constituent Assembly.

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

Equally important, in our view, is the question of "parity" in the proposed Provisional National Government. I have already written to you on this subject. This "parity", or by whatever other name it may be called, has been opposed by us throughout and we consider it a dangerous innovation which, instead of working for harmony, will be a source of continuous conflict and trouble. It may well poison our future as other separatist steps in the past have poisoned our public life. We are told that this is a temporary provision and need not be treated as a precedent, but no such assurance can prevent an evil step from having evil consequences. We are convinced that even the immediate results of any such provision will be harmful.

If the position about the European vote and "parity" remains, my Committee are relunctantly compelled to inform you that they will not be able to assist you in the difficult task ahead.

The talk we had with you to-day has not made any substantial difference to the fundamental position. We have noted that, according to your new suggestions, the proposed woman member might be replaced by a Hindu, thus increasing the Hindu members including Scheduled Caste representatives to six. We would be sorry not to have a woman member, but apart from this, the new proposal maintains the old Simla (1945) formula of parity between Caste Hindus and Muslims, with this important qualification that now Muslims are supposed to mean members of Muslim League. We are unable to agree to this proposal and we are still convinced that the Provisional Government must consist of fifteen members and that there should be no kind of parity in the selections.

(Sd.) A. K. Azad.

(5) From Lord Wavell to Maulana Azad, June 15, 1946 :

My dear Maulana Sahib,

I have received your letter of June 14. I will reply to it in detail in the course of to-day. Meanwhile I must assume from the last paragraph of your letter that my attempt to negotiate an agreement between the two major parties on the composition of the Interim Government has failed.

The Cabinet Delegation and I have, therefore, decided to issue to-morrow a statement on the action we propose to take, and we will let you have a copy of this before publication.

(Sd.) Wavell.

(6) From Lord Wavell to Maulana Azad, June 15, 1946 :

My dear Maulana Sahib,

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

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

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

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

I recognise the difficulty about the Europeans who through no fault of their own find themselves in a difficult position. I still hope that a satisfactory solution of the problem will be found.

Our discussions in regard to the Interim Government have been on the basis of political parties and not communities. I understand that this is regarded as preferable now. As it was at the first Simla Conference, in the proposed Interim Government of myself and thirteen others, there will be six Congressmen and five Muslim Leaguers. I do not see how this can be called parity. Nor is there parity between Hindus and Muslims, there being six Hindus to five Muslims.

Even at this last moment, I still hope that the Congress will now accept the statement and consent to join the Interim Government.

(Sd.) Wavell.

(7) From Maulana Azad to Lord Wavell, June 16, 1946 :

Dear Lord Wavell,

I have received your two letters of June 15th. I note what you say about Grouping. We abide by our interpretation of it.

As regards Europeans we are clear that even on a legal interpretation of the statement of May 16th, apart from other considerations, they have not the right to participate in the elections to the Constituent Assembly. I am glad you expect a satisfactory solution of this problem.

We have endeavoured in our letter and in the course of our talks to state clearly what our position is in regard to any kind of parity. You will remember that parity was mentioned and considered at the first Simla Conference.

That parity was exactly same as is now suggested by you, that is, parity between Caste Hindus and Muslims.

Owing to the stress of war and other conditions then existing, we were prepared to accept this only for that occasion. It was not to be used as a precedent. Moreover, this was subject to the inclusion of at least one Nationalist Muslim. Now conditions have entirely changed and we have to consider the question in another context. That is approaching independence and Constituent Assembly. As we have written to you, in this context and in present circumstances we consider this kind of parity unfair and likely to lead to difficulties. The whole scheme proposed by you in the statement of May 16 is based on absence of weightage and yet in the proposed Provisional Government there is this weightage, in addition to other far-reaching communal safeguards.

We have tried our utmost to arrive at a satisfactory settlement and shall not despair of it. But such a settlement, in order to be enduring, must be based on strong foundations. So far as the statement of May 16th is concerned our main difficulty, as we wrote to you, was the European vote,

The second and remaining difficulty relates to the proposals for the Provisional Government which have to be considered together with the statement. The two cannot be separated. These proposals have thus far been unacceptable to us, but if a satisfactory settlement in regard to them is arrived at, we would be in a position to shoulder the burden.

(Sd.) Abul Kalam Azad.

(8) From Lord Wavell to Maulana Azad, June 16, 1946 :

Dear Maulana Sahib,

I send herewith a copy of the statement which, as indicated in the letter I sent you yesterday, will be released at 4 P.M. this evening.

As the statement shows, the Cabinet Ministers and I are fully aware of the difficulties that have prevented an agreement on the composition of the Interim Government. We are unwilling to abandon our hope of a working partnership between the two major parties and representatives of the minorities.

We have therefore done our best to arrive at a practicable arrangement taking into consideration the various conflicting claims and the need for obtaining a Government of capable and representative administrators. We hope that the parties will now take their share in the administration of the country on the basis set out in our new statement. We are sure we can rely on you and your Working Committee to look to the wider issues and to the urgent needs of the country as a whole, and to consider this proposal in a spirit of accommodation.

(Sd.) Wavell.

(Enclosed :—Statement by the Cabinet Delegation and the Viceroy, dated 16th June).

(9) From Maulana Azad to Lord Wavell, June 18, 1946 :

Dear Lord Wavell,

I promised to write to you this evening in case my

Committee had come to any decisions. The Committee met this afternoon and sat for many hours. In the absence of our colleague, Khan Abdul Ghaffar Khan, who is due to arrive tomorrow morning, we decided to adjourn till to-morrow. I am therefore not in a position this evening to convey to you any decision. I shall communicate with you as soon as my Committee arrives at any conclusion.

(Sd.) Abul Kalam Azad.

(10) From Lord Wavell to Maulana Azad, June 20, 1946 :

Dear Maulana Sahib,

You will, I am sure, appreciate that the members of the Cabinet Mission have a great deal of urgent work awaiting them in England and are not in a position to prolong their stay in this country indefinitely. I would therefore ask your Working Committee to let us have a final answer as soon as possible to the proposals made in our statement of June 16.

I understand that you have summoned back the members of the Committee who had left Delhi and in these circumstances we would ask you to let us have your answer not later than Sunday, June 23.

(Sd.) Wavell.

(11) From Maulana Azad to Lord Wavell, June 21, 1946 :

Dear Lord Wavell,

I have Your Excellency's letter of 20th June, 1946.

I appreciate your anxiety to come to an early decision regarding the formation of an Interim Government and I

can assure you that my Working Committee fully share your anxiety. A new difficulty, in addition to the old ones, has however been created by the publication in the press of the alleged contents of Mr. Jinnah's letter to you in which he raises objection to the Congress nominations in the Interim Cabinet. It will be of great assistance to the Working Committee in coming to a decision if they could have copies of these alleged letters and your reply as they deal with vital matters which we have to consider.

(Sd.) Abul Kalam Azad.

(12) From Lord Wavell to Maulana Azad, June 21, 1946 :

Dear Maulana Azad.

I thank you for your letter of to-day. Mr. Jinnah in his letter to me of 19th June put to me the following questions :

1. Whether the proposals contained in the statement for setting up of an Interim Government are now final or whether they are still open to any further change or modification at the instance of any of the parties or persons concerned :

2. Whether the total number of fourteen members of the Government as proposed in the statement would remain unchanged during the interim period :

3. If any person or persons invited as representatives of the four minorities, viz., the Scheduled Castes, the Sikhs, the Indian Christians and the Parsis, is, or are unable to accept the invitation to join the Interim Government for personal

or other reasons how will the vacancy or vacancies thus created be filled by the Viceroy ; and whether in filling up the vacancy or vacancies the leader of the Muslim League will be consulted and his consent obtained :

4. (*a*) Whether during the Interim period for which the Coalition Government is being set up, the proportion of members of the Government community-wise, as provided in the proposals, will be maintained.

(*b*) Whether the present representation given to four minorities, viz., the Scheduled Castes, the Sikhs, the Indian Christians and the Parsis will be adhered to without any change or modification :

5. In view of the substitution of 14 now proposed for the original 12 and the change made in the original formula, whether there will be a provision, in order to safeguard Muslim interests, that the Executive Council shall not take any decision on any major communal issue if the majority of the Muslim members are opposed to it.

The operative part of my reply dated the 20th June was as follows :

"The intention in the statement of June 16 was that the discussion of portfolios with leaders of the two main parties should follow the acceptance by both parties of the scheme. This intention still holds since until the names are known it is difficult to decide on the distribution of portfolios.

On the points which you desire to be made clear in connection with the Government to be formed under our

statement of June 16, I give you the following reply after consultation with the Delegation.

1. Until I have received acceptances from those invited to take office in the Interim Government the names in the statement cannot be regarded as final. But no change in the principle will be made in the statement without the consent of the two major parties.

2. No change in the number of 14 members of the Interim Government will be made without the agreement of the two major parties.

3. If any vacancy occurs among the seats at present allotted to representatives of minorities I shall naturally consult both the main parties before filling it.

4. (*a*) and (*b*) The proportion of members by communities will not be changed without the agreement of the two major parties.

5. No decision on a major communal issue could be taken by the Interim Government if the majority of either of the main parties were opposed to it. I pointed this out to the Congress President and he agreed that the Congress appreciated this point."

(Sd.) Wavell.

(13) From Lord Wavell to Maulana Azad, June 22, 1946 :

My dear Maulana Sahib,

I understand from press reports that there is a strong feeling in Congress circles that the party should insist on

their right to include a Muslim of their own choice among the representatives of the Congress in the Interim Government.

For reasons of which you are already aware it is not possible for the Cabinet Mission or myself to accept this request, but I would draw your attention to paragraph 5 of the statement of the 16th June, which reads as follows:

"The above composition of the Interim Government is in no way to be taken as a precedent for the solution of any other communal question. It is an expedient put forward to solve the present difficulty only, and to obtain the best available Coalition Government."

In the light of this assurance that no precedent is established we appeal to the Congress not to press their demand, but to take part in the strong Interim Government which the country so urgently needs.

(Sd.) Wavell.

40. MR. JINNAH'S LETTER TO THE VICEROY, JUNE 18, 1946.

In the course of my interview with you this evening, you informed me that the Congress proposed to substitute Dr. Zakir Hussain for one of the Caste Hindus invited by you to join the Interim Government although you expressed the hope that they would not do so. I told you that the reaction of Muslim India would be deadly against such a substitution and the Muslim League would never accept the nomination of any Muslim by you other than Muslim Leaguer. I placed

the matter before my Working Committee and it has unanimously endorsed this view and considers it vital and fundamental.

