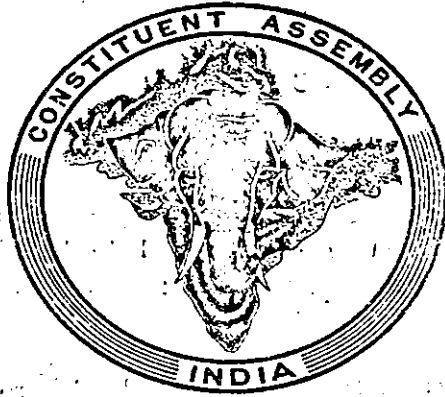


CONSTITUENT ASSEMBLY OF INDIA



**DOCUMENTS RELATING TO THE STATEMENT MADE BY
THE BRITISH CABINET MISSION AND H. E. THE VICEROY
ON THE 16TH MAY, 1946.**

[From July 7, 1946 to January 6, 1947.]

Reprinted largely from newspaper reports.

CONTENTS

	PAGES
I. Resolutions	
Resolutions of the Congress, the Muslim League, and the Panthic Pratinidhi Board. (From 7th July 1946 to 6th January, 1947).	1—8
II. Correspondence	
All published correspondence between the Viceroy, Pandit Jawaharlal Nehru, Mr. Jinnah, and Mr. Attlee. (From 22nd July, 1946 to 30th November, 1946).	9—28
III. Statements	
(i) The Viceroy's broadcast of August 24, 1946; (ii) Extract relating to Constituent Assembly from Pandit Jawaharlal Nehru's broadcast of September 7, 1946; (iii) Mr. Jinnah's statement dated 21st November, 1946; (iv) Statement by H. M. G., on December 6, 1946; and (v) Congress Working Committee's Statement, dated December 22, 1946.	29—36

I. RESOLUTIONS

1. Resolution passed by the All-India Congress Committee on the 7th July, 1946.

Resolved that the resolution of the Working Committee dated June 26th be and is hereby ratified.

Resolution passed by the Congress Working Committee on the 26th June 1946.

On May 24th 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 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 voting or standing for election to the Constituent Assembly.

In the proposals for an Interim Government contained in the Statement of the June 16 the defects related to matters of vital concern to the Congress. Some of these have been pointed out in the letter dated June 25, of the Congress President to the Viceroy. The Provisional Government must have power and authority and responsibility and should function in fact, if not in law, as a *de facto* independent government leading to the full independence to come. The members of such a government can only hold themselves responsible to

the people and not to any external authority. In the formation of a Provisional or other government Congress 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 should 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 increase 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, 1946.

2. Text of Resolutions passed by the Council of the All-India Muslim League on the 27th, 28th and 29th of July, 1946.

Resolution No. 1.

On the 6th of June 1946, the Council of the All-India Muslim League accepted the Scheme embodied in the Statement of the Cabinet Delegation and the Viceroy dated 16th May, 1946 and explained by them in their statement dated 25th May, 1946. The scheme of the Cabinet Delegation fell far short of the demand of the Muslim nation for the immediate establishment of an Independent and fully Sovereign State of Pakistan comprising the six Muslim provinces, but the Council accepted a Union Centre for ten years strictly confined to three subjects, viz., Defence, Foreign Affairs and Communications, as 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 end the Hindu-Muslim deadlock peacefully and accelerate the attainment of 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 a formula viz. 5 Muslim League, 5 Congress, 1 Sikh and 1 Indian Christian or Anglo Indian stipulating that the most important portfolios would be distributed equally between the two major parties, the Muslim League and the Congress. The Council authorised 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 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 setting up of the Interim Government to placate the Congress.

Having gone back on the original formula upon the faith of which the Muslim League Council had come to their decision on the 6th of June, the Viceroy 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 to it, intimated to the parties on the 15th of June that he and the Cabinet Delegation would issue their final statement with regard to the setting up of the Interim Government.

Accordingly on the 16th of June 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 the 16th of June with regard to the formation of the Interim Government was rejected by the Congress, whereas the Muslim League definitely accepted it. Though this proposal was different from the original formula of 5 : 5 : 2, the Muslim League accepted it because the Viceroy had provided safeguards and given other satisfactory assurances which were contained in his letter dated the 20th of June 1946, addressed to the President of the Muslim League.

The Viceroy, however, scrapped the proposal of the 16th of June 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 the 25th of June and the Resolution of the Working Committee of the Congress passed at Delhi on the 26th of June, repudiating the very fundamentals of the scheme had, in fact, rejected the statement of the 16th May and there was therefore no justification, whatsoever, for abandoning the final proposals of the 16th of June.

As regards the proposal embodied in the statements of the 16th and 25th of May of the Cabinet Delegation and the Viceroy, the Muslim League alone of the two major parties has 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 the 16th and the 25th of May. The Congress have made it clear that they do not accept any of the terms or the fundamentals of the scheme but that they have agreed only to go into the Constituent Assembly and to 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 was proposed to be set up. Subsequently this was made further clear and beyond any doubt in the speeches that were made at the meeting of the All-India Congress Committee in Bombay on the 6th of July, by prominent members of the Congress

and in the Statement of Pandit Jawaharlal Nehru, the President of the Congress to a Press Conference on 10th July in Bombay and then again even after the debate in the Parliament in a public speech by him at Delhi on the 22nd of July.

The result is, that of the two major parties, Muslim League alone has accepted the Statements of May 15th and 25th according to the spirit and the letter of the proposals embodied therein and 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 of 13th July from Hyderabad Deccan, 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, have 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 so. The only reference that the Secretary of State made to this serious situation was a mere expression of pious hope when he stated that "That would not be fair to the other parties, who go in."

Once the Constituent Assembly were summoned and met there was 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 the 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 have already secured by sheer numbers an overwhelming Hindu-Caste majority whereby they will be in a position to use the Assembly in the manner in which they have already declared, i.e., that they will wreck the basic form of the grouping of the 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 16th May.

The Cabinet Delegation and the Viceroy collectively and individually have stated on more than one occasion 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 clearly shows that these conditions precedent for the successful working of the constitution making body 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 Caste 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, leaves no doubt that in these circumstances the participation of the 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 the 6th of June 1946.

Resolution No. 2

Whereas the Council of the All-India Muslim League has resolved to reject the proposals embodied in the Statement of the Cabinet Delegation and the Viceroy dated 16th May, 1946 due to the intransigence of the Congress on 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 ; and

whereas the Congress is bent upon setting up Caste-Hindu Raj in India with the connivance of the British ; and

whereas recent events have shown that power politics and not justice and fairplay are the deciding factors in Indian affairs ; and

whereas it has become abundantly clear that the Muslims of India would not rest contented with anything less than the immediate establishment of Independent and fully Sovereign State of Pakistan and would resist any attempt to impose any constitution making machinery or any constitution, long-term or short-term or the 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 now the time has come for the Muslim Nation to resort to Direct Action to achieve Pakistan to assert their just rights, to vindicate their honour and to get rid of the present British slavery and the contemplated future Caste-Hindu domination,

This Council calls upon the Muslim Nation to stand to a man behind their sole representative and authoritative organisation, the All-India Muslim League, and to be ready for every sacrifice.

This Council directs the Working Committee to prepare forthwith a programme of Direct Action to carry out the policy enunciated above and to organise the Muslims for the coming struggle to be launched as and when necessary.

As a protest against and in token of their deep resentment of the attitude of the British, this Council calls upon the Mussalmans to renounce forthwith the titles conferred upon them by the alien Government.

3. Resolution passed by the Panthic Pratinidhi Board on the 14th August 1946.

The Panthic Pratinidhi Board met on August 11 and 14 to consider the situation created by the developments that have taken place since July 5 when the Board reiterated its decision to boycott the Constituent Assembly. During this period, the Secretary of State for India during the debate in the House of Commons on July 18 made an appeal to the Sikhs to reconsider their boycott decisions and his Excellency the Viceroy has also in replies to the communications from certain Sikh gentlemen expressed his willingness for the accommodation of the Sikh view-point.

The main factor is, however, the resolution of the Congress Working Committee of August 9 in which the Congress has recognized that injustice has been done to the Sikhs by the Cabinet Mission's proposals and has declared that it will give all possible support to the Sikhs in redressing their legitimate grievances and in securing for the Sikhs adequate safeguards for protecting their interests. The Congress Working Committee has further appealed to the Sikhs to reconsider their resolution of boycotting the Constituent Assembly. This resolution of the Working Committee must be read along with the Lahore Congress resolution of 1929—that no solution of the communal problems in any future constitution would be acceptable to the Congress that did not give full satisfaction to the Sikhs—as well as

with the recent speeches and statements of eminent Congress leaders to the effect that the Sikhs must be given similar safeguards as are provided to the two major communities in Paras. 15 and 19 of the Cabinet Mission's proposals.

Though the grave apprehensions of the Sikh community concerning their future under the Cabinet Mission scheme continue to exist, the appeal and the assurances of the Indian National Congress carry weight with the Board.

In these circumstances and after careful deliberations, the Board is of the view that the situation calls for an earnest effort by the Sikhs to give the Constituent Assembly method a fair trial to secure for the Sikhs similar safeguards in the Union and the provincial spheres as are provided for the two major communities in the long-term proposals.

The Panthic Board is further of the view that like the boycott method this method in order to be effective and successful requires the united, disciplined and determined support of the Panth, and the Board earnestly appeals to all Sikhs for all support.

If, unfortunately, such methods fail, then the Panth will be doubly justified in going back to its previous resolve of boycott and direct action and in calling out the Sikh members of the Constituent Assembly.

