

PRACTICAL POLITICS OR NOT?

By a Constitutionalist
*Reprinted from the
Civil & Military Gazette*

In this booklet the proposals in the Congress resolution are critically examined by an expert with a view to discovering whether they can or cannot be accepted as an honest and practical solution of a difficult problem, and, if they cannot, whether they can be modified with any useful result.

PRICE FOUR ANNAS

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THE CHOICE BEFORE INDIA

Two Roads to Swaraj

DURING the past three months, the Indian people have had before them two plans for the achievement of independent self-government in India. The first was the plan which Sir Stafford Cripps brought with him. The second is the resolution of the Working Committee of the Congress which is to come before the All-India Congress Committee on August 7.

These two sets of proposals differ widely in practicability and in the manner in which they are expounded. The Cripps plan was founded upon a peaceful and evolutionary progress, designed in the short run to consolidate Indian opinion behind a strong government for the prosecution of the war and the defeat of the enemy. The Congress resolution also appeals to the need for rallying Indian opinion behind the government and the conduct of the war; but it is presented under threat of a campaign whose success in its purpose of bringing Government to its knees would be a great victory for the enemy and an open exposure of India to aggression.

No Difference of Objective

Despite this contrast, the plans are alike in their express objective of independent self-government for India. His Majesty's Government pledged themselves to afford India the opportunity and means of devising her own form of independent self-government after victory has been won. The Congress resolution seeks to anticipate this by a declaration of independence now.

The Test

The choice that lies before the Indian people, therefore, is one that concerns the period of the war, and the test by which both these plans are alike to be judged by reasonable men is: Which is the more realistic and

effective in its capacity to defend India from conquest and enable her to play her part in securing the final victory over fascist aggression ?

That this is the test by which the Congress plan, no less than that of H.M.G., is to be judged has been emphasized by Congress spokesmen themselves. Thus, in his interview with the Press on July 16, Pandit Jawaharlal Nehru declared, "The whole point is how to function in an effective manner to avert aggression." Therefore the question which the Indian public has to ask itself—and ask itself with a sense of the gravest responsibility, since a wrong answer might result in agonising consequences for the people of India and for the future of freedom everywhere—is whether the Congress proposal is genuinely calculated to avert aggression and win the war ; and whether, if so, it represents a more effective or a less effective way of doing so than H.M.G.'s policy.

The Resolution

In applying this test, we must obviously look to the terms of the Wardha Resolution itself as the authentic policy of the Working Committee of the Congress. We are not entitled to accept as authentic the glosses put upon the resolution by individual Congress leaders. Some of them, indeed, are plainly inconsistent with the words of the actual resolution.

The key passage in the resolution, regarded as a genuine proposition for the political future of India, reads as follows :—

"On the withdrawal of British rule in India, responsible men and women of the country will come together to form a provisional Government, representative of all important sections of the people of India, which will later evolve a scheme by which a constituent Assembly can be convened in order to prepare a constitution for the Government of India acceptable to all sections of the people. Representatives of free India and representatives of Great Britain will confer together for

the adjustment of future relations and for the co-operation of the two countries as allies in the common task of meeting aggression.”

This passage lucidly presents to Indian opinion a picture of a chronological sequence of events, which, it is suggested, would follow upon a verbal declaration of India's independence by the British Government.

The Four Stages

The first stage is the withdrawal of British rule. The second stage, which follows it, is the formation of a provisional government. The third stage is the evolution by that government of a scheme for a constituent assembly. Finally comes the preparation of an acceptable constitution. The chronological place of the suggested Indo-British Conference in this sequence is not clear, but it is manifestly intended to come after the first two stages.

Through the Looking-Glass

Indian opinion will not have failed to notice that this Congress plan is in essence the Cripps plan for the attainment of India's independence, but in looking-glass order. His sequence was a constituent assembly, a constitution, a new Indian Union Government, and the relinquishment of British rule to that Government. This was a logical chain of causality. Compared to it the Congress prophecy seems like a movie film which is run through the projector in reverse, so that food is forked out of diners' mouths to their plates, and is eventually carried backwards into the kitchen to be uncooked. It bears the same kind of relation to the real practical world of cause and effect.