41. THE SIKHS ON INTERIM GOVERNMENT, JUNE 22, 1946.

(Resolution of the Panthic Board)

"This meeting of the Pratinidhi Panthic Board, after giving careful and anxious consideration to the invitation extended to the Hon'ble Sardar Baldev Singh by His Excellency the Viceroy to join the Interim Government as a representative of the Sikh community, unanimously resolves as under :

(A) That in view of the decision of the Panthic gathering of June 9 and 10 held at Amritsar totally rejecting the Cabinet Mission's proposals as being unjust and gravely detrimental to the interests of the Sikhs and in view of the fact that participation in the Interim Government involves the acceptance of these very proposals, the Panthic Board cannot advise any Sikh to serve on the Interim Government on the present basis :

(B) That the Panthic Board has been constrained to arrive at this decision on account of the callous and indifferent attitude shown by the powers that be to the deep and universal feelings of resentment and pain prevalent throughout the Sikh community at the complete lack of response to the Sikh cry for justice. Even the minimum provision of

safeguard for the protection of legitimate rights which can induce an honourable community to participate in consultations and discussions has not been so far made available to the Sikhs, while it has been granted in a rich measure to the other two main communities inspite of their numbers and advantageous position."

42. THE ANGLO-INDIANS ON THE CABINET MISSION'S PLAN, JUNE 22—23, 1946.

(1) Speech of Mr. Anthony, June 22, 1946 :

Vehement criticism of the Cabinet Mission's latest proposal was made by Mr. Anthony, leader of the Anglo-Indian community, addressing the extraordinary general meeting of the community held at New Delhi to-day. Representatives from all parts of India including the Anglo-Indian provincial M.L.A.'s attended.

Declaring that he was speaking to the community in contrasting moods of intense bitterness and of satisfaction, Mr. Anthony said that his "bitterness, which would be shared by all members of the community, was at the criminal disservice which has been gratuitously rendered by the Cabinet Mission to the community both in the proposals concerning the Constituent Assembly and the Interim Government. Despite His Majesty's Government's alleged solicitude for the Indian minorities, the Cabinet Mission seems to have been inspired by a desire deliberately to ignore, and even to destroy, the smaller minorities."

Mr. Anthony said : "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." "I was not," said Mr. Anthony, "convinced one iota by the disingenuous explanation made by the Cabinet Mission in their attempt to 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. "Quite frankly, we regard this provision as little more than a deception and a snare."

The proposal of the Mission, singling out the Anglo-Indian community for exclusion from the Interim Government, Mr. Anthony said, was a foul disservice. "It is a disservice whose heinousness is accentuated by the fact that the Congress had, in its original plan, recommended a seat

for the Anglo-Indian community and even after it was decided to have 14 members urged that an Anglo-Indian should, on this occasion, be given preference to the Parsis. It would appear that the British authorities were actuated by almost malicious motives against the Anglo-Indians in evolving the proposals for the Interim Government."

"Long enough," continued Mr. Anthony, "have we done the dirty work of this ungrateful administration. Long enough have we endured, as a return for this work, not only ingratitude but now almost deliberate victimisation. We are still being compelled to serve in the Auxiliary Force. This force, I believe, has been recommended for disbandment by the Willcox Reorganization Committee. It is only being maintained as a convenience by the administration in order to crush likely disturbances by other communities in the near future. Once we have served the purpose of the present administration the Corps will be disbanded, but not before our position with the other communities has been made difficult. The Government has absolutely no right to conscript the Anglo-Indians, who are one of the Indian communities. Either the Corps should be immediately disbanded or thrown open to members of all the other communities. In any case as a mark of our bitter and emphatic protest against the terrible injustice that has been done to us by our deliberate exclusion from the Interim Government, I would ask every self-respecting Anglo-Indian immediately to resign from this force which has only been made use of against the people of this country."

Mr. Anthony said that in spite of the "attempts of the British authorities to destroy us politically, we shall not be destroyed. To-day we have been rightfully recognised by the nationalist leaders. Our future rights with the Indian leaders are assured. To-day we know who our friends and enemies are, and our enemies are not our fellow-Indians and the Indian leaders".

"But for this last psychological blunder on the part of the British, we would have never been able to understand the people of India. They have succeeded in joining the Anglo-Indians to all the other Indian communities in a deep and implacable distrust and contempt for the British."

(2) Resolution of the general meeting of the Anglo-Indians at New Delhi, June 23, 1946 :

The resolution reads, "This general meeting of Anglo-Indians views with incredulity and bitterness the deliberate exclusion of this community from the Interim Government, in spite of our recognised right to a seat, supported by the strong specific recommendations of the major Indian political party. Because of this wanton blow at the political and economic position of the community by the Viceroy and the Cabinet Mission, this meeting resolves to call on all members of the community to express their emphatic protest by resigning from all voluntary services, refraining to render any assistance and not to contribute to any charitable or other funds organised by the present administration for promoting non-Indian interests."

The resolution "further directs the leaders of the community, in the event of the Mission finally rejecting our just demands, to influence Anglo-Indians all over the country to take increasingly direct action against the present administration."

It further called upon "all Anglo-Indians to resign immediately from the auxiliary force as the community has been singled out by the administration to serve its purpose and so jeopardise our position in the country."

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

"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," writes Mahatma Gandhi in today's *Harijan* under the heading "The European Vote."

Mahatma Gandhi adds, "The Europeans 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? Indians cannot perform the obvious duty of the Mission for them."

Following is the text of the article :—

"No less a person than the President of the European Association has exhibited the lion's paw. 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. It will be found in these columns.

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 Asso-

ciation is to my mind the greatest disturbing factor to shake the faith in 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 impossed 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".

44. PROCEDURE OF ELECTION TO 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 of June 16, His Excellency the Governor of Bengal has summoned the Bengal Legislative Assembly to meet on July 10, 1946, to elect representatives from the Province for the Constituent Assembly. The Instructions relating to the election, which are being sent to all members of the Bengal Legislative Assembly, are published for general information.

In view of the orders summoning a meeting of the Legislative Assembly for July 10 for this purpose, the previous order summoning the Assembly for July 24 for the Budget Session has been cancelled. It is, however, still the intention that the Assembly should meet for the Budget Session on July 24 and a summons for that date is expected to be issued after the short session called for July 10.

It is stated in sub-paragraph (*i*) of paragraph 19 of the Statement published by the Cabinet Delegation and His Excellency the Viceroy on May 16 that there shall be elected to the Union Constituent Assembly by each Provincial Legislative Assembly, certain representatives, each part of the

Chamber (General and Muslim) electing its own representatives by the method of proportional representation with the single transferable vote. The number of representatives from Bengal is :—General 27 and Muslim 33; total 60. The following instructions explain the procedure which will be followed in holding the elections.

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

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

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

(*b*) that the nomination is accompanied by a 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, 1946, commencing at 11 A.M. in the Legislative Chamber and shall reject all nominations that are not in accordance with articles II, III and IV of these Instructions. Candidates may be present.

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

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

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

(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 on 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 pubished in the Calcutta Press on Tuesday, the 18th June. The Associated Press of India was definitely informed to-day that no other directive has 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 represen-

tative 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".

45. 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 candidates 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 15 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 artificial 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 treaties, 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 contain 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, there-

fore, 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 constitution 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'.

There is, therefore, no doubt that the expression "all persons" included in the "General Community" means Indian members of the Provincial Assembly concerned and not foreigners or non-nationals.

6. That this is the intention, is further clear from para 22 of the statement which reads as follows :—

"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".

Surely, it could not have been the intention that the Constituent Assembly, with which the United Kingdom is to negotiate the treaty, will have as its members, persons who are not Indians, but are nationals of the United Kingdom which is to be the other party to the treaty.[1]

46. MAULANA AZAD'S LETTER TO LORD WAVELL, JUNE 25, 1946.

20, Akbar Road,
New Delhi,
25th June, 1946.

Dear Lord Wavell,

Ever since the receipt of your statement of June 16th, my Committee have been considering it from day to day and have given long and anxious thought to your proposals

[1] The Europeans of Bengal and Assam did not take part in the election of members of the Constituent Assembly, but those of the U.P. voted.

and to the invitations you have issued to individuals to form the Provisional National Government. Because of our desire to find some way out of the present most unsatisfactory situation, we have tried our utmost to appreciate your approach and viewpoint. In the course of our conversations we have already pointed out to you our difficulties. Unfortunately these difficulties have been increased by the recent correspondence.

The Congress, as you are aware, is a national organisation including in its fold the members of all religions and communities in India. For more than half a century it has laboured for the freedom of India and for equal rights for all Indians. The link that has brought all these various groups and communities together within the fold of the Congress is the passionate desire for national independence, economic advance and social equality. It is from this point of view that we have to judge every proposal. We hoped that a Provisional National Government would be formed which would give effect in practice to this independence.

Appreciating some of your difficulties, we did not press for any statutory change introducing independence immediately, but we did expect a '*de facto*' change in the character of the Government making for independence in action. The status and powers of the Provisional Government were thus important.

In our view this was going to be something entirely different from the Viceroy's Executive Council. It was to represent a new outlook, new methods of work and a new

psychological approach by India to both domestic and external problems. Your letter dated 30th May, 1946, gave us certain assurances about the status and powers of the Provisional Government. These did not go far enough, according to our thinking, but we appreciated the friendly tone of that letter and decided to accept the assurances and not to press this particular matter any further.

The important question of the composition of the Provisional Government remained. In this connection we emphasised that we could not accept anything in the nature of "parity" even as a temporary expedient and pointed out that the Provisional Government should consist of 15 members to enable the administration of the country to be carried on efficiently and the smaller minorities to be represented in it.

Some mention of names was made and on our part suggestions were put before you informally, including the name of a non-League Muslim.

In your statement on June 16th some of the names were made from the provisional list prepared by the Congress. The manner of preparing your list and presenting it as an accomplished fact seemed to us to indicate a wrong approach to the problem. One of the names[1] included had not been previously mentioned at all and was that of a person holding an official position and not known to be associated with any public activity. We have no personal objection to him, but

[1] Sir N. P. Engineer, Advocate-General of India.

we think that the inclusion of such a name, particularly without any previous reference or consultation, was undesirable and indicated a wrong approach to the problem.

Then again a name[1] from our list was excluded and in his place another[2] of our colleagues was put in, but as you have said that this can be rectified, I need not say more about it.

One outstanding feature of this list was the non-inclusion of any Nationalist Muslim. We felt that this was a grave omission. We wanted to suggest the name of a Muslim to take the place of one of the Congress names on the list. We felt that no one could possibly object to our changing the name of one of our own men. Indeed when I had drawn your attention to the fact that among the Muslim League nominees was included the name of a person, who had actually lost in the recent elections in the Frontier Province and whose name we felt had been placed there for political reasons, you wrote to me as follows: "I am afraid that I cannot accept the right of the Congress to object to names put forward by the Muslim League, any more than I would accept similar objections from the other side. The test must be that of ability." But before we could make our suggestion I received your letter of the 22nd June which surprised us greatly. You had written this letter on the basis of some Press reports. You told us that the Cabinet Mission and you

[1] Mr. Sarat Chandra Bose.
[2] Mr. Harekrishna Mahtab.

were not prepared to accept a request for the inclusion of a Muslim chosen by the Congress among the representatives of the Congress in the Interim Government.

This seemed to us an extraordinary decision. It was in direct opposition to your own statement quoted above. It meant that the Congress could not freely choose even its own nominees.

The fact that this was not to be taken as a precedent made hardly any difference. Even a temporary departure from such a vital principle could not be accepted by us at any time or place and in any circumstances.