The Board therefore advises the Sikh M.L.As. to return their representatives to the Constituent Assembly and those Sikh representatives will raise the question of the safeguards mentioned above in the preliminary meeting of the Constituent Assembly and the Board expects that all the parties in the Assembly will support the Sikh demand in this behalf.

4. Resolutions passed by the Congress Working Committee on the 10th August, 1946.

Congress and Constituent Assembly

The Working Committee regret to note that the Council of the All India Muslim League, reversing their previous decision, have decided not to participate in the Constituent Assembly. In this period of rapid transition from dependence on a foreign power to full independence, when vast and intricate political and economic problems have to be faced and solved, the largest measure of co-operation among the people of India and their representatives is called for, so that the change-over should be smooth and to the advantage of all concerned. The committee realise that there are differences in the outlook and objectives of the Congress and the Muslim League. Nevertheless, in the larger interests of the country as a whole and of the freedom of the people of India, the Committee appeal for the co-operation of all those who seek the freedom and the good of the country, in the hope that co-operation in common tasks may lead to the solution of many of India's problems.

The Committee have noted that criticisms have been advanced on behalf of the Muslim League to the effect that the Congress acceptance of the proposals contained in the Statement of May 16th was conditional. The Committee wish to make it clear that while they did not approve of all the proposals contained in this Statement, they accepted the scheme in its entirety. They interpreted it so as to resolve the inconsistencies contained in it and

fill the omissions in accordance with the principles laid down in that Statement. They hold that provincial autonomy is a basic provision and each province has the right to decide whether to form or join a group or not. Questions of interpretation will be decided by the procedure laid down in the Statement itself, and the Congress will advise its representatives in the Constituent Assembly to function accordingly.

The Committee have emphasized the sovereign character of the Constituent Assembly, that is its right to function and draw up a constitution for India without the interference of any external power or authority. But the Assembly will naturally function within the internal limitations which are inherent in its task, and will therefore seek the largest measure of co-operation in drawing up a constitution of free India allowing the greatest measure of freedom and protection for all just claims and interests. It was with this object and with the desire to function in the Constituent Assembly and make it a success, that the Working Committee passed their resolution on June 26, 1946, which was subsequently ratified by the All India Congress Committee on July 7, 1946. By that decision of the A.I.C.C., they must stand, and they propose to proceed accordingly with their work in the Constituent Assembly.

The Committee hope that the Muslim League and all others concerned, in the wider interests of the nation as well as of their own, will join in this great task.

The Sikhs and the Constituent Assembly

The Working Committee have learnt with regret of the decision of the Sikhs not to seek election to the Constituent Assembly. The Committee are aware that injustice has been done to the Sikhs and they have drawn the attention of the Cabinet Delegation to it. They are however strongly of opinion that the Sikhs would serve their cause and the cause of the country's freedom better by participation in the Constituent Assembly than by keeping out of it. The Committee therefore appeal to the Sikhs to reconsider their decision and express their willingness to take part in the Constituent Assembly. The Working Committee assure the Sikhs that the Congress will give them all possible support in removing their legitimate grievances and in securing adequate safeguards for the protection of their just interests in the Punjab.

5. Resolution passed by the All-India Congress Committee on the 23rd September, 1946.

The A.I.C.C., having considered the direction of the Working Committee to the President to accept the invitation of the Viceroy to form an Interim National Government, approve of this direction and ratify the subsequent steps taken thereunder resulting in the formation of the Interim Government.

6. Resolution passed by the Congress Working Committee on the 20th November, 1946.

On the eve of the summoning of the Constituent Assembly to frame a constitution for India, this Congress declares that it stands for an independent sovereign republic wherein all powers and authority are derived from the people, and for a constitution wherein social objectives are laid down to promote freedom, progress and equal opportunity for all the people of India, so that this ancient land attain its rightful and honoured place in

the world and make its full contribution to the promotion of world peace and the progress and welfare of mankind, and directs all Congressmen to work to this end.

This Congress, having considered the various political developments resulting from the visit of the British Cabinet delegation to India, the calling of the Constituent Assembly to determine the constitution of free India, and the formation of the Interim National Government, confirms and ratifies the decisions taken thereon from time to time by the Working Committee and the All-India Congress Committee.

7. Resolution passed by the All-India Congress Committee on 6th January, 1947.

The A. I. C. C., having considered the events that have taken place in the country since the Meerut session of the Congress in November last, the statement issued by the British Government on December 6, 1946, and the statement of the Working Committee of December 22, 1946, advises Congressmen as follows :—

“ The A. I. C. C., endorses the statement of the Working Committee of December 22, 1946, and expresses its agreement with the view contained therein.

While the Congress has always been agreeable to making a reference to the Federal Court on the question of the interpretation in dispute, such a reference has become purposeless and undesirable owing to the recent announcements made on behalf of the British Government. A reference could only be made on an agreed basis, the parties concerned agreeing to abide by the decision given.

The A. I. C. C., is firmly of opinion that the constitution for a free and independent India should be framed by the people of India on the basis of as wide an agreement as possible. There must be no interference whatsoever by any external authority, and no compulsion of any province or part of a province by another province. The A. I. C. C., realizes and appreciates the difficulties placed in the way of some provinces, notably Assam, the N. W. F. P. and Baluchistan, and the Sikhs in the Punjab, by the British Cabinet's scheme of May 16, 1946, and more especially by the interpretation put upon it by the British Government in their statement of December 6, 1946. The Congress cannot be a party to any such compulsion or imposition against the will of the people concerned—a principle which the British Government have themselves recognized.

The A. I. C. C., is anxious that the Constituent Assembly should proceed with the work of framing a constitution for free India with the goodwill of all parties concerned and, with a view to removing the difficulties that have arisen owing to varying interpretations, agree to advise action in accordance with the interpretation of the British Government in regard to the procedure to be followed in the Sections.

It must be clearly understood, however, that this must not involve any compulsion of a province and that the rights of the Sikhs in the Punjab should not be jeopardized. In the event of any attempt at such compulsion, a province or part of a province has the right to take such action as may be deemed necessary in order to give effect to the wishes of the people concerned.

The future course of action will depend upon the developments that take place and the A. I. C. C., therefore, directs the Working Committee to advise upon it, whenever circumstances so require, keeping in view the basic principle of provincial autonomy ”.

II. CORRESPONDENCE

1. Letter from the Viceroy to Mr. Jinnah, dated 22nd July, 1946.

(*Personal and Confidential*) I declare my intention of replacing the present Caretaker Government of officials by an Interim Coalition Government as soon as possible, and am now putting to you as President of the Muslim League and to the President of the Congress the proposals set out below.

2. I think you will probably agree with me that our negotiations both this summer and last year were hampered by the attendant publicity. I am, therefore, seeking your co-operation in conducting at any rate the preliminary stages of the negotiations on a strictly personal and secret basis between myself and the two Presidents. I very much hope that you will prevent this correspondence being known to or discussed in the Press until we have seen whether we can find some basis of agreement. I realise, of course, that you will have at some stage to secure the approval of your Working Committee; but I believe it will be best to try and reach some basis of agreement between ourselves as a first step. I propose the following for your consideration:

(a) The Interim Government will consist of 14 members.

(b) Six members (to include one Scheduled Caste representative) will be nominated by the Congress;

five members will be nominated by the Muslim League;

three representatives of minorities will be nominated by the Viceroy; one of these places will be kept for a Sikh.

It will not be open to either Congress or the Muslim League to object to the names submitted by the other party, provided they are accepted by the Viceroy.

(c) Distribution of portfolios will be decided after the parties have agreed to enter the Government and have submitted their names. The Congress and the Muslim League will each have an equitable share of the most important portfolios.

(d) The assurance about the status of the Interim Government which I gave in my letter dated 30th May to Maulana Azad will stand.

3. I would welcome a convention, if freely offered by the Congress, that major communal issues can only be decided by the assent of both the major parties. But I have never thought that it was essential to make this a formal condition since in fact a Coalition Government could work on no other basis.

4. I sincerely trust that your party will agree to co-operate in the administration of India on the above basis, while the work of constitution-making proceeds. I am confident that this will be of the greatest possible benefit to India. I suggest that we should not spend further time in negotiation; but should try out at once a Government on the basis proposed above. If it does not work, and you find the conditions unsatisfactory, it will be open to you to withdraw, but I am confident that you will not.

5. Would you be good enough to let me know very soon whether the Muslim League will enter in the Interim Government on this basis? I have written in similar terms to Pandit Nehru and enclose a copy of my letter* to him. I am seeing Pandit Nehru this afternoon on other matters and will hand him his letter then.

2. Letter from Mr. Jinnah to the Viceroy, dated 31st July, 1946.

I am in receipt of your letter of 22nd July and I notice that this is the fourth basis that you are suggesting for the formation of your Interim Government. From 5: 5: 2, you came to 5: 5: 3 and then 5: 5: 4 as embodied in the statement of the Cabinet Delegation and yourself dated the 16th June, 1946, which was announced by you as final. Now you are making this fourth proposal, i.e., 6: 5: 3.

Every time the Congress turned down the previous three proposals as you were unable to appease them or propitiate them; and every time the departure was prejudicial to the League and in favour of the Congress.

And now you have put your fourth proposal for my consideration.

It gives a go by to all the important terms which were in favour of the Muslim League; the Congress will have six members out of 14 as against 5 members of the Muslim League which breaks straight away the principle of parity; and you are letting down the Schedule Castes as one of them is proposed to be nominated by the Congress and not by the real spokesmen of the Scheduled Castes. I note that you say that five members will be nominated by the Muslim League. Next, three members by the minorities be nominated by the Viceroy without reference to or consultation with the Muslim League. The only indication that you have given is that one of these places will be kept for a Sikh.