An Invitation to Anarchy

Let us examine the imagined sequence of events, link by link. The withdrawal of British rule, which is placed first, must imply either an end of all rule in India or the transfer of British rule to another authority. It follows that if the withdrawal of British rule is not to mean chaos, civil disorder, murder and looting, and

of course total exposure to Japanese aggression, it must be *preceded by* the establishment of an alternative Government. This, however, is plainly contrary to the terms of the Congress resolution.

The resolution is therefore, on the face of it, a plea for anarchy and an invitation to Japan to conquer India. If, on the other hand, this plea is rejected, the resolution threatens the achievement of the same result by another means, namely, a nation-wide effort to bring about the abdication of Government.

No Constitution, No Law

This is what has been put before Indian people. It is clear, however, from their own statements that even the Congress leaders who accepted the resolution do not believe in its terms. We are entitled to assume that the Congress High Command still contains patriotic Indians, and that this part of the Congress resolution is not to be taken at its face value. If then, it is agreed that the withdrawal of British rule cannot take place until there is an alternative Government to which to hand over power, under what authority is this Government to rule ?

The Congress resolution is so couched as to imply that a Government can operate in a constitutional vacuum, without legal authority or support. This is false. Our whole civilisation is based on law. The only alternative to a constitution is revolution, which, until it makes itself constitutional, rests upon force in place of law. All civil government and order, all rights of property and contracts, all police and public services, all money and security, all rights and duties of the military and of others who wield power in the State, derive from and depend upon law. The law in turn derives from and depends upon the constitution. Without a constitutional basis there is no law, and without law there is no order. Authority becomes the mere exercise of physical power, and the land is delivered over to those who possess force and are not afraid to use it.

No Law, No Order

Thus—to return to the Congress vision of a new provisional Government—unless and until that Government is founded upon and validated by a constitution, in the physical power that it can wield lies its only defence against such a breakdown of all ordered life as would at once call in the Japanese like jackals to a rotting carcase.

Again, therefore, the Congress resolution, on the face of it, by postponing the framing of a new constitution until after the provisional government has evolved plans for a constituent assembly, is a plea for anarchy and an invitation to the Japanese to invade India.

The Benefit of the Doubt

Again we must turn aside from the actual terms, and assume that the Congress, if it still contains a patriotic element, does not mean what it says, and that it does not intend the provisional government to operate without the foundation of a constitution beneath its feet.

Mere constitutional generalities will not do. Though details may be subject to adjustment, there must be a complete constitutional structure. The need to accept, or to construct anew, a complete constitution, before power is transferred from the present legal government to a so-called provisional government, is all the more vital in India, where for historical reasons little of the governmental system is on a common-law basis, and where a vast country lives under a quasi-federal constitution.

The Division of Powers

At present the system of government is founded upon a statutory division of powers between provinces and centre. Subject to this, there is a conditional devolution of powers to subordinate authorities. If, from this system, the supreme central authority, at present residing ultimately in British hands, the authority which guarantees the constitution itself, is withdrawn, the various powers are no longer legally apportioned but are at the disposal of those who can seize them.

To take a hypothetical example, the Punjab Government might seize all powers in the Punjab, including those fields of power which are now central. Or local authorities or local magnates might set themselves up as dictatorship in their own areas. But for the timely action taken against the Pir Pagaro and his Hur gangsters, they would certainly have been among the likely heirs of British power in the localities where they exerted the force and terror necessary to seize it.

A Break-up of India

The re-apportionment of power would thus depend upon the mere possession of physical strength. Since we are to imagine that the Indian army would be automatically disbanded, as Mahatma Gandhi has told us, and that the British army, though still present for the purposes of external defence, would no longer be responsible for internal security, it is clear that the repositories of physical strength would tend to be local rather than central. Thus the Congress resolution, taken at its face value, is an invitation not only to civil disorder and external invasion but also to the break-up of India.