In your letter of the 21st June you gave certain questions framed by Mr. Jinnah in his letter dated 19th June and your replies to them. We have not seen Mr. Jinnah's letter. In Question 3 reference is made to "representation of the four minorities *viz.*, the Scheduled Castes, the Sikhs, the Indian Christians and the Parsees", and it is asked as to "who will fill in vacancies caused in these groups, and whether in filling up the vacancies the leader of the Muslim League will be consulted and his consent obtained".

In your answer you say, "If any vacancy occurs among the seats at present allotted to representatives of the minorities, I shall naturally consult both the main parties before filling it". Mr. Jinnah has thus included the Scheduled Castes among the minorities and presumably you have agreed with this view. So far as we are concerned we repudiate this view and consider the Scheduled Castes as integral parts of

Hindu society. You also, in your letter of June 15th, treated the Scheduled Castes as Hindus.

You pointed out that in your proposal there was no "parity" either between Hindus and Muslims or between the Congress and the Muslim League in as much as there were to be 6 Hindus belonging to the Congress, as against 5 Muslims belonging to the League. One of the 6 Hindus belonged to the Scheduled Castes.

We are in any case not agreeable to the leader of a party, which claims to represent a community which is a minority, interfering with the selection of names either of the Scheduled Castes, whose representation you counted as falling within the Congress quota, or with the selection of representatives of the minorities mentioned.

In Question 4 the Scheduled Castes are again referred to as a minority and it is asked whether the proportion of members of the Government community-wise as provided in the proposals will be maintained. Your answer is that the proportion will not be changed without agreement of the two major parties. Here again one communal group functioning admittedly as such is given a power to veto changes in other groups with which it has no concern.

We may desire, if opportunity offers itself, to increase the representation, when it is possible, to include another minority, for example Anglo-Indians. All this would depend on the consent of the Muslim League. We cannot agree to this.

We may add that your answers restrict the Congress

representation to Caste Hindus and make it equal to that of the League.

Finally you state in answer to Question 5 that "no decision on a major communal issue could be taken by the Interim Government if the majority of either of the main parties were opposed to it." You further say that you had pointed this out to the Congress President and he had agreed that the Congress appreciated this point. In this connection I desire to point out that we had accepted this principle for the long-term arrangement in the Union Legislature and it could possibly be applied to the Provisional Government if it was responsible to the Legislature and was composed of representatives on the population basis of major communities. It could not be applied to the Provisional Government formed on a different basis altogether. It was pointed out by us in my letter of the 13th June, 1946, that it would make administration impossible and deadlocks a certainty. Even in the question as framed by Mr. Jinnah it is stated that "in view of the substitution of 14 now proposed for the original 12" no major communal issues should be decided. if the majority of the Muslim members are opposed to it. Thus this question arose after the substitution of 14 for 12, *i.e.*, after your statement of June 16th.

In this statement no mention was made of this rule.

This very important change has been introduced, almost casually and certainly without our consent. This again gives the power of veto or obstruction to the Muslim League in the Provisional Government.

We have stated above our objections to your proposals of June 16th as well as to your answers to the questions framed by Mr. Jinnah. These defects are grave and would render the working of the Provisional Government difficult and deadlocks a certainty. In the circumstances your proposals cannot fulfil the immediate requirements of the situation or further the cause we hold dear.

My Committee have, therefore, reluctantly come to the conclusion that they are unable to assist you in forming a Provincial Government as proposed in your statement of June 16th, 1946.

With regard to the proposals made in the statement of May 16th, 1946 relating to the formation and functioning of the constitution-making body, the Working Committee of the Congress passed a resolution on the 24th May, 1946, and conversations and correspondence have taken place between Your Excellency and the Cabinet Mission on the one side and myself and some of my colleagues on the other. In these we have pointed out what in our opinion were the defects in the proposals. We also gave our interpretation of some of the provisions of the statement. While adhering to our views, we accept your proposals and are prepared to work them with a view to achieve our objective. We would add, however, that the successful working of the Constituent Assembly will largely depend on the formation of a satisfactory Provincial Government.

Yours sincerely,
Sd|- A. K. Azad.

47. 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 lead-

ing 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.

48. STATEMENT OF THE CABINET MISSION AND THE VICEROY, JUNE 26, 1946.

The Cabinet Mission and the Viceroy are glad that constitution-making can now proceed with the consent of the two major parties and of the States. They welcome the statements made to them by the leaders of the Congress and the Muslim League that it is their intention to try and work in the Constituent Assembly so as to make it a speedy and effective means of devising the new constitutional arrangements under which India can achieve her independence. They are sure that the members of the Constituent Assembly, who are about to be elected, will work in this spirit.

The Cabinet Mission and the Viceroy regret that it has not so far proved possible to form an Interim Coalition Government, but they are determined that the effort should be renewed in accordance with the terms of paragraph eight of their statement of June 16.

Owing, however, to the very heavy burden which has been cast upon the Viceroy and the representatives of the parties during the last three months, it is proposed that the further negotiations should be adjourned for a short interval during the time while the elections for the Constituent Assembly will be taking place. It is hoped that when the discussions are resumed, the leaders of the two major parties, who have all expressed their agreement with the Viceroy and the Cabinet Mission on the need for the speedy formation of a representative Interim Government, will do their utmost to

arrive at an accommodation upon the composition of that Government.

As the Government of India must be carried on until a new Interim Government can be formed, it is the intention of the Viceroy to set up a temporary Caretaker Government of officials.

It is not possible for the Cabinet Mission to remain longer in India as they must return to report to the British Cabinet and Parliament and also to resume their work from which they have been absent for over three months. They, therefore, propose to leave India on Saturday next, June 29.

In leaving India the members of the Cabinet Mission express their cordial thanks for all the courtesy and consideration which they have received as guests in the country and they most sincerely trust that the steps which have been initiated will lead to a speedy realisation of the hopes and wishes of the Indian people.

49. MAULANA AZAD'S STATEMENT, JUNE 26, 1946.

The Congress President Maulana Abul Kalam Azad in a 1000-word review of the last three months' negotiations with the Cabinet Mission says :

"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 Proposals have clearly recognised the rights 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."

50. MR. JINNAH'S CORRESPONDENCE WITH LORD WAVELL, JUNE 19—28, 1946.

(1) From Mr. Jinnah to Lord Wavell, June 19, 1946 :

Dear Lord Wavell,

I am in receipt of your letter of the 16th June, 1946, together with an advance copy of the statement by the Cabinet Delegation and yourself of the same date.

In my interview with you at Simla prior to the announcement of the Cabinet Delegation's proposals, you had informed me that you were going to form the Interim Government consisting of twelve members on the basis of five Muslim League, five Congress, one Sikh and one Indian Christian or Anglo-Indian. As regards the portfolios, you had indicated that the important ones would be equally divided between the Muslim League and the Congress but details of actual allotment were to be left open for discussion. After the statement of the Cabinet Delegation and yourself, dated the 16th of May, 1946, you again on the 3rd of June at New Delhi gave me to understand that the formula for the formation of the Interim Government disclosed to me at Simla would be followed. On both the occasions I sought your permission to communicate this information to my Working Committee which you kindly gave. Accordingly, I gave a full account of the talks I had with you and the decision of the Working Committee in regard to the acceptance of the long-term proposals was largely influenced by the faith which they reposed in the scheme for the formation of the Interim

Government disclosed by you to me on the two occasions. Further, as I have already pointed out in my letter to you of 8th June, 1946, I made the statement before the Council of the All-India Muslim League that that was the formula, which, I was assured by you, would be the basis on which you would proceed to form your Interim Government, and, therefore, this formed an integral part of the plan embodied in the statement of the Cabinet Delegation. This was one of the most important considerations which weighed with the Council of the All-India Muslim League also in arriving at their decision, although even then there was a section that was opposed to the plan being accepted.

When the Congress press started a sinister agitation against Congress-League parity, with a view to inform you of the Muslim League stand, I wrote to you on the 8th June that "any departure from this formula, directly or indirectly, will lead to serious consequences and will not secure the co-operation of the Muslim League".

Subsequently, in my interview with you on the 13th June you informed me that you wanted to alter the basis and proceed on the formula of five Congress, five Muslim League, and three others, namely, one Sikh, one Scheduled Caste, and one Indian Christian. I told you then that if any change was proposed to be made I would have to place the matter before the Working Committee and may have to call another meeting of the Council of the All-India Muslim League. I also informed you that when the Congress finally agreed to your new formula I would then place it before my Working

Committee for them to take such action as they deem necessary.

After discussion with the Congress representatives you wrote to me on the 15th June informing me that you had failed to negotiate an agreement on the composition of the Interim Government on the basis of 5 : 5 : 3 and that the Cabinet Delegation and yourself would issue a statement on the 16th of June on the action that you proposed to take and that you would let me have a copy of it before publication.

Accordingly you sent me a copy of the statement by the Cabinet Delegation and yourself issued on the 16th June, with a covering letter of the same date, which I placed before my Working Committee and who after careful consideration of the matter have authorised me to state as follows :

(A) That the Working Committee are surprised that invitations have been issued to 5 Muslim Leaguers to join the 'Interim' Government without calling for a list from the leader of the Muslim League.

(B) That your latest proposal on the basis of which you now desire to form your 'Interim' Government shows that you have abandoned parity between the Congress and the Muslim League, the two major parties, and have substituted parity between the Muslim League and Caste Hindus, and have added a fourth representative of the minorities, namely, a Parsi. One of the minority representatives nominated by you, *i.e.*, Mr. Jagjivan Ram, is a Congressman and has been selected, it appears, not to give real representation to the

Scheduled Castes, but to give an additional seat to the Congress in the Interim Government.

(C) That the modifications which have been made in the original formula for the 'Interim' Government have adversely affected the proportion of the Muslims in the 'Interim' Government as a whole and as against the Congress as a single group.

(D) That in view of the serious changes which have, from time to time, been made to satisfv the Congress, it is not possible for the Working Committee to arrive at any decision in the matter of the formation of the Interim Government so long as the Congress does not finally convey its decision on the proposals to you, and

(E) That the question of distribution of portfolios should also be finally decided so that there may be no further hitch created by the Congress in this regard and the Working Committee may have a complete picture before them when they meet to consider the proposals.

Further, I shall be grateful if you will please make the following points clear with reference to your letter and statement of the 16th June :—

1. Whether the proposals contained in the statement for the setting up of an 'Interim' Government are now final or whether they are still open to any further change or modification at the instance of any of the parties or persons concerned ;

2. Whether the total number of 14 members of the Government as proposed in the statement would remain unchanged during the interim period ;

3. If any person or persons invited as representatives of the four minorities, *viz.*, the Scheduled Castes, the Sikhs, the Indian Christians and the Parsis, is, or are, unable to accept the invitation to join the 'Interim' Government for personal or other reasons, how will the vacancy or vacancies thus created, be filled by the Viceroy ; and whether in filling up the vacancy or vacancies the leader of the Muslim League will be consulted and his consent obtained ;

4. (*a*) Whether during the interim period for which the Coalition Government is being set up the proportion of members of the Government, community-wise, as provided in the proposals, will be maintained ;

(*b*) Whether the present representation given to four minorities, *viz.*, the Scheduled Castes, the Sikhs, the Indian Christians and the Parsis will be adhered to without any change or modification ; and

5. In view of the substitution of 14 now proposed for the original 12 and the change made in the original formula, whether there will be a provision in order to safeguard Muslim interests, that the Executive Council shall not take any decision on any major communal issue if the majority of the Muslim members are opposed to it.