Then you proceed on to say that "it will not be open either to the Congress or the Muslim League to object to names submitted by the other party, provided they are accepted by the Viceroy" and from this I gather that it will be open to the Congress to nominate a Quisling Muslim.

As to the distribution of portfolios, I note you say that "the Congress and the Muslim League will have an equitable share of the most important portfolios", and not equal as it was originally proposed.

As to the assurance about safeguards, i.e., that a major communal issue could only be decided by the consent of both the major parties, you say that "it will be only considered if freely offered by the Congress", but you do not attach much importance to it and you conclude by saying that if the Interim Government does not work when formed on this basis and if we find conditions unsatisfactory, it will be open to us to withdraw. I believe in the principle "prevention is better than cure".

This is a very clear and substantial departure, most detrimental to the Muslim League, and is obviously intended to appease the Congress and devised primarily to meet their wishes.

Taking the final proposal of June 16, 1946, in your letter dated the 20th of June, you informed me that 14 members were invited by you on the basis of parity between Hindus and Muslims and community-wise and that it will not be changed without the agreement of the two major parties. Apart from the secret talks you had with the Congress you clearly conveyed to us that

* Not published.

the invitees were asked to join specifically on the basis of 5 Hindus, 5 Muslims, one Sikh, one Scheduled Caste, one Christian and one Parsi. Your present proposal clearly destroys the principle of parity as well as representation according to communities and gives a clear majority to the Congress as against the Muslim League to start with.

Further the Scheduled Caste will be nominated by the Congress, which in my opinion is most unjust to a community of 60 million people, who are groaning under the social and economic tyranny of the high caste Hindus, whom alone the Congress really represents.

As regards representatives of other minorities, they will be nominated by you without reference to or any consultation with the Muslim League. This again is a departure from what you stated in your letter of the 20th June, that "if any vacancy occurs among the seats at present allotted to the representatives of the minorities, I shall naturally consult both the major parties before filling it". I think you will appreciate that when you start with 6 Congress and 5 Muslim League with a Congress majority, the minority representatives will hold a very strong position as a balancing element, who would be nominated by you without even consultation with the Muslim League, and this is a serious departure from what we were assured of in your letter of the 20th June.

You categorically state in your letter of 20th June, paragraph 5, that "no decision on a major communal issue would be taken by the Interim Government if a majority of the representatives of either of the two major parties were opposed to it", whereas now in the present proposals you inform me that you will welcome a convention if freely offered by the Congress.

As you have written this letter to me and is strictly personal and secret I can only say that in my opinion there is no chance of my Working Committee accepting this proposal.

3. Letter from the Viceroy to Mr. Jinnah, dated 8th August, 1946.

(Personal and Secret) I have received your letter of the 31st July, about my proposal for an Interim Government.

2. I am sorry that things have gone the way they have, but I do not think it would be profitable now to enter into a detailed discussion of the points you raise in your letter. I will only remind you that the basis of representation which I suggested in the letter to which you now reply is the same as the one the Muslim League Working Committee accepted at the end of June namely, 6:5:3.

3. In view of the League resolutions of the 29th July, I have now decided to invite the Congress to make proposals for an Interim Government, and I am sure that if they make a reasonable offer to you of a coalition, I can rely on you for a ready response. I have told the President of the Congress that any Interim Government would be on the basis of the assurances given in my letter of the 30th May, to Maulana Azad.

I hope we may have an opportunity of meeting soon.

4. Letter from Pandit Jawaharlal Nehru to Mr. Jinnah, dated 13th August, 1946.

As you know, the Viceroy has invited me, in my capacity as President of the Congress, to make proposals for the immediate formation of an interim

Government. I have accepted this invitation. I feel that my first step should be to approach you and seek your co-operation in the formation of a coalition provisional Government. It is naturally our desire to have as representative a Government as possible. Should you wish to discuss this matter further with me, before coming to a decision, I shall gladly see you in Bombay or wherever you may be. I am leaving Wardha on August 14 and will reach Bombay on the forenoon of August 15. Probably I shall leave Bombay for Delhi on the morning of August 17.

5. Letter from Mr. Jinnah to Pandit Jawaharlal Nehru, dated 15th August, 1946.

I have received your letter dated the 13th yesterday, delivered to me by hand.

I know nothing as to what has transpired between the Viceroy and you, nor have I any idea of what agreement has been arrived at between you two, except what you say in your letter that the Viceroy has invited you, in your capacity as President of the Congress, to make proposals for the immediate formation of the Interim Government and that you have accepted the invitation.

If this means that the Viceroy has commissioned you to form the Executive Council of the Governor-General and has already agreed to accept and act upon your advice and proceed to constitute his Executive accordingly, it is not possible for me to accept such a position on that basis.

However, if you care to meet me on behalf of the Congress to settle the Hindu-Muslim question and resolve the serious deadlock, I shall be glad to see you today at 6 P.M.

The substance of your letter, unfortunately, has already appeared in the press even before I received it. May I, therefore, request you to release this letter of mine also to the Press?

6. Letter from Pandit Jawaharlal Nehru to Mr. Jinnah, dated 15th August, 1946.

Thank you for your letter of today's date which was delivered to me at about 1 P.M.

Nothing has transpired between me and the Viceroy except what has already been published. There is no arrangement other than what is contained in his brief offer and our acceptance. That offer, made by the Viceroy with the concurrence of the British Government, is for us to make proposals for the formation immediately of an Interim Government. The Executive Council of the Governor-General has not been mentioned as such. It is understood, as stated in the published correspondence between the Congress President and the Viceroy, that the Interim Government will have the greatest possible freedom in the exercise of the day-to-day administration of this country.

Since this brief offer was made and we accepted it, I have had no opportunity to meet the Viceroy or discuss the matter with him more fully. I hope to do so within the next two or three days. It was our wish, however, that I might approach you first and invite your co-operation. We are naturally anxious to form a Government, which will be as representative as possible in order to deal with the urgent problems facing the country.

In your letter you state that you are unable to accept the position as it appears to you. I regret this. Perhaps, on fuller consideration of the position you would be agreeable to reconsider your decision. If so, we would welcome it. For this purpose I shall gladly see you, if you so desire.

As regards the general Hindu-Muslim question, we are always prepared to discuss this and try to find a way out. Just at present we are immediately concerned with the formation of the provisional Government and circumstances demand that early steps should be taken in regard to it. We hope that a coalition provisional Government will itself help in the consideration and solution of our problems. While I am willing to discuss the larger question with you. I have no new suggestions to make. Perhaps you may be able to suggest a new approach.

I am prepared to come to your place at 6 P.M. this evening, or if it is more convenient to you, some time tomorrow. I am leaving Bombay on the 17th morning.

My letter to you was not sent to the Press. I made a brief statement to the Press, however, in view of repeated questions put to me by newspapermen and in order to prevent misconceptions. If you so desire you can release all this correspondence to the Press.

7. Letter from Mr. Jinnah to Pandit Jawaharlal Nehru, dated 15th August, 1946.

I am in receipt of your letter of August 15 delivered to me at about 3-30 P.M., and I thank you for it.

I have already made my position clear in my letter dated August 15 sent to you this morning. But as you have given certain explanations, with some of which I must not be taken to agree, and as you desire to meet, I shall be glad to see you today at 6 P.M.

I agree with you that in order to prevent misconception in the mind of the public, our correspondence should be published, and accordingly I am releasing it to the Press.

8. Letter from Mr. Jinnah to the Viceroy, dated 3rd October, 1946.

At the end of our last interview on October 2, 1946, it was agreed that I should finally put before you the various proposals that emerged out of our discussions, for your consideration and reply. Accordingly, I am enclosing herewith the various proposals that have been formulated by me.

Enclosure

1. The total number of the members of the Executive Council to be 14.
2. The six nominees of the Congress will include one Scheduled Castes representative, but it must not be taken that the Muslim League has agreed to, or approves of the selection of the Scheduled Castes representative, the ultimate responsibility in that behalf being with the Governor-General and the Viceroy.
3. That the Congress should not include in the remaining five members of their quota a Muslim of their choice.

constitution of the Government in this respect, there is no question to be solved.

Regarding No. 3, I am to say that if any such vacancy arises, the whole Cabinet will consider what should be done to replace the vacancy and advise the Viceroy accordingly. There can be no question of right in the matter of consultation with the League in regard to the representation of these minorities.

Regarding No. 4, your suggestion about the Federal Court is not feasible. Matters coming before the Cabinet cannot be made the subject matter of references to court. We should thrash out all such matters amongst ourselves and bring up agreed proposals before the Cabinet. In the event of failure to reach an agreed decision, we should seek the method of arbitration of our own choice. We hope, however, that we will act with such mutual trust, forbearance and friendliness that there will be no occasion to go to such arbitration.

Regarding No. 5, it is out of the question to have any rotation in the Vice-Presidentship. We have no objection if you desire to have an additional Vice-Chairman for the Co-ordination Committee of the Cabinet, who can also preside at such committee meetings from time to time.

I am hoping that if your Committee finally decide upon the League joining the National Cabinet, they will also decide simultaneously to join the Constituent Assembly, or recommend to your Council to this effect.

I need hardly mention that when an agreement has been reached by us it can only be varied by mutual agreement and not otherwise.

11. Letter from Mr. Jinnah to Pandit Jawaharlal Nehru, dated 7th October 1946.

I am in receipt of your letter of October 6, and I thank you for it; I appreciate and reciprocate your sentiments expressed in paragraph 1 of your letter.