What the Mahatma Means

Was it with this prospect in mind that Pandit Jawaharlal Nehru admitted, at his press conference on July 16, that there were "risks" in the sudden withdrawal of the existing governmental apparatus? Was it with this prospect in mind that Mahatma Gandhi wrote in *Harijan*: "I would end the present state of things even at the risk of *anarchy reigning supreme* in India?"

Perhaps our patience is called upon for a little more exercise. Perhaps we are again to assume that this part of the Congress resolution does not say what the majority of the Working Committee mean (though it apparently says what the Mahatma means), and that some form of interim constitution would be acknowledged, to validate the "provisional government."

Even so, the resolution implies that there is to be a completely new order in India and a total severance of

the British connection. "I am convinced," wrote Mr. Gandhi in *Harijan*, "that the time has come..... for the British and Indians to be reconciled to *complete separation* from each other." This is not the conviction of many of his fellow-countrymen, but, if it is accepted, then the imagined interim constitution must rapidly give way to a permanent and independent constitutional code.

A Constituent Assembly

It is a flagrant weakness of the Congress proposal—regarded as a practical scheme, not as party propaganda—that no draft scheme for such a constitutional code is put forward, not even a tentative plan for calling a constituent assembly. The Cripps proposals went far beyond the resolution, in putting forward a detailed and specific plan whereby India could achieve independence. It was rejected for conflicting reasons by the different parties. Now the Congress offers nothing in its place.

Assuming, however, that a constituent assembly could be successfully called, what is the expected basis of the resultant constitution? Indian opinion is entitled to know at least what hazy ideas the Congress leaders may have in their minds.

Some Open Questions

The number of open questions which such a constituent assembly would have to face is enormous. Is there to be a United India or Pakistan? Is the system to be unitary or federal or con-federal? What is to be the division of powers? What may be the form of communal representation in legislatures and executives? What protection is to be afforded to minorities and backward peoples? What are to be the relations of the States to the new India, or what is to be their place in it? For these and dozens more problems of equal importance and complexity there is yet no agreed basis of solution.

Eighteen Months Given to Japan

To reach agreement upon them and to work out the necessary terms and details, must, at best, take months.

It would be unwise to allow less than a year*. Allowing no more than six months for the calling of the constituent assembly, including the holding of the necessary elections, here is at least 18 months gone before Indian independence could have any secure basis, or before Indian statesmen, soldiers and administrators could turn from the problem of framing the constitution to that of winning the war.

Once again we are driven to conclude that the Congress resolution is not to be taken at its face value, and that for the period of the war the "provisional government," if it could be brought into being, would have to work under the existing constitution with such rough-and-ready amendments as were generally acceptable to Indian opinion.

The Proposed Alliance

The task of the proposed Indo-British Conference "for the adjustment of future relations and for the co-operation of the two countries as allies" would be no less complex or arduous. First it must plan the terms of the alliance against aggression. Despite the seeming enthusiasm of the Working Committee's resolution for the cause of the United Nations, it is only prudent to anticipate certain difficulties in the way even of the proposed alliance. It is of the essence of the alliances hitherto sealed between the several United Nations that they pledge themselves not to make a separate peace but to pursue the war to the end with their utmost resources. Is this truly the attitude of the Congress? Its language is ambiguous. The Wardha resolution refers to "resisting aggression and helping China," not to finally overthrowing the fascist enemy. Mr. Gandhi has referred to "*defensive operations* against aggressive powers."

* The framing of the federal constitutions of Canada and Australia occupied 30 months and 39 months respectively, counting only from the first meeting of the constituent Convention; that of the simpler unitary constitution of the South African Union occupied ten months.

Congress and the "Foreign Armies"

Are even the terms on which the armies of the United Nations are to be allowed to remain in India clear and certain in the corporate mind of the Congress Working Committee? It is less than three months since, at Allahabad, the All-India Congress Committee passed a resolution declaring that "It is harmful to her (India's) interest and dangerous to the cause of her freedom to introduce foreign armies in India."

A Gigantic Task

Granted that an alliance on general terms can be concluded, the questions of detail and the long-term problems which the Indo-British Conference would have to consider are many and involved. There is the question of the control of the huge British forces in India—their operations, supplies, accommodation, etc. There is the question of the finance of British forces in India and any remaining Indian forces outside India. There are questions of great delicacy relating to the forces of the Indian States and to the Gurkha soldiers, subjects of the independent State, Nepal.