I trust that you will kindly favour me with your reply as early as possible.

Yours sincerely,
M. A. Jinnah.

(2) From Lord Wavell to Mr. Jinnah, June 20, 1946 :

Dear Mr. Jinnah,

I thank you for your letter of the 19th June which I have shown to the Cabinet Mission.

I do not think it is necessary for me to comment on the first part of your letter. I am sure you will appreciate that negotiations designed to secure acceptance by two parties with conflicting interests may not always end on the same basis as that on which they began ; and, as you know, I never gave you any guarantee that they would necessarily be concluded on any particular basis.

I note the views of the Muslim League set out in paragraphs (A) to (E) of your letter.

The intention in the statement of June 16 was that the discussion of portfolios with leaders of the main parties should follow the acceptance by both parties of the scheme. This intention still holds, since until the names are known, it is difficult to decide on the distribution of portfolios.

On the points which you desire to be made clear in connection with the Government to be formed under our statement of June 16, I give you the following reply after consultation with the Delegation :—

(1) Until I have received acceptance from those invited to take office in the 'Interim' Government, the names in the statement cannot be regarded as final. But no change in principle will be made in the statement without the consent of the two major parties.

(2) No change in the number of 14 members of the "Interim" Government will be made without the agreement of the two major parties.

(3) If any vacancy occurs among the seats at present allotted to representatives of minorities, I shall naturally consult both the main parties before filling it.

(4) (A) and (B). The proportion of members by communities will not be changed without the agreement of the two major parties.

(5) No decision on a major communal issue could be taken by the "Interim" Government if the majority of either of the main parties were opposed to it. I pointed this out to the Congress President and he agreed that the Congress appreciated this point.

(6) If you agree, I will send copies of the questions in your letter and of paragraphs 4 and 5 of this letter to the President of the Congress.

Yours sincerely,
Wavell.

(3) Lord Wavell to Mr. Jinnah, June 28, 1946 :

Dear Mr. Jinnah,

The Cabinet Mission and I feel that there are certain

points in your statement released yesterday[1] which it would be wrong to leave unanswered.

You will remember that at an interview which the Cabinet Mission and I had with you on the evening of the 25th June, before the meeting of your Working Committee at which you accepted the proposals in the statement of the 16th June, we explained to you that as Congress had accepted the statement of 16th May while refusing to take part in the 'Interim' Government proposed in the statement of 16th June, this had produced a situation in which paragraph 8 of the statement of the 16th June took effect. This paragraph stated that if either of the two major parties was unwilling to join in the setting up of a Coalition Government on the lines laid down in that statement, the Viceroy would proceed with the formation of 'Interim' Government which would be as representative as possible of those willing to accept the statement of the 16th May.

We said that since the Congress and the Muslim League had now both accepted the statement of 16th May, it was the intention to form a Coalition Government including both those parties as soon as possible. In view, however, of the long negotiations which had already taken place, and since we all had other work to do, we felt that it would be better to have a short interval before proceeding with further negotiations for the formation of an Interim Government. Thus whatever interpretation you may put on paragraph 8, your

[1] See pages 272—275.

Working Committee can have been in no doubt as to the course we proposed to adopt.

I confirmed in writing the same evening what we had told you.

Secondly, the assurances which you quote in your statement related specifically to the particular 'Interim' Government that would have been set up if both major parties had accepted the statement of the 16th June.

To prevent misunderstanding I propose to publish this letter together with your letter of the 19th June the substance of which has already appeared in the Press and my reply of the 20th June.

Yours sincerely,
Wavell.

(4) From Mr. Jinnah to Lord Wavell, June 28, 1946 :

[The main points of Mr Jinnah's letter of 28th June in reply to Lord Wavell's letter of the 28th June are, according to an O.P. message, as follows :]

Mr. Jinnah in course of his letter reiterated that the Mission were in honour bound to go ahead with the formation of the Interim Government as " all contingencies including the rejection by the Congress were contemplated and provided for in the statement of June 16 and clause 8 of the statement taken along with the context is quite clear."

The letter further expresses that in view of the new stand taken by the Cabinet Mission and the Viceroy as per their statement of June 26 'which is neither fair nor just", elections to the Constituent Assembly should be postponed as

according to all documents and the two statements issued by the Cabinet Mission on May 25 and June 16, the long term arrangement and the Interim Government proposals were nothing but inseparable and integral parts of one and the same plan.

Mr. Jinnah holds the view that "it is neither desirable nor in conformity with the previous statements that one part, viz., the formation of the Interim Government should be left behind and the other part be proceeded with."

(5) Lord Wavell to Mr. Jinnah, June 28, 1946 :

Dear Mr. Jinnah,

I have received your letter of the 28th June and have shown it to the Cabinet Ministers.

We are quite unable to accept your suggestion that we have gone back on our word. As I have said in a letter to you earlier to-day our course of action was determined by what had been laid down in paragraph 8 of the statement of the 16th June ; and we had made it plain to you before your Working Committee meeting on the 25th June, that we proposed to follow this course.

The arrangements for the elections to the Constituent Assembly have already been put into operation and we do not propose to postpone them.

As the substance of your letter was included in the All-India Radio news to-day I am publishing this reply.

Your Sincerely,
Wavell.

51. MR. JINNAH'S STATEMENT, JUNE 27, 1946.

I have considered the letter of the Congress President addressed to Lord Wavell dated June 26, the resolution of the Working Committee of the Congress realised to the press yesterday, and the statement of the Cabinet Delegation and the Viceroy issued in New Delhi on Wednesday, June 26, but a copy of which has not yet been furnished to me.

I think it is necessary for me to state shortly as to what occurred during the progress of the negotiations.

Prior to the Cabinet Delegation's statement of May 16 and further statement of May 25, the Viceroy at Simla represented to me that he would proceed with the formation of an Interim Government on the basis of the formula, five, five, two, *i.e.,* five on behalf of the Muslim League, five on behalf of the Congress, one Sikh and one Indian Christian or Anglo-Indian and that, as regards the portfolios, the most important of them would be equally divided between the Congress and the Muslim League, further details being left open for discussion. With the permission of the Viceroy I was authorised to state this formula to the Working Committee at Simla, on the assumption that the long-term proposals would be such as would be acceptable to us. Thereafter again, on the eve of the meeting of the Working Committee of the Muslim League, in my interview on June 3 the Viceroy repeated the same formula and authorised me to communicate it to my Working Committee. This was one of the most important considerations which weighed with them together with the two statements of the Cabinet Dele-

gation dated May 16 and May 25. The long-term plan and the Interim Government formula together formed one whole and this formula regarding the Interim Government was an integral part of the whole scheme and as such the Council of the All-India Muslim League gave its final decision on that basis on June 6.

Thereafter, the Viceroy sent for me on June 13 and he suggested a formula of five, five, three. Owing to the agitation set on foot by the Congress press and the opposition of the Congress to the original formula, I had already given a warning to the Viceroy in a letter on June 8 that any departure from this formula, directly or indirectly, would lead to serious consequences and would not secure the co-operation of the Muslim League, and that I might have to call a meeting of the Council of the All-India Muslim League again. At my interview with the Viceroy on the 13th, I was told by him that he wanted to change the basis of the original formula and proceed on the basis of five Congress, five Muslim League and three others, *i.e.,* one Sikh, one Scheduled Caste and one Indian Christian or Anglo-Indian. In spite of the difficulties that I had pointed out would arise, I informed the Viceroy that if the Congress were finally to agree to this new formula I would place it before my Working Committee for their consideration. But even this second proposal of the Viceroy was turned down by the Congress and His Excellency the Viceroy informed me by his letter dated June 15 that he had failed to negotiate an agreement on the basis which he had suggested and that the Cabinet

Delegation and he had decided to issue their statement on June 16 on the action they proposed to take. Accordingly, the statement of June 16 was issued to the Press and an advance copy was sent to me. These were, we were categorically informed, final and not open to any modification, except that the names in the statement could not be regarded as final, until the Viceroy had received acceptances from those invited to take office in the Interim Government.

On the 19th June I wrote to the Viceroy asking for certain clarifications regarding the statement of June 16 to which a reply was received from him on the 20th of June after he had consulted the Cabinet Delegation. The following extracts are from that letter of the Viceroy in reply to questions put to him.

(1) "Until I have received the acceptance of those invited to take office in the Interim Government, the names in the statement cannot be regarded as final. No change is proposed to be made in the statement without the consent of the two major parties."

(2) "No change in the number of fourteen members of the Interim Government will be made without agreement of the two major parties."

(3) "If any vacancy occurs among the seats at present allotted to the representatives of the minorities, I shall naturally consult both the main parties before filling it."

(4) (A and B) "The proportion of the members by

communities (word communities underlined) will not be changed without agreement of the two major parties."

(5) "No decision on a major communal issue could be taken by the Interim Government if the majority of any of the main parties were opposed to it. I pointed this out to the Congress President and he agreed that the Congress appreciated this point."

I had by my letter of June 19 informed the Viceroy that in view of the serious changes which had from time to time been made to satisfy the Congress, it was not possible for the Working Committee to arrive at any decision in the matter of formation of the Interim Government, so long as the Congress did not convey their final decision on the proposals of June 16 to the Viceroy and until it was communicated to me.

52. MR. JINNAH'S STATEMENT, JUNE 29, 1946.

The Cabinet Delegation and His Excellency the Viceroy have thought fit to release only a few letters torn from the rest of the correspondence that passed between me and the Delegation and the Viceroy, which have a very important bearing on the present controversy.

The Viceroy did make a clear representation to me that he would proceed to form his Interim Government on the basis of the formula 5 : 5 : 2 : *i.e.*, 5 representatives of the Muslim League, 5 of the Congress, I Sikh and 1 Indian Christian or Anglo-Indian, and that, as regards the portfolios, the most important portfolios will be equally

divided between the League and the Congress in distribution thereof, further details being left open for discussion.

The Viceroy further authorised me to make that representation to my Working Committee and the Council of the All-India Muslim League, which I did and it was on that basis that, both the Working Committee and the Council were induced to accept the long-term plan and the proposal for the Interim Government together as a whole.

This formula had a vital bearing and did greatly weigh with the Council of the All-India Muslim League in coming to their final decision, which was communicated to the Viceroy on the 7th June. Immediately thereafter a sinister agitation was set on foot by the Congress Press against this formula and I informed the Viceroy by my letter of 8th June, by way of caution, that there should be no departure from this formula. Below is the full text of this letter which speaks for itself.

(Letter from Mr. Jinnah to His Excellency the Viceroy, dated 8th June, 1946) :

Dear Lord Wavell,

During the course of our discussions regarding the Interim Government at Simla and thereafter at Delhi on the 3rd of June after my arrival and before the meeting of the Muslim League Working Committee took place, you were good enough to give me the assurance that there will be only 12 portfolios, 5 on behalf of the League, 5 Congress, 1 Sikh and 1 Christian or Anglo-Indian ; and that, as regards the portfolios, the most important portfolios will be equally

divided between the League and the Congress in the distribution thereof, further details being left open for discussion.