With regard to the second paragraph of your letter, point No. 1 of the formula, it was accepted by Mr. Gandhi and me and the meeting between us was arranged on that basis in order to negotiate and settle a few other points remaining for the purpose of reconstituting the Interim Government. The formula runs as follows:—

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

And now, in your letter under reply, not only have you made changes in it but you consider no formula is necessary. I regret I cannot agree to any change in the language or otherwise, as it was the agreed basis of our discussion on other points; nor can I agree with you that no formula is necessary. It was signed by Mr. Gandhi and accepted by me.

As the whole basis of our talk on other matters was the formula agreed to by Mr. Gandhi, I don't think we can make any further progress unless it is accepted by you as a basis upon which we can proceed to discuss other points we have already discussed orally in the course of our conversation and now I am enclosing herewith a copy of the various points put by me before you in writing.

Even the four points, excluding point No. 1 regarding the formula which I have already dealt with above, you don't agree with any one of them. I am still willing, on the basis of the formula being accepted by you, to further discuss the various points with a view to settle them in the spirit of the sentiments expressed by you in paragraph 1. I am anxious that we should come to our own settlement without undue delay. Enclosures (9 points):—

1. The total number of the members of the Executive Council to be 14.
2. Six nominees of the Congress will include one Scheduled 'Castes representative', but it must not be taken that the Muslim League has agreed to, or approves of the selection of the Scheduled Castes representative, the ultimate responsibility in that behalf being with the Governor-General and the Viceroy.
3. That the Congress should not include in the remaining five members of their quota a Muslim of their choice.
4. Safeguard : That there should be a convention that on major communal issues, if the majority of Hindu or Muslim members of the Executive Council are opposed, then no decision should be taken.
5. Alternative or rotational Vice-President should be appointed in fairness to both the major communities as it was adopted in the UNO Conference.
6. The Muslim League was not consulted in the selection of the three minority representatives, i.e., Sikh, Indian Christian and Parsi, and it should not be taken that the Muslim League approves of the selection that has been made. But, in future, in the event of there being a vacancy owing to death, resignation or otherwise, representatives of these minorities should be chosen in consultation with the major parties—the Muslim League and the Congress.
7. Portfolios : The most important portfolios should be equally distributed between the two major parties—the Muslim League and the Congress.
8. That the above arrangement should not be changed or modified unless both the major parties—Muslim League and the Congress—agree.
9. The question of the settlement of the long-term plan should stand over until a better and more conducive atmosphere is created and an agreement has been reached on the points stated above and after the Interim Government has been reformed and finally *set up*.

12. Letter from Pandit Jawaharlal Nehru to Mr. Jinnah, dated 8th October, 1946

I received your letter of October 7 as I was going to Baroda House to meet you there last evening. I hurriedly glanced through it and was perturbed by it as it seemed to me to be at variance with the spirit of our talk the previous day. Subsequently we discussed various points and unfortunately could not convince each other.

On my return I read through your letter more carefully and consulted some of my colleagues. They were also disturbed not only by the letter but also by the list of points attached to it. This list had not been seen or considered by us previously. It had little relevance after our talk.

We have again given earnest consideration to the whole matter and we feel that we cannot state our position more clearly than I did in my letter to you of October 6, except for some variations which I shall indicate below. I shall, therefore, refer you to that letter of mine which represents our general and specific view-point.

As I have told you, my colleagues and I did not accept the formula agreed to by Gandhiji and you. The meeting between you and me was not arranged, so far as I was aware, on the agreed basis of that formula. We knew of it and were prepared to agree to the substance of that formula as stated to you in my letter of October 6. That formula contained a further paragraph which you have not quoted in your letter :

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

While we still think that the formula is not happily worded, we are prepared, for the sake of the settlement we so earnestly desire, to accept the whole of it, including the paragraph left out in your letter.

In that case you will agree, I hope, that we should make our further position quite clear. It is clearly understood of course that the Congress has the right to appoint a Muslim out of its quota. Further, as I have stated in my previous letter, the Congress position in regard to the Nationalist Muslims and the smaller minorities should not be challenged by you.

In regard to points numbered 2, 3 and 4 in my letter of October 6, I have stated our position and have nothing further to add. We have gone as far as we could to meet you and we are unable to go further. I trust that you will appreciate the position.

Regarding No. 5 (the question of the Vice-President), you made a suggestion yesterday that the Vice-President and the Leader of the House (the Central Assembly) should not be the same person. In present circumstances this means that the Leader of the House should be a Muslim League member of the Cabinet. We shall agree to this.

I am writing this letter to you after full and careful consideration of all the issues involved and after consulting such of my colleagues as are here. It is in no spirit of carrying on an argument that I have written but rather to indicate to you our earnest desire to come to an agreement. We have discussed these matters sufficiently and the time has come for us to decide finally.

13. Letter from Mr. Jinnah to Pandit Jawaharlal Nehru, dated 12th October, 1946.

I received your letter dated October 8, yesterday in reply to my letter of October 7.

I regret that you and your colleagues do not accept the formula agreed to by Mr. Gandhi and me. Mr. Gandhi and I had also agreed that on that

basis you and I should meet in order to negotiate and settle a few other points that remained for the purpose of reconstituting the Interim Government. Accordingly, arrangements were made for our meeting on October 5.

I am surprised to gather from your letter, when you say that the meeting was not arranged, so far as you were aware, on the agreed basis of that formula. The only formula agreed upon between Mr. Gandhi and me was that which was mentioned in my letter of October 7. I had not mentioned in my letter what is referred to by you as paragraph 2, as that was one of the points among others to be further examined and discussed by you and me. This arrangement was actually put on record.

At our first meeting on October 5, we discussed all the points and you informed me that you would let me know the time that would suit you to meet me the next day, but, instead of that I received your letter of October 6. In this letter you yourself referred to the formula as one mentioned in my letter of October 7, and expressed your view that the formula was not happily worded and suggested a modification by inserting a proviso as follows:—

“ Provided that for identical reasons the League recognises the Congress as the authoritative organization representing all non-Muslims and such Muslims as have thrown in their lot with the Congress ”.

Or else, if that was not agreed to, you suggested no formula was necessary. There is no reference in your letter to what you describe as paragraph 2 as part of the agreed formula and you yourself dealt with that point quite separately in the opening paragraph of your letter which runs as follows:

“ We are all agreed that nothing would be happier and better for the country than that these two organizations should meet again as before as friends having no mental reservations by mutual consultation and never desiring or allowing the intervention of the British Government through the Viceroy or others or of any other foreign Power ”.

That, in substance, was the idea of the paragraph 2, mentioned by you which among other matters was to be examined and discussed. I also referred to this matter in my reply stating that I appreciated and reciprocated the sentiments expressed in paragraph 1 of your letter of October 6.

I fail to understand why you and your colleagues should have been disturbed not only by my letter of October 7, but also by the list of points attached to it. There was nothing new in that list of points which we had not discussed the first day, as it is clear from your letter of October 6, wherein you yourself have dealt with every one of the points mentioned in the list that I sent to you. Let me take one by one the points in the list sent to you in writing;

- (1) Total number of 14—That was not in dispute.
- (2) The Scheduled Castes' representative—That the League must not be taken to have agreed or approved of the selection, which is referred to in paragraph 2 of your letter.
- (3) Nomination of Muslim in Congress quota—The matter was discussed.
- (4) Safeguard—That was discussed as is clear from point 4 in your letter.
- (5) Alternative or Rotational Vice-President—Was discussed and is referred as point No. 5 in your letter.
- (6) Vacancies occurring in the seats allotted to minority representatives—This matter was discussed and is referred to by you in your letter, point No.

(7) Portfolios—The matter was discussed.

(8) No change in the arrangements agreed to without the consent of both the major parties—This was discussed and is referred to in the last paragraph of your letter.

(9) The long-term question—This was discussed and is mentioned in your letter, last but one paragraph.

All these points were discussed as is clear from what I have pointed out above and the list was sent to you merely as a matter of convenience and preciseness.

You state in your letter under reply that your position is the same with regard to the various matters that were discussed between us as is mentioned in your letter of October 6, except for some variations which you have indicated in your letter.

Following are the variations and my reaction to them :

(1) That you would accept the formula provided paragraph 2 is included in the formula and is made a part of it. This constitutes a fundamental departure from the original formula upon the basis of which I had agreed to have discussions with you. I cannot agree to this variation.

(2) Provided that the Muslim League does not challenge that the Congress represents the minorities and the "Nationalist Muslims" as indicated in terms of your previous letter of October 6 and referred to in your letter under reply. This again is a serious departure from the agreed formula. Besides, this is a matter for the minorities concerned.

I note what you say with regard to points 2, 3 and 4 of your letter of October 6, *i.e.*, Scheduled Castes' representative and other minorities, the position about the vacancies occurring in future in the seats allotted to the minorities, and the procedure to be adopted with regard to major communal issues. Even with regard to these points there is no agreement between us.

With regard to point No. 5 about the Vice-Presidentship, I note what you say.

Since you have stated your position after full and careful consideration of all the issues involved and after consultation with your colleagues, I presume that it follows that this is your final stand. I deeply regret that we failed to come to an honourable agreement of our own satisfaction to both the parties.

14. Letter from the Viceroy to Mr. Jinnah, dated 12th October, 1946.

I confirm what I told you this evening, that the Muslim League are at liberty to nominate any one they wish for their own quota of seats in the Cabinet, though any person proposed must of course be accepted by me and by His Majesty before being appointed.

My intention is to discuss portfolios when all the names have been received, both from the Muslim League and the Congress.

15. Letter from Mr. Jinnah to the Viceroy, dated 12th October, 1946.

The Working Committee of the All-India Muslim League have considered the whole matter fully and I am now authorized, to state that they do not

approve of the basis and scheme of setting up the Interim Government which has been decided by you, presumably with the authority of His Majesty's Government.