With your previous permission I informed the Working Committee of this assurance and this was one of the most important considerations which weighed with them together with the statement of the Cabinet Mission. These two together formed one whole and, as such, the Council of the All-India Muslim League has given its final decision on the 6th of June. I may further inform you that similarly I had to repeat the assurance to the Council before they finally gave their approval. As you know, the meeting of the All-India Muslim League Council was held in camera and, there again, the House showed great opposition to the scheme in the beginning. During the course of discussions at a very early stage a large body of opposition was satisfied when I made the statement in answer to the very pressing question as to what our position will be with regard to the Interim Government.

But for this assurance we could not have got the approval of the Council to the scheme. As requested by you I took as much care as possible to see that it did not become public.

I am writing this letter to you as I find that a very sinister agitation has been set on foot by the Congress press against your formula stated above, which was the turning point in our having secured the decision of the Council.

Any departure from this formula, directly or indirectly, will lead to very serious consequences and will not secure the co-operation of the Muslim League.

You know further that the Congress may adopt an offensive attitude by including a Muslim in their quota, which will be strongly resented by the Muslim League and which will be another very great hurdle before us.

Yours sincerely,
M. A. Jinnah.

The Viceroy replied by his letter of the 9th June and in this letter he did not take exception to the facts stated by me in my letter quoted above. Only, according to him "there was no assurance on this point." The following is the full text of the Viceroy's letter :

(Letter from His Excellency the Viceroy to Mr. M. A. Jinnah, dated 9th June 1946) :

Dear Mr. Jinnah,

Thank you for your letter of yesterday. You speak of an assurance about the 5 : 5 : 2 ratio. There was no assurance on this point. But I told you, as I told the Congress, that this was what I had in mind. It would be wrong for me to leave you under the impression that there was any assurance, although I hope that we may reach agreement on that basis.

Yours sincerely,
Wavell.

The fact however remains that he did make this representation to me and authorised me to do likewise to the Working Committee and the Council of the All-India Muslim League, both of which were induced to come to their decisions upon the faith of this representation.

The next important date is the 13th of June, when I was called by the Viceroy, and suddenly he presented a new formula for the composition of the Interim Government *i.e.*, 5 : 5 : 3. I have already explained as to what transpired between him and me with regard to this revised formula. But the Viceroy failed to negotiate an agreement with the Congress on this basis also and I was informed by his letter of the 15th June that the Cabinet Delegation and he would issue a statement on the 16th of June on the action they proposed to take. I reproduce below in full the Viceroy's letter of the 15th June :

(Letter from His Excellency the Viceroy to Mr. Jinnah, dated June 15th, 1946) :

Dear Mr. Jinnah,

I am writing to inform you that after discussions with the Congress representatives I have failed to negotiate an agreement on the composition of an Interim Government on the basis which I suggested to you. The Cabinet Delegation and myself have therefore decided to issue to-morrow a statement on the action we propose to take ; and we will let you have a copy of this before publication.

Yours sincerely,
Wavell.

Their final proposals were embodied in their statement of 16th June and now they have gone back on these proposals also by postponing the formation of the Interim Government indefinitely.

As regards my interview on the evening of the 25th of June at 5-30 p.m., when I was suddenly called by the Cabinet Delegation and the Viceroy, fantastic interpretations were suggested on the statement of the 16th June in the course of our talk and I was asked to give my opinion : and I emphatically differed from them. It was agreed that they will communicate in writing to me finally their views and the action they proposed to take. The Viceroy then sent me his letter dated the 25th of June, which reached me, as I have already stated, at mid-night after the resolution of the Working Committee was passed and released to the press. If, as it is now sought to make out, that they had already come to their final decision as to the course they were going to adopt, why was that decision not communicated to me by the Viceroy earlier in the day as they had received the Congress reply before mid-day on the 25th of June instead of calling me for discussion as to the correct interpretation or true construction of paragraph 8 in the statement of June 16, and then informing me that the Cabinet Delegation and the Viceroy will communicate with me as to what they proposed to do ?

I give below the full text of the Viceroy's letter of 25th June referred to above, my reply to this letter dated the 26th and the Viceroy's reply to it dated the 27th June conveying to me his intention to form a temporary Care-Taker Government till the reopening of negotiations after the elections to the Constituent Assembly have been completed.

(Letter from the Viceroy, 25th June, 1946) :

Dear Mr. Jinnah :—You asked for a letter in confirmation of what the Delegation said to you this evening.

We informed you that the Congress had accepted the statement of May 16 while refusing to take part in the Interim Government proposed in the statement of June 16.

This has produced a situation in which Paragraph 8 of the statement of June 16 takes effect. This paragraph said that if either of the two major parties was unwilling to join in the setting up of a Coaliton Government on the lines laid down in the statement, the Viceroy would proceed with the formation of an Interim Government which will be as representative as possible of those willing to accept the statement of May 16.

Since the Congress and the Muslim League have now both accepted the statement of May 16, it is the intention to form a Coalition Government including both those parties as soon as possible. In view, however, of the long negotiations which have already taken place, and since we all have other work to do, we feel that it will be better to have a short interval before proceeding with further negotiations for the formation of an Interim Government.

This, therefore, is the course of action we propose to adopt, unless the two main parties can within the next few days agree upon a basis on which they can co-operate in a Coalition Government.

Meanwhile the election and summoning of a Constituent

Assembly as laid down in the statement of May 16 are going forward.

Yours sincerely, Wavell.

(Letter of Mr. M. A. Jinnah to the Viceroy, 26th June, 1946) :

Dear Lord Wavell :—I received your letter dated 25th June, 1946, at midnight last night after I had sent you the resolution of my Working Committee passed at its meeting yesterday with a covering letter of the same date, agreeing to join the Interim Government on the basis of the statement of the Cabinet Delegation and yourself dated 16th June and the clarifications and assurances given by you after consultation with the Cabinet Delegation in your letter dated the 20th of June addressed to me.

I regret that the Congress, while accepting the statement of the 16th of May, should have rejected the proposals regarding the setting up of the Interim Government on the basis of the statement of 16th June, which was the final decision of the Cabinet Delegation and yourself in this regard. May I draw your attention to Paragraph 8 of the statement of 16th June, which clearly lays down that the acceptance of the statement of 16th May, and rejection of the final proposals embodied in the statement of the 16th of June, cannot change the basis and principles laid down therein ?

In Paragraph 3 of your letter, when you say that the Viceroy would proceed with the formation of an Interim Government which will be as representative as possible of

those willing to accept the statement of May 16th, the quotation qualifies them to be included in the Interim Government, but only on the basis and the principles laid down in your proposals of the 16th of June. In these circumstances, as indicated in the statement of 16th June, Paragraph 7, that you aimed at inaugurating the Interim Government about the 26th of June, I hope you will not now delay the matter but go ahead with the formation of the Interim Government on the basis of your statement of 16th June, 1946.

Yours sincerely, M. A. Jinnah.

(Letter from the Viceroy, 27th June, 1946) :

Dear Mr. Jinnah :—Thank you for your letter of yesterday. I am sorry that my letter did not reach you till after the meeting of your Working Committee had ended.

As we explained to you during our interview on Tuesday, the Cabinet Mission and I consider that in the light of Paragraph 8 of the statement of 16th June I am clearly bound to make an attempt to form a Government representative of both the major parties, since both have accepted the statement of 16th May.

I think you will agree that it is essential to have a short interval before resuming negotiations, and as we informed you, it is proposed to set up a temporary Care-Taker Government of officials. I intend reopening negotiations after the elections to the Constituent Assembly have been completed. Meanwhile, the Cabinet Mission will return home to report.

Yours sincerely, Wavell.

As regards my request for the postponement of the elections to the Constituent Assembly, my reply to the two letters of the Viceroy of the 28th June has not been included in the published letters. I, therefore, think that I must, in fairness, release my letter of the 28th of June in reply to the Viceroy's letter of the 27th June reproduced above, and also my reply dated 28th June to the two letters of the Viceroy of same date released to the Press yesterday. The following is the text of the two letters :

(Letter from Mr. Jinnah, dated 28th June, to the Viceroy in reply to the latter's dated 27th June, 1946) :

Dear Lord Wavell:—I am in receipt of your letter of June 27th, 1946.

I had already pointed out by my letter of the 26th of June in reply to yours of the 25th and also at the interview on Tuesday, 25th June, with you and the Cabinet Delegation that you were in honour bound to proceed forthwith with the formation of your Interim Gvernment in accordance with the statement of the 16th of June, which was final, and the assurance given to us.

The Cabinet Delegation and yourself issued an official statement late in the evening of 26th June, and as I have already pointed out in my statement issued to the press yesterday, by that pronouncement you have chosen to go back upon your pledged word by postponing the formation of the Interim Government.

Now I have received your letter of 27th June and hereby

inform you that I cannot agree with you when you say in your letter that "it is essential to have a short interval before resuming negotiations" I repeat that you should have proceeded in terms of paragraph 8 of the statement of June 16th without delay. But since you have adopted this course of action in the official statement of the Cabinet Delegation and yourself, which is neither fair nor just, I strongly urge upon you without prejudice, that the elections to the Constituent Assembly should also be postponed as you know that according to all the relevent documents and particularly the two statements of the Cabinet Delegation and yourself dated 16th and 25th of May, the long-term plan and the formation of the Interim Government formed one whole, each constituting an integral part of the whole scheme. It is, therefore, undesirable to proceed with one part, *i.e.,* elections to the Constituent Assembly and to postpone the other.

Yours sincerely, M. A. Jinnah.

(Letter from Mr. M. A. Jinnah to the Viceroy in reply to his two letters of the 28th June released to the press yesterday) :

Dear Lord Wavell:—I am in receipt of your letter of 28th June. The facts are correctly stated in my statement that was released to the press yesterday, the 27th of June.

The explanation that you now give in your letter under reply of what took place between me and the Cabinet Delegation and yourself, does not change in any way the position. The fact is that you did not communicate to me your views officially before the meeting of the Working Committee. I

requested you to send your views officially to me and you did so by your letter of the 25th of June, which reached me at midnight after the Working Committee had passed their resolution which was released to the press according to the solemn agreement that we were to give our reply immediately after the decision of the Congress. If you wish to take the credit that some idea was given to me of the change on your part in the course of the interview, where we discussed so many things, you may do so.

As regards paragraph 2 of your letter I am surprised when you say that the assurances quoted by me from your letter in my statement were given "if both the major parties had accepted the statement of the 16th of June." No such indication of any condition is given in your letter of the 20th of June, which I understand from your Private Secretary has already been released to the press together with some other correspondence. May I request you to release this letter also ?

I have received a second letter from you dated the 28th of June. May I also request you to publish the full text of my letter of the 28th of June asking you to postpone the Constituent Assembly elections and not only a substance of it which might have appeared in the All-India Radio broadcast—as you propose to release your reply to the press.

Yours sincerely, M. A. Jinnah.

I maintain that the Cabinet Delegation and the Viceroy have gone back on their word within ten days of the publication of their final proposals in not implementing the state-

ment of the 16th of June and I fully endorse what has been put so well—"Statesmen should not eat their words."