Therefore, the Committee do not, and cannot agree with your decision already taken, nor with the arrangements you have already made.

We consider and maintain that the imposition of this decision is contrary to the Declaration of August 8, 1940, but since, according to your decision we have a right to nominate five members of the Executive Council on behalf of the Muslim League, my Committee, have, for various reasons, come to the conclusion that in the interests of Mussalmans and other communities it will be fatal to leave the entire field of administration of the Central Government in the hands of the Congress. Besides, you may be forced to have in your Interim Government Muslims who would not command the respect and confidence of Muslim India which would lead to very serious consequences; and, lastly, for other very weighty grounds and reasons, which are obvious and need not be mentioned, we have decided to nominate five on behalf of the Muslim League in terms of your broadcast dated August 24, 1946, and your two letters to me dated 4th October, 1946 and 12th October 1946, respectively, embodying clarifications and assurances.

16. Letter from Pandit Jawaharlal Nehru to Mr. Jinnah, dated 13th October, 1946.

I thank you for your letter of October 12. In this letter there are a number of mis-statements. What you have said does not fit in with my recollection of our conversations or what has taken place during the past few days. I need not, however, go into this matter now as I have been informed by the Viceroy that the Muslim League have agreed to nominate five persons on their behalf as members of the Interim Government.

17. Letter from the Viceroy to Mr. Jinnah, dated 13th October, 1946.

Thank you for your letter of today's date. I am glad to know that the Muslim League has decided to join the Interim Government. Will you please let me have the names of the five representatives, as they have to be submitted to His Majesty for approval; and I should like to re-form the Government as soon as possible?

You promised yesterday that you would let me have the names to-day.

18. Letter from Mr. Jinnah to the Viceroy, dated 14th October, 1946.

Thank you for your letter of October 13.

I am now sending you names of five nominees on behalf of the Muslim League as arranged in our interview of yesterday.

(1) Mr. Liaquat Ali Khan, Honorary Secretary, All-India Muslim League, M.L.A. (Central).

(2) Mr. I. I. Chundrigar, M.L.A. (Bombay), Leader, Muslim League Party in the Bombay Legislative Assembly and President of the Bombay Provincial Muslim League.

(3) Mr. Abdur Rab Nishtar, Advocate (N.W.F.P.), Member, Working Committee, All-India Muslim League, Committee of Action and Council.

(4) Mr. Ghazanfar Ali Khan, M.L.A. (Punjab), Member, Council, All-India Muslim League, Council, Provincial Muslim League and member of the Punjab Muslim League Working Committee.

(5) Mr. Jogendra Nath Mandal, Advocate (Bengal) at present Minister of the Bengal Government.

19. Extract from a letter from Pandit Jawaharlal Nehru to the Viceroy, dated 14th October, 1946.

It is important for us to understand exactly how he (Mr. Jinnah) proposes to join and what these terms are to which he refers. Various statements in newspapers, and more especially in the official Muslim League organ, are disconcerting in the extreme. Our past experience does not encourage us to rely on vague and ambiguous phrases. These usually lead to misunderstandings and subsequent argument which is not edifying. It is desirable, therefore, to be precise in such matters and to know exactly where we stand.

We know the terms of your broadcast in August last, and I have seen your letter to Mr. Jinnah, dated October 4. I have not seen your letter to him dated October 12. I trust that this does not contain anything beyond what was contained in the broadcast or the letter of October 4. If so we should be informed of it, so that we might know what the exact position is.

As I understand it, the offer you made in your broadcast was that five places in the Interim Government could be taken by the Muslim League. In your letter of October 4 you made it clear that a Coalition Government must necessarily work as a team and not as a joining together of rival groups which did not co-operate for a common purpose. Further, you state that the basis for participation in the Cabinet must, of course, be presumed to be the acceptance of the Cabinet Mission's statement of May 16.

It seems to us much better that any possible misunderstanding should be removed at this stage, so that it may not come in our way later on. We have to face a difficult situation. So far as we are concerned, we shall make every effort to work co-operatively and as a team. During the last six weeks we have done so with considerable success to the advantage of our work. Almost every decision of ours, to whatever department it might have belonged, has been taken after joint consultation and agreement. This has made us to some extent jointly responsible for the working of the various departments, and the burden of any particular portfolio has been shared by others. We propose to continue to work in this manner.

How far the Muslim League members share this outlook with us I do not know. Any other approach would lead to friction and delay in the disposal of our work. In any event, we think it necessary for us to know, as fully as possible, the terms to which Mr. Jinnah refers in his letter of October 13. If there is any variation or addition to them as contained in your broadcast and your letter of October 4, we should be informed of it.

20. Letter from the Viceroy to Pandit Jawaharlal Nehru, dated 15th October, 1946.

Thank you for your letter of yesterday. I enclose a copy of my letter to Mr. Jinnah dated October 12. There have been no assurances or explanations to Mr. Jinnah that go beyond the terms of the broadcast and the letters of October 4 and 12;

21. Extract from a letter from Pandit Jawaharlal Nehru to the Viceroy, dated 23rd October 1946.

In my correspondence with you and in your letter addressed to me as well as to Mr. Jinnah it was made clear that the Muslim League's joining the Interim Government meant inevitably their acceptance of the long-term scheme of the Cabinet Delegation contained in the Statement of May 16. I need not trouble you with references to this in various letters.

It was pointed out then that a formal decision of the Muslim League to this effect would have to be taken by the Council of the League as they had originally passed the resolution of non-acceptance. Nevertheless, it was made clear that the Working Committee of the League would itself recommend the acceptance of this scheme and the formality could follow soon after. It was on this basis that we proceeded.

We suggest therefore that these two points should be cleared up:—

(1) The Muslim League's acceptance of the long-term scheme, as embodied in the Statement of May 16, subject only to a formal ratification by the Council of the League at an early date which should be fixed.

(2) The approach of the League to the Interim Government and, in particular, whether Raja Ghazanfar Ali Khan's and Mr. Liaquat Ali Khan's speeches recently delivered represent that approach or not.

If this clarification is satisfactory, the next step to be taken is the allotment of portfolios. The second step cannot precede the first, for it is dependent upon it and governed by it.

From past experience you will appreciate how this clarification and precision are necessary in order to avoid future trouble. This is all the more necessary because the Muslim League are not joining the Interim Government after an agreement with the Congress. Even as it is, we welcome their coming in, but that coming in would have little value and, in fact, might even be harmful to all concerned if it was really a prelude to inner as well as outer conflicts.

22. Extract from a letter from the Viceroy to Pandit Jawaharlal Nehru, dated 23rd October, 1946.

I have made it clear to Mr. Jinnah, whom I have seen today, that the Muslim League's entry into the Interim Government is conditional on the acceptance of the scheme of the Cabinet Delegation contained in the Statement of May 16 and explained in the Statement of May 25 and that he must call his Council at an early date to agree to this.

As I told you, Mr. Jinnah has assured me that the Muslim League will come into the Interim Government and the Constituent Assembly with the intention of co-operating. He regrets and condemns, as deeply as you do, the recent disturbances in East Bengal.

23. Letter from the Viceroy to Mr. Jinnah, dated 25th October 1946.

The portfolios that I can offer the Muslim League in the Interim Government are the following: Finance, Commerce, Posts and Air, Health and Legislative.

I should be grateful if you would let me know how you would propose that these portfolios should be distributed among the Muslim League representatives in the Cabinet.

I should like to get an announcement out tonight, and to swear in the new members whom I shall warmly welcome tomorrow.

24. Letter from Mr. Jinnah to the Viceroy, dated 25th October, 1946.

I am in receipt of your letter of October 25th, 1946 at 5-30 p.m., communicating your decision regarding portfolios.

I am sorry I cannot say that it is an equitable distribution, but we have discussed all the *pros* and *cons* and as you have taken your final decision, I need not go into the matter further.

I am sending you below the names of the nominees of the Muslim League showing how these portfolios should be distributed amongst them.

Finance—Mr. Liaquat Ali Khan,

Commerce—Mr. I. I. Chundrigar,

Posts and Air—Mr. A. B. Nishtar,

Health—Mr. Ghazanfar Ali Khan, and

Legislative—Mr. Jogendra Nath Mandal.

25. Letter from the Viceroy to Mr. Jinnah, dated 5th November, 1946.

Before I went on my visit to Bengal and Bihar, I spoke to you about summoning your Council with a view to their accepting the statement of May 16. I hope you will arrange to do this at an early date. I am doubtful myself whether there is any use in holding further discussions, but if you are convinced that some assurance is necessary would you please let me know what exactly it is? I suggest that it might be a good thing for you to have another talk with Sir B. N. Rau who would, I am sure, be glad to call on you.

26. Letter from Mr. Jinnah to the Viceroy, dated 17th November, 1946.

I am in receipt of your letter of the 5th of November, 1946, and I thank you for it. Owing to the very grave situation created in Bihar it was not possible for me to consult such of my colleagues as would have been available in Delhi, or my Committee of Action and, in order not to delay my reply, I have consulted some and beg to inform you that the Congress have not accepted the Statement of May 16 from the very beginning. To mention only a few official documents, there is the letter of the President of the Congress dated June 25, the Congress Working Committee's resolution of June 26 and various pronouncements of the foremost Congress leaders; and thereafter the Wardha resolution of the Congress Working Committee dated August 10. This clearly shows that the Congress never had, nor have they even now, accepted the Statement of May 16.