53. THE CABINET MISSION AT WORK, MAY 17—JUNE 29, 1946.

May 17 : Viceroy's broadcast.
May 18 : Congress Working Committee meets.
May 19 : Congress seeks clarification. Maulana Azad writes to Secretary of State.
May 22 : Mr. Jinnah criticises Mission's proposals.
May 23 : Viceroy meets Maulana Azad and Pandit Nehru regarding setting up of Interim Government.
May 24 : Working Committee's resolution on Mission's proposals : No final opinion.
May 25 : Cabinet Mission and Viceroy reply to Congress resolution.
May 26 : Gandhiji says : "best document under circumstances."
May 28 : (London) : Parliamentary approval not necessary for setting up Constituent Assembly.
May 30 : Mr. Jinnah declares that final decision rests with the League Working Committee.
Sardar Mangal Singh resquests the Viceroy to reconsider the Sikh case.
May 31 : Mr. T. Prakasam, Premier of Madras, declares that election of Members of Constituent Assembly would be held about the middle of July.

Rev. Nichols Roy, Minister of Assam, supports grouping of Bengal and Assam.

June 2: Mahatma Gandhi's article in "Harijan" points out three "vital defects" in the Mission's Plan.

Viceroy writes to Maulana Azad, clarifying certain points regarding Interim Government.

Some leaders of Assam, like Mr. Basanta Kumar Das, Minister, support grouping of Bengal and Assam.

League Working Committee begins session.

"Pravda" (Russian paper) describes Cabinet Mission's Plan as "a new formula of Imperial rule destined to preserve the political and economic position of Great Britain."

June 3: League Working Committee in session: Mr. Jinnah sees the Viceroy twice.

Mr. Anthony, President, Anglo-Indian Association, asks the Viceroy for clarification.

June 4: League Working Committee session ends—no resolution passed—final decision left to League Council.

Working Committee of All-India Scheduled Castes Federation passed a resolution demanding 'rectification of the wrong done by the Cabinet Mission'.

Sikhs decide to "Resist Plan to Death."

June 5: League Council in secret session: majority in

favour of acceptance. Gandhiji believes in Mission's sincerity.

June 6: League Council accepts Mission's Plan, only 25 out of 250 voting against it.

Croog elects representative to Constituent Assembly.

June 7: Meeting of Rulers and Ministers of States favours acceptance of Mission's Plan.

Mr. Jinnah's one hour interview with the Viceroy.

Akalis decide to raise volunteers to fight the Mission's Plan.

Viceroy writes to Presidents of Congress and League regarding composition of Interim Government.

June 8: Master Tara Singh's interview with Viceroy "infructuous."

June 9: Congress Working Committee in session.

Selection of League candidates to Constituent Assembly left to Central Parliamentary Board.

Akali Conference.

Mr. G. M. Syed, Leader of Opposition in Sind, rejects grouping of provinces.

Rev. Nichols Roy, Assam Minister, rejects grouping of Bengal and Assam.

Forward Bloc rejects Mission's Plan.

June 10: Maulana Azad and Pandit Nehru meet Viceroy and Mission for 75 minutes.

Assam Delegation reaches Delhi to protest against grouping.

Pathans against grouping.

1,000 Sikhs, headed by Akali leaders, take oath before *Akal Takht* to oppose Mission's Plan.

June 11 : Gandhiji's interview with Viceroy.

Mr. G. N. Bardoloi, Assam Premier, opposes grouping.

June 12 : Sir Stafford Cripps saw Mr. Jinnah twice.

Sardar Patel and Pandit Nehru saw the Viceroy.

Gandhiji saw Lord Pethick-Lawrence.

Mr. Anthony saw Sardar Patel and Pandit Nehru.

Mr. Rajagopalachariar invited to meet Lord Pethick-Lawrence.

Assam Delegation meets Congress Working Committee and protests against grouping.

Mr. Lawson, President of European Association, explains the position of the Europeans.

June 13 : Congress rejects Interim Plan based on parity between Congress and League.

Viceroy saw Sardar Patel, Pandit Nehru and Mr. Jinnah separately.

Mr. Rajagopalachariar saw Lord Pethick-Lawrence.

Mission consults Mr. Attlee.

Sardar Niranjan Singh Gill appointed first "Dictator" of the Sikh Committee of Action.

June 15 : Viceroy writes to Maulana Azad.

Secretary of State writes to Mahatma Gandhi.

Congress Working Committee meets Sikh Panthic Delegation.

Bengal Europeans decide not to set up any European candidate for Constituent Assembly.

Mr. Rajagopalachariar's plan to avert deadlock : Interim Government for one year, based on parity.

June 16 : Viceroy invites 14 leaders to form Interim Government.

Gandhiji's interview with Secretary of State.

Congress Working Committee meets.

June 18 : Dr. Ambedkar protests against inclusion of only one Scheduled Caste member in the Interim Government.

Cabinet Mission meets Congress and League leaders.

Muslim League Working Committee in session.

Hindu Mahasabha rejects Cabinet Mission's Plan.

June 19 : Congress Working Committee in session.

June 20 : Pandit Nehru arrested in Kashmir.

June 21 : Viceroy writes to Maulana Azad.

June 22 : Pandit Nehru returns to Delhi.

Sardar Baldev Singh instructed by the Panthic Board not to join Interim Government.

June 24 : Congress Working Committee rejects Interim Government.

June 25 : League accepts Interim Government.

Statement of Cabinet Mission and Viceroy.

Congress directive to Premiers of Congress Provinces to go ahead with preparations for Constituent Assembly.

June 26 : Temporary Care-taker Government to be set up.
Mr. A. V. Alexander meets Mr. Jinnah.

June 27 : Mr. Jinnah's protest against postponement of Interim Government.
Sardar Patel meets Viceroy.

June 28 : Mission denies Mr. Jinnah's charge of "going back on their word" regarding the formation of Interim Government and rejects his request to postpone elections for Constituent Assembly.

June 29 : Cabinet Mission leaves for England.
Personnel of Care-taker Government announced :

1. War : F. M. Sir Claude Auchinleck.
2. Commerce & Commonwealth Relations : Sir Gurunath Bewoor.
3. War Transport & Railways, Post, Air : Sir Eric Conran Smith.
4. Finance : Sir Eric Coates.
5. Food & Agriculture : Sir Robert Hutchings.
6. Labour, Work, Mines & Power, Information, Arts, Health : Sir Akbar Hydari.
7. Law & Education : Sir George Spence.
8. Home, Industries & Supplies : Sir A. A. Waugh.

54. ALL-INDIA CONGRESS COMMITTEE RESOLUTION, 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 that Resolution, and 51 members voted against it.

(1) Speech of Maulana Azad :

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 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 Cenrre by conceding to the Centre sufficient powers to levy enough finances to support itself and maintain an efficient defence force to protect the country from external aggression and internal turmoil.

"The only new feature of the Cabinet Mission's proposals to which the Congress had not agreed fully was the one relating to grouping. The Working Committee has therefore made it clear that there should be no compulsion in the matter of grouping. The provinces should be free to decide whether they wish to join a particular Group or not. We are confident that the interpretation we have put on the grouping clause is the correct interpretation.

"The Congress Working Committee has made it clear that it cannot agree to the Europeans of Bengal and Assam participating in the framing of the constitution either by being members of the Constituent Assembly or participating in the elections to the Constituent Assembly by voting. If the Europeans eventually decide to exercise their so-called right of voting in elections to the Constituent Assembly, then the Congress will have to reconsider its decision".

Maulana Abul Kalam Azad in conclusion welcomed the decision of Bengal Europeans not to exercise their right to vote and hoped that Assam Europeans also would do likewise.

(2) Speech of Sardar Vallabhai Patel :

Sardar Vallabhai 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 Vallabhai 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, representa-

tive 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 Vallabhai 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 his 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 Vallabhai 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 :

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 pitfals 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 Proposal 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 Stayagrahis 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 forcefully. 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 we 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 on 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".

55. 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 desires 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 satisfac-

torialy. 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 Govern-

ment and they are likely to grow. Defence is such a wide subject that it tends to expand its scope and activities more and more. All that comes under the Union Government.

Similarly, External Affairs inevitably include Foreign Trade policy. You cannot have Foreign Policy if you divorce Foreign Trade from it. They include all manner of things which are not put down there but which can be brought in.

Referring to the question of raising finances for the Union, Pandit Nehru said that it had to be done by taxation. "If any one suggests that some kind of contributions or doles are going to be given by the Provinces or States, it is bunkum. No Central Government carries on doles." He recalled how an attempt to carry on with contribution had ended in failure in the United States in the early days of the American Confederation. "Inevitably, therefore," he added, "any Central Government must raise its finances by taxation. I cannot make a list now but obviously Customs, including Tariff, is connected with Foreign Trade policy. It may be, Income Tax will be another; I do not know what else."

Pandit Nehru pointed out that the Central Government must be responsible for foreign market, loans and such other subjects. It must also obviously control currency and credit. "Who is going to do it, if not the Centre? You cannot allow each unit or province to carry on a separate type of credit and Foreign Policy."

"Suppose there is trouble between the Provinces or States, or an economic breakdown due to famine conditions. The Centre comes in again, inevitably. However limited the

Centre might be, you cannot help the Centre having wide powers, because the past few years have shown that if there were no Central authority, the conditions would have been far worse in India. However, the fact that there has been a Central authority has not done much good to the country, because it has been incompetent. It is obvious that without the Central authority, you cannot deal with problems mentioned above. There must be some overall power to intervene in grave crisis, breakdown of the administration, or economic breakdown or famine. The scope of the Centre, even though limited, inevitably grows because it cannot exist otherwise. Though some people might oppose this broadening of the Centre, the Constituent Assembly will have to decide on the point."

Pandit Nehru reiterated the Congress stand in respect of States' participation in the Constituent Assembly and said, "Our position has been and is that elected representatives of the States' people must go there. The rulers say that they should nominate representatives. What their stand to-day is, I do not know. But, obviously, we cannot accept that position. The real difficulty is that apart from the rulers' position, the Governments in the Indian States are so unrepresentative that a proper procedure must be adopted to make them representative and representatives of such Governments should go to the Constituent Assembly".

The Congress President's attention was drawn to some of the bigger States like Hyderabad not demobilising their war-time armies. Pandit Nehru said, "It is highly undesir-

able 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 the 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."

56. PANDIT NEHRU'S SPEECH, JULY 10, 1946.

Pandit Jawaharlal Nehru, Congress President, addressing a mammoth meeting of over 200,000 people at Shivaji Park (Bombay) this evening, asked the people to be ready to face bullets and bayonets, if the fight was to be launched to wrest freedom from the British. He did not want a feeling of complacency and lethargy to set in among the masses of the people in our country with a false note of confidence that we had already won our freedom.

He also said that the Congress decision to enter the Constituent Assembly did not mean the dawn of a new era of freedom and sovereignty for the people of India.

Pandit Nehru warned the people not to labour under a delusion that the Congress participation in the proposed Constituent Assembly meant the end of their national struggle to wrest freedom for India.