Even recently, in a letter to Mr. Gopinath Bardoloi, Prime Minister of Assam, published on September 13, 1946 (after the Assam Legislative Assembly had given a mandate to their representatives to the Constituent Assembly in the clearest terms to defy the fundamentals of the Statement of May 16), Pandit Jawaharlal Nehru says:

"I fully appreciate the feeling in Assam in regard to the sections or grouping and I think that our position will safeguard your

sentiment completely. Having accepted the document of May 16 we have inevitably to accept going into the sections, but the question is as to how we shall function in these sections. You are right in saying that I did not go into this matter in my broadcast, because I did not wish to raise controversial issues there. But our position is clear that provincial autonomy must be maintained and a province must decide both about grouping and its own constitution.

"It is true that we have accepted the Federal Court's decision in regard to the interpretation and we must abide by that decision of ours. But in no event are we going to agree to a province like Assam being forced against its will to do anything.

"The Constituent Assembly has now been postponed to December and we do not know what developments might take place by that time. Whatever they might be, if Assam is strong enough nothing can happen to Assam that it does not like."

Next, Mr. Gandhi, only as recently as October 28, 1946, in one of his pronouncements, said:

"The Constituent Assembly is based on the State Paper. That Paper has put in cold storage the idea of Pakistan. It has recommended the device of 'grouping' which the Congress interprets in one way, the League in another, and the Cabinet Mission in a third way. No law-giver can give an authoritative interpretation of his own law. If, then, there is a dispute as to its interpretation, a duly constituted court of law must decide it."

In the first place there is no provision in the Statement of May 16 for any court to decide what is the true interpretation of the document. Besides, the basic and fundamental principle underlying that document is not, and cannot be made, a justiciable issue. The proposals embodied in the statement of May 16 are recommendations of the Cabinet Delegation and yourself, which can only be carried out when both the major parties are agreed, in the clearest manner and unquestionably, upon the fundamentals.

I quite appreciate when you say that there is no use in holding further discussion and you informed me that there was no chance of the Congress budging from the position they had taken up. In these circumstances, I hope you will appreciate that it will be futile for me to summon the Council of the All-India Muslim League.

You ask me to let you know, what exactly it is in the way of assurances that will be necessary. The question is not as you put it that, if some assurances are necessary, I should let you know exactly what they are. The real question is to get the Congress first to agree to the fundamentals in the clearest language and then devise ways and means by which the proposals can be implemented and enforced by His Majesty's Government if the Congress break their word.

Apart from this impossible position that the Congress have taken up throughout and have followed up to the present moment, now we are face to face with the mass, organized and planned ruthless massacres of the Muslims in various parts of Bihar. The foul and gruesome methods adopted under the very nose of the Congress Government, the administration and the police in Bihar, show that the Congress have entirely failed to protect the life and property of innocent people, to say nothing of the small scale killings and destruction of property that are going on in various other parts of the country,

where the Muslims are in minority. In this highly surcharged and explosive atmosphere, even to think of the proposed Constituent Assembly or any talk about it when we are faced with two hostile camps, with the result that killing, murder and destruction of property are going on apace, is neither advisable nor possible. It will only exacerbate the present situation.

I most earnestly urge upon you to concentrate upon the measures to be adopted and carried out first to protect life and property without delay. The entire machinery of the administration of the Government must immediately be concentrated upon establishing peace and tranquillity and succour and help those who are homeless, foodless, clothless and in need of medical help and wandering about in Bihar in thousands the latest reliable estimates so far available are about 30,000 killed and 150,000 refugees—and further to see by every means how to avoid and prevent a recurrence of human slaughter in future. This is your sacred duty and trust and I hope you will immediately impress upon His Majesty's Government to take up this immediate task. In my opinion, therefore, you should announce immediately the postponement of the Constituent Assembly *sine die* and let us all forthwith concentrate every ounce of our energy upon restoring peace and order first.

27. Letter from Pandit Jawaharlal Nehru to the Viceroy, dated 26th November, 1946.

With reference to our conversation today, in the course of which you conveyed His Majesty's Government's invitation to some of us to visit London this week, I have consulted my colleagues and we have given careful thought to the proposal. I need hardly say that we are grateful to His Majesty's Government, for their invitation, but we feel we cannot, at this stage, go to London. We would be agreeable to consultations with the representatives of the British Government in India.

It would appear that the proposal involves a re-opening and a re-consideration of the various decisions arrived at since the visit of the British Cabinet Delegation to India. The Muslim League accepted places in the Government on the very clear understanding that they also accepted the long-term proposals contained in the Cabinet Mission's statement of May 16. Indeed they could not join the Government otherwise. But now the League has announced very definitely that they will not participate in the Constituent Assembly. We attach, as you are aware, great importance to the holding of the meeting of the Constituent Assembly on the date fixed, namely, December 9. The invitation to us to go to London appears to us to re-open the whole problem which was settled to a large extent by the Cabinet Mission's statement and the formation of the Interim Government. Any impression in the public mind that these decisions are reopened would, in our opinion, be fatal. It was because we felt that it was necessary in the public interest to emphasise that problems have been finally settled that we insisted on the holding of the Constituent Assembly on the date fixed for it. Even this date, it must be remembered, was five months after the election of the members. Any further postponement in the present context would, in all probability, result in the abandonment of the plan and create a feeling of uncertainty all round which is not only undesirable, but actually, at the present juncture, would encourage various forms of violent propaganda.

It is difficult enough at this stage for us to leave the country even for a short while. We have also to prepare for the Constituent Assembly meeting

which will take place in less than two weeks. If any useful purpose would have been served by our going out now, we should have done so in spite of these difficulties. We are convinced, however, that our leaving India now would mean that at the instance of the League the Cabinet Mission's plan is going to be abandoned or substantially varied and that we are parties to it. It would mean giving in to the League's intransigence and incitement to violence and this would have disastrous consequences. The first thing to be certain about is that plans agreed to will be implemented and that there will be a continuity of policy. There has been suspicion enough. Any addition to it will wreck the whole scheme and make it difficult to replace it by another. We feel, therefore, that we cannot, at this stage, proceed to London but we would welcome, wherever necessary, consultations with the representatives of the British Government in India. A brief visit now on our part to England cannot bear fruit. It is likely to have a contrary result. We, therefore, regret we are unable to accept His Majesty's Government's invitation conveyed to us through you. I trust you will convey the contents of this letter to H.M.G.

28. Cablegram from Mr. Attlee to Pandit Jawaharlal Nehru, dated 27th November, 1946.

I very much hope that you will agree to come to London since it is not possible at present time for me or my colleagues who have already been absent more than three months on Indian affairs this year to go to India.

The object of our talks would be to try and ensure a successful meeting of the Constituent Assembly on December 9th. There is no intention of abandoning either decisions of Assembly to meet or plan put forward by Cabinet Delegation. It is our desire to see that this is implemented in full and not any desire to abandon or alter it that has prompted us to ask you and your colleagues to come to London.

All three Members of Cabinet Delegation individually and collectively have asked me to urge upon you the supreme importance of this opportunity of our meeting and discussing situation before any further untoward actions take place in India.

We ask you to help in this way to make rapid and smooth progress towards the goal of Indian freedom, an objective which we share whole-heartedly with people of India.

29. Cable from Pandit Jawaharlal Nehru to Mr. Attlee, dated 28th November, 1946.

I am grateful to you for your message and appreciate your desire to ensure a successful meeting of the Constituent Assembly on December ninth and onwards. We are all anxious that the Constituent Assembly should meet on the date fixed and should proceed harmoniously to fulfil its task and we shall do our utmost to this end in co-operation with others.

As we have repeatedly stated we accept the Cabinet Delegation's plan in its entirety. In regard to a certain interpretation we made our position perfectly clear to the Delegation and we have proceeded accordingly since then. We have further stated that in the event of different interpretations the matter should be referred to the Federal Court and we shall abide by Court's decision.

It appears from the statements made on behalf of British Government in Parliament yesterday that only point to be considered is this interpretation. In regard to this our position is quite clear and we are completely committed to it. We are unable to change it and have no authority to do so. Hence our visiting London for this purpose is not necessary.

The first session of the Constituent Assembly will deal with matters of procedure and appointment of committees. The question of interpretation as regards subsequent activities will not arise at this stage. It is therefore easily possible for all to co-operate in this session and if necessity arises to refer any matter over which agreement has not been reached to Federal Court.

It would be more suitable and convenient for us to visit London if necessary after first brief session of the Constituent Assembly. This would allow more time for consultations.

In view of these considerations and also because of great difficulty in leaving India at present we feel that our visit to London now would serve no useful purpose; but if in spite of this or because you wish to consider other matters you desire us to come, we shall endeavour to do so. But we shall have to return by December 9th in time for the Constituent Assembly.

30. Cable from Mr. Attlee to Pandit Jawaharlal Nehru, dated 28th November, 1946.

Thank you for your message. I note what you say about position of Congress but nonetheless we feel that a visit by you before Constituent Assembly meets would be of great value and we appreciate your willingness to meet us in this matter. Arrangements will be made to enable you to return by December 9th.

31. Cable from Mr. Jinnah to Mr. Attlee, dated 29th November, 1946.

Your message to Pandit Nehru without disclosing his communication to you, delivered to me at nine tonight (November 29) is new position after we had accepted invitation to go to London. We cannot agree to confine only to matters mentioned in your message to Pandit Nehru in the light of what has already taken place which has created entirely new situation. Unless it is open to us to discuss whole situation it will be no use my going to London. Please wire clarify position immediately.

32. Cable from Mr. Attlee to Mr. Jinnah, dated 30th November, 1946.

I trust that you will come to London. Your refusal must be based on misunderstanding of my telegrams to Nehru. There is nothing in it to prejudice full consideration of all points of view.