The Congress had decided to give a fair trial to the proposal of a Constituent Assembly to frame a constitution of a free and independent India. The Congress would send their representatives to the Constituent Assembly with a definite purpose in view: It was to frame a constitution of a free and independent India based on democracy and complete sovereignty of the masses of the people. But, said Pandit Nehru, that did not mean that the formation of a Constituent Assembly would lead to freedom of India.

He stressed the need for unity and strength among the people so as to prepare ourselves for a fight if that was the only alternative left to us, if the proposed Constituent Assembly failed to bring freedom to us. But at the same time, added Pandit Nehru, we would have also to organise ourselves to take the machinery of administration of our country in our own hands to run the Govt. "We have, therefore, prepared ourselves for both—for a struggle to wrest freedom and also to be ready to take the responsibility of running the Govt. of a free and independent India."

57. MR. JINNAH'S STATEMENT, JULY 13, 1946.*

"Pandit Nehru's interpretation of the Congress acceptance of the Cabinet Mission's proposals 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'."

Mr. Jinnah adds :

"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."

58. STATEMENT OF SIR STAFFORD CRIPPS, JULY 18, 1946.

Sir Stafford Cripps in his statement in the House of Commons gave a long review of the efforts of the Cabinet Mission in India, and appealed to all communities for helping the Viceroy in the formation of a representative Interim

Government to replace the present Caretaker Government so that the work of the Constituent Assembly goes on unhampered.

Sir Stafford, however, in the course of his statement disclosed that during the negotiations 'it was made perfectly clear to Mr. Jinnah on more than one occasion that neither the Viceroy nor the Mission would accept his claim to a monopoly of the Muslim appointments though the Muslim League was certainly to be regarded as the major representative of the Muslim interests.'

He also admitted that "the Congress always insisted upon the non-communal nature of its organisation and it has fully demonstrated this fact by its nomination of personnel to those Provincial Governments in which it had large majorities."

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 became 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 seeing 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 Communication; two Groups of Provinces, one predominantly Hindu and the other 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."

Regarding the formation of an Interim Government, which the Mission regarded as a matter of great importance, Sir Stafford said : "We stated then (May 16) and we still take the view, that a Coalition Government having full popular support was necessary, and that we were anxious to settle its composition as soon as possible so that the two things—the constitution-making machinery and the Interim Government—could go forward together. Moreover, it appeared clear at that time, as I have pointed out, that the Congress was unlikely to accept the long-term plan until a solution had also been found for the short-term question of an Interim Government."

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 that 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."

Regarding the Interim Government Sir Stafford Cripps, after giving a gist of the negotiations that led to eventual deadlock and subsequent discarding of the proposal of Interim Government at the Centre, stated that "it might have been that, despite all difficulties, the Congress would have consented to this arrangement had not there been an unfortunate and widely publicised disclosure of certain letters written by Mr. Jinnah at this precise moment."

"The most important of these was that which contained the following sentence: 'The Muslim League would never accept the nomination of any Muslim by you (that is, the Viceroy) other than the Muslim Leaguers'. This at once became a major issue. The Congress were in fact considering the possibility of asking for substitution of one of their Hindus by a Muslim in order to get over the parity difficulty. They might, perhaps, have waived this suggestion of nominating a Muslim had it not been that

public challenge was at this moment made to their right to do so.

"The Congress has, of course, always insisted upon the non-communal nature of its organisation, and it has fully demonstrated this fact by its nomination of personnel to those Provincial Governments in which it had large majorities.

"It was made perfectly clear to Mr. Jinnah on more than one occasion that neither the Viceroy nor the Mission would accept his claim to a monopoly of the Muslim appointments, though the Muslim League was certainly to be regarded as the major representative of the Muslim interests.

"Up to June 16 thus indicated the Muslim League only, as neither the Congress nor the Sikhs had up to that time given any decision. They decided, I am glad to say, to accept the statement of May 16 while unfortunately rejecting the Interim Government proposals for reasons I have already stated. This acceptance of the statement of May 16 was an act of statesmanship on their part, as it enabled progress to be made towards working out a new constitution.

"Immediately we received the letter from the Congress we saw Mr. Jinnah and told him the position, giving him a copy of the letter and informing him that the scheme of June 16 had fallen to the ground since the Congress had turned it down. This was confirmed the same evening. Up to that moment the Muslim League had arrived at no decision as to their attitude to the proposal of June 16. As I have already pointed out they had adopted a line that they must await the Congress decision before themselves deciding.

"Mr. Jinnah went straight from his meeting with us to his Working Committee who had passed a resolution accepting the scheme of June 16. Presumably, Mr. Jinnah told his Working Committee what had passed at the interview, though he does not make this clear in his letter.

"Mr. Jinnah seemed to think that acceptance by the Congress of the statement of May 16 had put him into a false position and that we should have proceeded forthwith to the formation of an Interim Government with the Muslim League alone.

"It is easy to realise the disappointment of Mr. Jinnah that the Congress had not accepted what apparently seemed to him an acceptable arrangement (of June 16) for a Coalition Government being set up, while at the same time, qualifying themselves for consultation upon the formation of some other Interim Government by agreeing to operate the plan of May 16. Mr. Jinnah was anxious to enter the Coalition Government as laid down in the statement of June 16, but as Paragraph 8 of that statement made the setting up of such a Government dependent upon acceptance by both parties, it was impossible to proceed upon that basis when one party —and the major party—had stated its unwillingness to accept".

Replying here to an interjected inquiry by Mr. Richard Butler (Conservative) as to the meaning of Paragraph 8 in the statement of June 16, Sir Stafford Cripps said: "If either the Congress or the Muslim League would not consent to

come into the Coalition Government, then the scheme for the Coalition Government went because it would no longer be a coalition and we should have to find some other Interim Government of those who accepted the scheme of May 16".

Sir Stafford continuing said: "The situation now is that the Viceroy will proceed to act under Paragraph 8 of the statement of June 16. There had been quite understandable criticism of the fact that a purely temporary official Government has been set up in the meantime.

"It is admittedly necessary to take some immediate steps as regards the Viceroy's Executive as a number of its members had resigned, some of them having returned to this country.

"There were only two possible alternatives, either to proceed at once with fresh negotiations with the two major parties, or else to appoint a purely Transitional Government until such time as further negotiations could take place.

"For the purpose of such a Transitional Government, the only practical method was to set up a purely official Caretaker Government, and as the House knows, that is what has been done and that Government is now functioning. I must make it clear that this is a purely temporary expedient to tide over time until a representative Interim Government can be formed.

"The deciding factor in the choice between the two alternatives was purely a practical one. No one desired an official Government had any other solution been possible. Only those who have carried through the intensive negotia-

tions during the summer months in New Delhi can realise how exhausted all participants were.

"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 every 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."

Sir Stafford paid a tribute to all with whom they negotiated in India and said when they left there had undoubtedly been a change of attitude.

There was trust in the sincerity of the British Government which had formerly been absent and desire and willingness for co-operation in the solution of India's problems.

"This is the first positive gain and is something which we believe augurs well for our future relations with independent India, whether she chooses to remain within or go without the British Commonwealth of Nations", added Sir Stafford.

"Success, though not yet by any means certain, is within the grasp of ourselves and our Indian friends and we may hope that in this realisation the remaining difficulties may be overcome".

Mr. Churchill's Speech :

Mr. Winston Churchill, who followed Sir Stafford Cripps, said : " I take full responsibility for the offer of 1942, although we received no co-operation from the Congress Party in India, which, throughout the war, adopted an attitude of non-co-operation although two million or more Indians fought with us for freedom.

" It was a remarkable thing that the political parties did not sway the views of Indians and, although we got no assistance from those parties, we adhered to the stand we had made ".

Mr. Churchill added he would register his dissent with severance from the original plan, for he considered this short-circuiting of normal constitutional processes to be not in accordance with the best wishes of those concerned with a solution of the Indian problem.

Mr. Churchill added there was no doubt that there was a complete lack of agreement at the present time between the two principal communities.

Between these two communities the gulf was never more wide than it was at present. Differences were never more acute. The deadlock was very grave.

Acceptance by the martial races of the final settlement which we made before we left India was indispensable to the future peace.

"I desire to emphasise that all the arrangements to be made by the Constituent Assembly, and in the treaties which

may subsequently be brought into existence between the Crown and Parliament of Great Britain and a new Sovereign independent Government of India, must be subject to the fulfilment of the honourable discharge of our obligations.

"I hope we are in agreement on that."

He could not contemplate that British troops should be used to crush Muslims in the interests of Caste Hindus. Whatever might be our responsibilities, whatever might be the day appointed for us to quit India, we must not make ourselves agents of a Caste Government, or particular sectional Government, in order to crush by armed force and modern weapons another community, which although not so numerous, was numbered by ninety millions.

He added that the Opposition was content that further discussion should stand over till the autumn when they would have a fuller knowledge of the situation and of the forces at work in India than was possible at present.

Mr. Cove's Speech :

Mr. Cove (Labour, Aberavon) declared that Mr. Churchill was living in days that were long past..

He was an adolescent imperialist bereft of power. Mr. Cove was quite sure Mr. Churchill's speech would be regarded in certain quarters in India as a mischievous speech designed to prevent progress.

Mr. Alexander's Speech :

Winding up the debate, Mr. Albert Alexander, the First

Lord of the Admiralty, and the third member of the Cabinet Mission, said : "Mr. Churchill has really suggested that we have taken almost a revolutionary departure from the offer of 1942 in that we have not merely offered Dominion Status but independent status. Who suggests that it is a departure from 1942 ?"

Mr. Churchill : I do. The offer of 1942 implied the setting up of Dominion Status first.

Mr. Alexander : That is really splitting hairs.

Mr. Churchill : "You say, "Take independence now" ; that is what they are going to take. Don't blind yourselves to the situation. There will be no hesitation on the part of those with whom you are dealing."

Mr. Alexander said : "If we approached the situation to-day entirely from the view point of 1942 we would have come back with the same failure."

He regretted hearing Mr. Churchill speak as if the British offer in 1942 was made only because the enemy was at the gates.

"We offer India independence and freedom because it is our own birthright and because it is the birthright we desire to accord to men and women in all parts of the world".

The whole British nation wished India nothing but good and desired that India should become a great Power for good for all people in the world.

The debate then concluded.

There was no question of a vote.

59. STATEMENT OF LORD PETHICK-LAWRENCE, JULY 18, 1946.

Lord Pethick-Lawrence, Secretary of State for India, gave the following account of his stewardship of the Cabinet Mission to India in the House of Lords today.

"As there is so much to tell, I will only say one thing by way of introduction regarding the problems with which we have to deal," he said.

Lord Pethick-Lawrence continued, "If you take all the population of the United States, and all the population both in Europe and Asia of the Soviet Union, and all the people of the British Isles and all the white people throughout the British Empire and add them all together—even then you do not reach a total as great as that of the Indians in India."

"Not only that; but that vast subcontinent has great diversities of race, religion, language and culture. No wonder it is then that Indian statesmen are deeply conscious of their responsibilities and take divergent views as to the precise constitutional future of that country.

"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".