33. Cable from Mr. Jinnah to Mr. Attlee, dated 30th November, 1946.

I thank you for your message received this morning. After your clarification and assurances I have decided to leave for London tomorrow.

III. STATEMENTS

1. Viceroy's Broadcast dated 24th August, 1946.

You will have heard the announcement of the names of the members of the new Interim Government which will come into office very shortly. You will, I am sure, all realise that a very momentous step forward has been taken on India's road to freedom. Some of you who listen to me may feel, however, that the step should not have been taken in this way or at this time. It is to these that I want principally to address myself tonight.

You who are opposed to the formation of the new Government are not, I assume, opposed to the main policy of His Majesty's Government, namely, to fulfil their pledges by making India free to follow her own destiny. You will also, I think, all agree that we need at once a Government of Indians as representative as possible of political opinion in the country. This is what I set out to secure : but though 5 seats out of 14 were offered to the Muslim League, though assurances were given that the scheme of constitution-making would be worked in accordance with the procedure laid down, and though the new Interim Government is to operate under the existing constitution, it has not been possible at present to secure a coalition. No one could be sorrier about the failure than I am. No one could be more sure that it is a coalition Government in which both the main parties are represented that is needed at this moment in the interests of all parties and communities in India. This is a view which I know that the President of the Congress, Pandit Jawaharlal Nehru, and his colleagues hold as strongly as I do. His efforts like mine will still be directed to persuading the League to join the Government.

Let me state clearly the offer which has been made and is still open to the Muslim League. They can propose to me five names for places in a Government of 14, of which 6 will be nominees of Congress and three will be representatives of the Minorities. Provided these names are acceptable to me and approved by His Majesty, they will be included in the Government, which will at once be reformed. The Muslim League need have no fear of being out-voted on any essential issue ; a Coalition Government can only exist and function on the condition that both main parties to it are satisfied. I will see that the most important portfolios are equitably shared. I sincerely trust that the League will reconsider their policy and decide to participate in the Government.

Meanwhile, however, the administration of India has to go on, and there are large issues which must be decided. I am glad that the representatives of a very large body of political opinion in the country will be my colleagues in carrying on the government. I welcome them to my Council. I am also glad that the Sikhs have now decided to participate in the Constituent Assembly and in the Interim Government. I have no doubt that their decision is a wise one.

As I have already made clear, I shall implement fully His Majesty's Government's policy of giving the new Government the maximum freedom in the day-to-day administration of the country. In the field of provincial autonomy, of course, the Provincial Governments have a very wide sphere of authority in which the Central Government cannot intervene. My new Government will not have any power or indeed any desire to trespass on the field of provincial administration.

The recent terrible occurrences in Calcutta have been a sobering reminder that a much greater measure of toleration is essential if India is to survive the transition to freedom. I appeal most earnestly not only to sober citizens but to the young and to the discontented to recognise that no conceivable good either to themselves or to their community or to India can come either from violent words or from violent deeds. It is essential that in all Provinces law and order is maintained, that the protection of the ordinary peaceable citizen is assured with a firm but impartial hand, and that no community is oppressed.

The Army had to be called in at Calcutta to restore order and rightly so. But I must remind you that to suppress civil disturbances is not the normal duty of the Army but that of the Provincial Governments. The use of the Army is a last resource only. A general recognition of this basic principle is essential both from the point of view of the civil population and of the Army itself. I have heard much praise of the discipline and efficiency of the troops employed in Calcutta; and will add here my own tribute of admiration to my own service, for their behaviour in a duty which is the most exacting and unpleasant on which troops can be employed.

The War Member in the new Government will be an Indian, and this is a change which both the Commander-in-Chief and I warmly welcome. But the constitutional position of the Armed Forces is in no way changed. They still owe allegiance, in accordance with their oath, to the King Emperor, to whom and to Parliament I am still responsible.

In spite of all immediate appearances I believe there is yet a chance of agreement between the two principal parties. I am quite sure that there is a very large body of opinion in both parties and of non-party men who would welcome such an agreement, and I hope they will all work for it. I would appeal also to the Press to use its very great influence on the side of moderation and compromise. Remember, the Interim Government can be reformed tomorrow if the League decide to come in. Meanwhile it will administer in the interests of the country as a whole and not of any one party or creed.

It is desirable also that the work of the Constituent Assembly should begin as early as possible. I can assure the Muslim League that the procedure laid down in the Statement of May 16th regarding the framing of Provincial and Group Constitutions will be faithfully adhered to; that there can be no question of any change in the fundamental principles proposed for the Constituent Assembly in paragraph 15 of the Cabinet Mission's statement of 16th May or of a decision on a main communal issue without a majority of both major communities; and that the Congress are ready to agree that any dispute of interpretation may be referred to the Federal Court. I sincerely trust that the Muslim League will reconsider their decision not to take part in a plan which promises to give them so wide a field in which to protect the interests and to decide the future of the Muslims of India.

We have come to another critical and solemn issue in the affairs of India: Never were tolerance and soberness in thought and action more necessary; never were the wild speaking and rash deeds of a few fraught with greater danger for so many millions. Now is the time for all Indians in any authority, with any influence, to show by their good sense and restraint that they are worthy of their country, and that their country is worthy of the freedom it is to receive.

2. Extracts from Pandit Jawaharlal Nehru's Broadcast dated 7th September, 1946.

I have not said anything about our domestic policy, nor at this stage do I wish to do so. But that policy will inevitably have to be governed by the principles by which we have stood all these years. We shall look to the common and forgotten man in India and seek to bring him relief and raise his standards of living. We shall continue our fight against the course of untouchability and other forms of enforced inequality, and shall especially try to help those who are economically or otherwise backward. Today millions lack food and clothing and houses, and many are on the verge of starvation. To meet this immediate need is an urgent and difficult task and we hope other countries will help us by sending food grains.

An equally urgent and vital task for us is to conquer the spirit of discord that is abroad in India. Out of mutual conflict we shall never build the house of India's freedom of which we have dreamt so long. All of us in this land have to live and work together, whatever political developments might take place. Hatred and violence will not alter this basic fact, nor will they stop the changes that are taking place in India.

There has been much heated argument about sections and groupings in the Constituent Assembly. We are perfectly prepared to, and have accepted, the position of sitting in sections which will consider the question of formation of groups. I should like to make it clear, on behalf of my colleagues and myself, that we do not look upon the Constituent Assembly as an arena for conflict or for the forcible imposition of one viewpoint over another. That would not be the way to build up a contented and united India. We seek agreed and integrated solutions with the largest measure of goodwill behind them.

We shall go to the Constituent Assembly with the fixed determination of finding a common basis for agreement on all controversial issues. And so in spite of all that has happened and the hard words that have been said, we have kept the path of co-operation open, and we invite even those who differ from us to enter the Constituent Assembly as equals and partners with us with no binding commitments. It may well be that when we meet and face common tasks our present difficulties will fade away.

India is on the move and the old order passes. Too long have we been passive spectators of events, the playthings of others. The initiative comes to our people now and we shall make the history of our choice. Let us all join in this mighty task and make of India, the pride of our heart, great among nations, foremost in the arts of peace and progress. The door is open, and destiny beckons to all. There is no question of who wins and who loses, for we have to go forward and together as comrades and either all of us win or we all go down together. But there is going to be no failure. We go forward to success, to independence and to the freedom and well-being of the four hundred millions of India.

3. Mr. Jinnah's statement dated 21st November, 1946.

I deeply regret that the Viceroy and His Majesty's Government have decided to summon the Constituent Assembly on December 9. In my opinion, it is one more blunder of a very grave and serious character.

It is quite obvious that the Viceroy is blind to the present serious situation and the realities facing him and is entirely playing into the hands of the Congress and is appeasing them in complete disregard of the Muslim League and other organisations and elements in the national life of the country.

In these circumstances it is obvious that no representative of the Muslim League will participate in the Constituent Assembly and the Bombay resolution of the Muslim League Council passed on July 29 stands. By forcing this meeting of the Constituent Assembly the matter has been further exasperated and a situation has been created which will lead to serious consequences.

I want to make it clear that no representative of the Muslim League should attend the Constituent Assembly summoned to meet on December 9, 1946.

4. Statement issued by His Majesty's Government on 6th December, 1946.

The conversations held by H. M. G. with Pandit Nehru, Mr. Jinnah, Mr. Liaquat Ali Khan and Sardar Baldev Singh came to an end this evening as Pandit Nehru and Sardar Baldev Singh are returning to India tomorrow morning.

The object of the conversations has been to obtain the participation and co-operation of all parties in the Constituent Assembly. It was not expected that any final settlement could be arrived at since the Indian representatives must consult their colleagues before any final decision is reached.

The main difficulty that has arisen has been over the interpretation of paragraph 19 (v) and (viii) of the Cabinet Mission's statement of May 16th relating to the meetings in sections which run as follows :—

Paragraph 19 (v).—“These sections shall proceed to settle provincial constitutions for the Provinces included in each section and shall also decide whether any group constitution shall be set up for those Provinces and if so with what provincial subjects the group should deal. Provinces shall have power to opt out of groups in accordance with provisions of sub-clause (viii) below ”.

Paragraph 19 (viii).—“As soon as 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 Province after first general election under new constitution”

Cabinet Mission have throughout maintained the view that decisions of sections should in the absence of agreement to the contrary be taken by simple majority vote of representatives in the sections. This view has been accepted by Muslim League but Congress have put forward a different view. They have asserted that true meaning of statement read as a whole is that Provinces have a right to decide both as to grouping and as to their own constitution.

H. M. G. have had legal advice which confirms that statement of May 16th means what Cabinet Mission have always stated was their intention. This part of Statement as so interpreted must therefore be considered an essential part of scheme of May 16th for enabling Indian people to formulate a new constitution which H. M. G. would be prepared to submit to Parliament. It should therefore be accepted by all parties in Constituent Assembly.

It is however clear that other questions of interpretation of Statement of May 16th may arise and H. M. G. hope that if Council of Muslim League are

able to agree to participate in Constituent Assembly they will also agree as have Congress that Federal Court should be asked to decide matters of interpretation that may be referred to them by either side and will accept such decision so that procedure both in Union Constituent Assembly and sections may accord with Cabinet Mission's plan. On matter immediately in dispute H. M. G. urge the Congress to accept view of Cabinet Mission in order that way may be open for Muslim League to reconsider their attitude. If, in spite of this reaffirming of intention of Cabinet Mission the Constituent Assembly desires that this fundamental point should be referred for decision of Federal Court, such reference should be made at a very early date. It will then be reasonable that meetings of sections of Constituent Assembly should be postponed until decision of Federal Court is known.

There has never been any prospect of success for Constituent Assembly except upon the basis of an agreed procedure. Should a constitution come to be framed by a Constituent Assembly in which a large section of Indian population had not been represented H.M.G. could not of course contemplate—as Congress have stated they would not contemplate—forcing such a constitution upon any unwilling parts of the country.

5. The Congress Working Committee's statement, dated 22nd December, 1946.

The Working Committee have given careful consideration to the statement issued by the British Government on December 6, 1946, as well as other statements made recently on their behalf in Parliament. These statements, though made by way of interpretation and elucidation, are clearly additions to, and variations of, the British Cabinet Mission's statement of May 16, 1946, on which the whole scheme of the Constituent Assembly was based.

The Statement of May 16, 1946, laid down in Paragraph 15 as basic principles of the constitution that "there should be a Union of India embracing both British India and the States", that "all subjects other than Union subjects and all residuary powers should vest in the provinces", and that the "provinces should be free to form groups". The provinces were thus intended to be autonomous, subject to the Union controlling certain specified subjects. Paragraph 19 laid down *inter alia*, the procedure for sections to meet, for decisions to be taken as to whether groups should be formed or not, and for any province to elect to come out of the group in which it might have been placed.

In their resolution of May 24, 1946, the working Committee pointed out what appeared to be a divergence between the basic principles and the procedure suggested, in that a measure of compulsion was introduced which infringed the basic principles of provincial autonomy. Cabinet Mission thereupon issued a statement on May 25, 1946, in which it was stated that "the interpretation put by the Congress resolution on Paragraph 15 of the statement, to the effect that the provinces can, in the first instance, make the choice whether or not to belong to the section in which they are placed does not accord with the delegation's intentions. The reasons for the grouping of provinces are well-known and this is an essential feature of the scheme and can only be modified by agreement between the two parties". The point at issue was not merely one of procedure but the fundamental principle of provincial autonomy and whether or not a province or part should be coerced against its will.

The Congress made it clear later that their objection was not to provinces entering sections but to compulsory grouping and the possibility of a dominating province framing a constitution for another province entirely against the wishes of the latter. This might result in the framing of rules, and the regulation of franchise, electorates, constituencies for elections and the composition of the legislature which might seriously prejudice or even nullify the provision for a province subsequently to opt out of a group.

It was pointed out that this could never be the intention of the Cabinet Mission as it would be repugnant to the basic principles and policy of the scheme they had propounded. The Congress approach to the problem of constitution-making has all along been that coercion should not be exercised against any province or part of the country, and that the constitution of free India should be drawn up with the co-operation and goodwill of all parties and provinces concerned.

In a letter dated June 15, 1946, from Lord Wavell to Maulana Azad, the President of the Congress, it was stated that "the delegation and I are aware of your objections to the principle of grouping. I would, however, point out that the statement of May 16 does not make grouping compulsory. It leaves the decision to the elected representatives of the provinces concerned, sitting together in sections. The only provision which is made is that the representatives of certain provinces should meet in sections so that they can decide whether or not they wish to form groups".

Thus the principle which was emphasized again was that grouping was not compulsory and, in regard to sections, a certain procedure was indicated. This procedure was not clear and could be interpreted in more than one way and, in any event a point of procedure could not override a basic principle. We pointed out that the right interpretation should be one which did no violence to that principle. Further, in order to smooth the way to the co-operation of all concerned in the working of the proposed scheme, we not only made it clear that we were prepared to go into the sections, but also suggested that, if our interpretation was not accepted, we would be agreeable to a reference on this point to the Federal Court.

It is well-known that the proposal in regard to grouping affected injuriously two provinces especially, namely, Assam and the North-West Frontier Province, as well as the Sikhs in the Punjab. Their representatives, expressed their strong disapproval of this proposal. In a letter to the Secretary of State dated May 25, 1946, Master Tara Singh gave expression to the anxiety and apprehensions of the Sikhs and asked for clarification in regard to certain matters. The Secretary of State sent an answer to this letter on June 1, 1946, in the course of which he said: "I have considered carefully the detailed points you raise at the end of your letter. I fear the Mission cannot issue any additions to, or interpretation of, the statement".

In spite of this explicit statement, the British Government have, on December 6, issued a statement which is both an addition to, and an interpretation of, the statement of May 16, 1946. They have done so after more than six and a half months, during which period many developments have taken place as a consequence of the original statement.

Throughout this period the position of the Congress was made repeatedly clear to the British Government or their representatives, and it was with full knowledge of this position that the British Government took subsequent steps in furtherance of the Cabinet Mission's proposals. That position was

in conformity with the basic principles laid down in the statement of May 16, 1946, which statement the Congress had accepted in its entirety.

Further, the Congress had expressed its willingness to refer, if necessity arose, the point of interpretation to the Federal Court, whose decision should be accepted by the parties concerned. In the course of his letter dated June 28, 1946, addressed to Mr. Jinnah, the Viceroy stated that "Congress had accepted the statement of May 16". In the course of a broadcast on August 24, 1946, the Viceroy, in appealing to the Muslim League to co-operate, pointed out that the Congress are ready to agree that any dispute of interpretation may be referred to the Federal Court.

The Muslim League reversed its former decision and rejected the British Cabinet Mission's scheme by a formal resolution, and even decided to resort to direct action. Their spokesmen have since repeatedly challenged the very basis of that scheme, that is, the constitution of a Union of India, and have reverted to their demand for a partition of India. Even after the British Government's statement of December 6, 1946, the leaders of the Muslim League have reiterated this demand for partition and the establishment of two separate independent Governments in India.

When the invitation of the British Government was received by the Congress at the end of November last to send its representatives to London, the Congress position was clearly indicated again. It was on an assurance of the Prime Minister of Britain that a representative of the Congress proceeded to London.

In spite of this assurance and the previous assurances to the effect that no additions to, or interpretations of, the statement of May 16, 1946, were going to be made, the British Government have now issued a statement which clearly, in several respects, goes beyond the original statement, on the basis of which progress has been made till now.

The Working Committee deeply regret that the British Government should have acted in a manner which has not been in keeping with their own assurances, and which has created suspicion in the minds of large numbers of people in India. For some time past the attitude of the British Government and their representatives in India has been such as to add to the difficulties and complexities of the situation in the country. Their present intervention, long after the members of the Constituent Assembly had been elected, has created a new situation which is full of peril for the future. Because of this, the Working Committee have given anxious and prolonged thought to it.

The Congress seeks to frame, through the Constituent Assembly, a constitution of a free and independent India with the willing co-operation of all elements of the Indian people. The Working Committee regret that Muslim League members of the Constituent Assembly have refrained from attending its opening session.

The Committee, however, appreciate and express their gratification at the presence in the Constituent Assembly of representatives of all other interests and sections of the people of India, and note with pleasure the spirit of co-operation in a common task and a high endeavour which has been in evidence during the sessions of the Assembly.

The Committee will continue their efforts to make the Constituent Assembly fully representative of all the people of India and trust that members of the Muslim League will give their co-operation in this great task. In order to

achieve this, the Committee have advised Congress representatives in the Assembly to postpone consideration of important issues to a subsequent meeting.

In their statement of December 6, 1946, the British Government, in giving their interpretation of a doubtful point of procedure, have referred to it as a "fundamental point", and suggested that the Constituent Assembly may refer it to the Federal Court at a very early date. Subsequent statements made on behalf of the British Government have made it clear that they are not prepared to accept the decision of this Court should it go against their own interpretation. On behalf of the Muslim League also it has been stated that they will not be bound by the decision of the Federal Court and a demand for the partition of India, which is a negation of the Cabinet Mission's scheme, continues to be put forward.

While the Congress has always been willing to agree to a reference to the Federal Court, any reference now, when none of the other parties are prepared to join in it or to accept it, and one of them does not even accept the basis of the scheme, becomes totally uncalled for and unbecoming, and unsuited to the dignity of either the Congress or the Federal Court. By their repeated statements, British statesmen have ruled this out.

The Working Committee are still of the opinion that the interpretation put by the British Government in regard to the method of voting in the sections is not in conformity with provincial autonomy, which is one of the fundamental bases of the scheme proposed in the statement of May 16. The Committee are anxious to avoid anything that may come in the way of the successful working of the Constituent Assembly, and are prepared to do everything in their power to seek and obtain the largest measure of co-operation, provided that no fundamental principle is violated.

In view of the importance and urgency of the issues facing the country and the far-reaching consequences which must follow any decisions, the Working Committee are convening an emergent meeting of the A.I.C.C., in Delhi early in January to consider the latest developments and to give such directions as it may deem fit".