Dealing with the negotiations for the creation of an Interim Government, Lord Pethick-Lawrence said: "I need hardly point out that during this interim period it is most desirable, if possible, to get an Interim Government which is in the nature of a coalition and in which, at any rate, the two major parties are both represented.

"No agreement was reached at Simla on this point or after our return to Delhi. A very strong point with the Congress was related to the powers and status of the Interim Government and the treatment of it by the Viceroy.

"The Congress took exception to parity between the two parties and attempts were made to meet this by forming an Interim Government on the basis of six Congress representatives—five Caste Hindus and one representative of the Scheduled Castes—five Muslims and two others. Mr. Jinnah might possibly have agreed but the Congress were not satisficed with this.

"We reached a complete deadlock and it seemed the only possible way to break it was for the Viceroy, in consul-

tation with the Mission, to choose a suitable Interim Government on a basis of six Congress, including one from the Depressed Classes, five Muslims, one Sikh and two others—one a Parsi and one an Indian Christian.

"The Viceroy had unofficial and tentative lists of names from both sides and these were largely used in the selection.

Mr. Jinnah took up the position that he would await the Congress decision before giving that of the Muslim League. The Congress were very much troubled by the type of parity still remaining between the Muslim League and the Caste Hindus and on the matter concerning minority representation.

"But the Congress, despite all difficulties, might have consented to this arrangement, had there not been, unfortunately, a widely published disclosure of certain letters written by Mr. Jinnah at that moment, the most important of which contained a sentence that the Muslim League would never accept the appointment of any Muslim by the Viceroy other than a Muslim Leaguer.

"This became a major issue. The Congress had suggested that they should be allowed to substitute a Muslim for one of their number but this had been opposed by the Viceroy and they might have waived the suggestion, had it not been that a public challenge was made at this moment to their right to do so.

"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.

"It was made clear to Mr. Jinnah that neither the Viceroy nor the Mission could accept his claim to a monopoly of Muslim appointments.

"We felt we could not at this stage accept much alteration of the Viceroy's plan. In the statement of June 16 we had laid down the course we should pursue in the event of both or either of the two major parties not being able to accept a Coalition Government on the basis proposed.

"If either opposed it, the whole basis of the Coalition fell to the ground. In this event our statement of June 16 stated that the Viceroy would seek to form an Interim Government which would be as representative as possible of all those willing to accept the statement of May 16.

"When the Congress ultimately came to their final decision to accept the May 16 statement, while unfortunately rejecting the Interim Government, they quite clearly became equally eligible with the Muslim League for inclusion in such a representative Government."

Lord Pethick-Lawrence said that when the Congress refused to work the scheme of June 16 it fell to the ground, and continued:

"The situation now is that the Viceroy will proceed to act on Paragraph 8 of the statement of June 16 after a very short delay."

Referring to the present "Caretaker Government" of officials, Lord Pethick-Lawrence said: "No one desired an official Government but any other solution was impossible.

"The next stage will be for the Viceroy to resume nego-

tiations at the earliest moment with the two major parties for the formation of an Interim Government.

"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.

60. 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 partties, 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 or suit them ; and the Congress had already secured by sheer number an overwhelming Caste Hindu majority, and they will be in a position to use the Assembly in a manner which they have already declared, *i.e.*, that they will wreck the basic form of the grouping of provinces, and extend the scope, powers and

subjects of the Union Centre which is confined strictly to three specific subjects as laid down in Paragraph 15 and provided for in Paragraph 19 of the Statement of May 16.

"The Cabinet Delegation and the Viceroy collectively and individually have stated several times that the basic principles were laid down to enable the major parties to join the Constituent Assembly and that the scheme cannot succeed unless it is worked in a spirit of co-operation. The attitude of the Congress already shows that these conditions precedent for the successful working of constitution-making do not exist. This fact, taken together with the policy of the British Government of sacrificing the interests of the Muslim nation and some other weaker sections of the peoples of India, particularly the Scheduled Castes, to appease the Congress, and the way in which they have been going back on their oral and written solemn pledges and assurances given from time to time to the Muslims, leave no doubt that, in these 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 paralyzed," 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."

APPENDIX

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.)
2. Dr. Pattabhi Sitaramayya	(Former member of the Congress Working Committee).
3. Mr. T. Prakasam ..	(Premier of Madras).
4. Sir N. Gapalaswami Iyengar	(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 ..	(Chief Minister of Madras, 1932-37. 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 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 P.C.C.).
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. Member of the Congress Expert Committee and 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. Mahaboob 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 Vallabhai Patel	(Member, Congress Working Committee. Former Congress President).
2. Mr. Shankarrao Deo ..	(Former 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. Parsee).
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 .. (M. L. A., Provincial, and leader of the Opposition. President of the Bombay Provincial Muslim League).
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 Lagislative 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 :

44 Members Nominated by Congress :

1. Pandit Jawaharlal Nehru	(President of the Indian National Congress).
2. Mr. Purushottamdas Tandan	(Speaker of the U. P. Legislative Assembly).
3. Pandit Govind Ballabh Pant	(Premier of U. P. Member of the Congress Working Committee).
4. Sir S. Radhakrishnan ..	(Vice-Chancellor of the Benares Hindu University).

5. Acharya J. B. Kripalani ..	(Former General Secretary 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-Govt., 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 Chaudhri .	
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	(Parsee).
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. Banshi Dhar Misra	(M. L. A., Provincial).
41. Mr. Khurshed Lal	
43. Mr. Jaspat Rai Kapoor	
44. Acharya Jugal Kishore	(M. L. A., Provincial. Former Parliamentary Secretary. General Secretary of the Congress Assembly Party).

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. Member, League Working Committee).
2. Chaudhri Khaliquzzaman	(M. L. A., Provincial, and leader of the Opposition. Member of the All-India Muslim League Working Committee).
3. Maharaj Kumar Amir Haider Khan	(M. L. A., Provincial).
4. Begum Aizaz Rasul ..	(Member of the Legislative Council and leader of the Muslim League party in the Council).
5. Mr. S. M. Rizwanullah ..	(M. L. A., Provincial and Secretary of the Muslim League Assembly Party).
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 (Revenue 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 .. (Minister of Education in C.P., 1930-33).
6. Mr. Shankara Tryambak Dharmadhikari .. (M. L. A., Provincial).
7. Mr. Cecil Edward Gibbon (M. L. A., Punjab. 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. Parsee).

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 .. (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	(M. L. A., Provincial. Former Parliamentary Secretary).
6. Mr. Phulan Prasad Varma	(M. L. A., Provincial).
7. Mr. Mahesh Prasad Sinha	(M. L. A., Provincial).
8. Mr. Sarangdhar Singh	(M. L. A., Provincial. Former Parliamentary Secy.).
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. Kameleshwari 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. Mr. Deshbandhu Gupta	(Delhi Journalist).
25. Mr. Banarsi Prasad Jhunjhunwala	(M. L. A., Central).

26. Dr. P. K. Sen	
27. Mrs. Sarojini Naidu ..	(Former Congress President).
28. Dr. Sachchidananda Sinha	(M. L. A., Provincial. Former Vice-Chancellor of the Patna University).

3 Independent Members :

1. The Maharajadhiraj of Darbhanga	(President, All India Landholders' Association).
2. Rai Bahadur Shyam Nandan Sahay ..	(Member of the 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. Member of the All-India Muslim League Working Committee).
3. Mr. Tajamal Hussain ..	(M. L. A., Provincial).
4. Saiyid Jaffar Imam ..	(M. L. A., Provincial).
5. Mr. Muhammad Tahir ..	(M. L. A., Provincial).

CROOG

Mr. C. M. Punachcha .. (Congress) .. ..

DELHI

Mr. Asaf Ali .. (Congress : M.L.A.—Central).

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 of the Working Committee, All-India Muslim League, from N.W. F.P.).
3. Nawab Iftikhar Hussain Khan of Mamdot .	(M. L. A., Provincial. Leader of the Opposition in the Punjab Assembly. Member of the Working Committee, All-India Muslim League).
4. Mian Mumtaz Muhammad Khan Daultana . .	(M. L. A., Provincial. General Secy. of the Punjab Provincial Muslim League).
5. Sir Feroz Khan Noon .	(M. L. A., Provincial. Former Member of the Viceroy's Executive Council).
6. Raja Ghazanfar Ali Khan	(M. L. A., Provincial).
7. Prof. Abu Bakar Ahmad Haleem	(Professor, Aligarh University. M. L. A., U. P.).
8. Mian Muhammad Iftikhar-ud-Din	(M. L. A., Provincial. Former President of the Punjab Provincial Congress Committee).
9. Chaudhri Muhammad Hassan	(M. L. A., Provincial).

10. Khan Bahadur Sheikh Karamat Ali ..	(M. L. A., Provincial. Member of the Working Committee, All-India Muslim League).
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 Seats :

All Nominations withdrawn.

N. W. F. PROVINCE

Muslim—3 Members :

2 Members Nominated by Congress :

1. Maulana Abul Kalam Azad	(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. 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 for Public Works, Sind).
2. Pirzada Abdus Sattar ..	(Minister for Education, Health and Local Self-Govt., 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	(Member, Congress Working Committee. Leader of the Congress Party, Central Assembly).
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	(Former 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	(Christian. Retired Professor, Calcutta University).
17. Dr. Syama Prasad Mookerjee . ..	(M. L. A., Provincial. President, All-India Hindu Mahasabha).
18. Mr. Hem Chandra Naskar	(M. L. A., Provincial).
19. Mr. Prasanna Deb Raikut	(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 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

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. Abdullahel 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. Sir 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).
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. H. Ispahani ..	(Member of League Working Committee).
18. Nawabzada Liaquat Ali Khan	(M. L. A., Central. Secretary of the League).
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 Sir Nazimuddin	(Former Premier of Bengal).
25. Mr. K. Nooruddin ..	
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 ..	(M. L. A., Provincial. Former Premier of Bengal).

ASSAM

General—7 Members :

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. 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. Sir 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).

PARTIES IN THE CONSTITUENT ASSEMBLY

SECTION A—(MADRAS, BOMBAY, ORISSA, U. P., C. P. & BIHAR, COORG, DELHI, AJMER-MERWARA)

Congress—164 (162 General, 2 Muslim)
Muslim League—19 (Muslim).
Independent—7 (General).

SECTION B—(PUNJAB, N. W. F. PROVINCE, SIND, BALUCHISTAN)

Congress—9 (7 General, 2 Muslim)
Muslim League—19 (Muslim).
Unionist Party—3 (2 General, 1 Muslim).
Independent—1 (Muslim).
(All Sikh seats—4—are vacant).

SECTION C—(BENGAL, ASSAM)

Congress—32 (General).
Muslim League—35 (Muslim).
Communist—1 (General).
Scheduled Castes Federation—1 (General).
Krishak Proja Party—1 (Muslim).

GRAND TOTAL—Congress—205.
Muslim League—73.
Independent—8.
Unionist Party—3.
Communist—1.
Scheduled Castes Federation—1.
Krishak Proja Party—1.

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Sikhs (Vacant)— 4

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VOLUME I : 1757—1858

VOLUME II : 1858—1945

Edited with Introduction & Notes

By Prof. A. C. Banerjee

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