Among the long-term problems would be those of the financial relations between Britain and India, including the public debt, the outstanding pensions of civil and military officers, etc.; of treaty relations with States; of British pledges to minorities; of the establishment of diplomatic and consular corps and other administrative apparatus for the conduct of external affairs by an independent India; and scores of others.

Interval for the Aggressor

It is obvious that these negotiations would be liable to take as long as the framing of the constitution itself. Meanwhile, even if an alliance could be quickly concluded, there would be no proper or durable basis for the interim conduct of these affairs, many of them vital to the prosecution of the war.

It was one great virtue of the Cripps plan that it left all these complex problems in abeyance, while India,

confident of the prospect of achieving complete self-government after the war, concentrated her mind and energies upon the achievement of victory.

Nonsense or Quislingism

By contrast, the Congress Working Committee's resolution, if taken at its face value, is either a piece of Alice-in-Wonderland nonsense or an attempt to create, by the voluntary or by the forced abdication of the constitutional Government, a condition of disorder and anarchy in India. This could only be contemplated in the hope that the Congress party itself might then seize power, either in time enough before the Japanese entered, or afterwards with Japanese connivance. If the second interpretation of the resolution is correct, there is nothing more to be said, though it is pitiful that men should be found to plot such things in the name of patriotism.

If we accept the first interpretation, then we must look behind the nonsense, giving the framers of the resolution the benefit of the supposition that they looked upon it as mere propaganda for the gullible. We must seek in the gist of the resolution some scheme, plausible at least, which the Congress might be supposed to want to put forward under cover of the general demand for immediate independence. Some of the glosses put upon the resolution relate, not to its own terms, but to such a plausible substitute.

A Plausible Substitute

It might perhaps be expressed as follows :—

Britain will forthwith make a declaration that India (or possibly British India) is in principle independent henceforward. She will accompany this with an offer to hand over all power at once to a provisional government representative of the principal parties and communities. This government will function under the existing constitution

shorn only of the over-riding powers of the British Government, the Governor-General and the provincial Governors, until it can arrange for the framing of a new constitution by a constituent assembly, probably after the war.

This, it must be emphasized, is *not* the Congress plan it is not what has been submitted to the judgment of the Indian people and of the world. It is a supposititious, rationalised version of what the Congress might have demanded had their motives been sound and their intentions constructive. Nevertheless, in order to give the Congress the benefit of all doubts, we may examine this revised version in order to see, first, whether it is practicable, and secondly whether, if practicable, it would result in more effective or less effective conduct of the war in and from India.

“Without Reference to the People”

On the test of its practicability, the first stage in it—the verbal declaration of independence in principle—involves no one in any immediate concrete difficulties, though it would manifestly offend and perturb those many large sections of the Indian public who still believe in the British connection. Even Congressmen will admit that complete independence, in the sense of final and formal severance from the British Crown, is *not* an agreed demand of the people of India. This fact is no doubt what the Mahatma had in mind when he referred in his statement of July 14 to “unconditional withdrawal of British power *without reference to the wishes of the parties or the people as a whole.*” Congress leaders, nevertheless, are exceedingly intransigent and partisan on the point. “Short of our complete independence,” said Pandit Pant at the Allahabad session, “we do not want *any settlement with anybody.*”

Demise of the Parties ?

Such a declaration, however, would be meaningless unless it could be implemented, that is to say, unless there emerged a “provisional government” to exert

the independence, sufficiently strong and representative of the main elements in India to govern effectively and avoid civil war or communal disorder. "The present political parties," asserts the Wardha resolution, "will then probably cease to function." This is a curious piece of Gandhian philosophy, contrary to all experience and calculation. For the principal cement of political parties in practice is not policy alone but the opportunity, given by party cohesion, of carrying out the policy, and the possession of a political machine. These factors are not going to disappear at a stroke of the pen.

A League-Congress Pact Needed

Nor do the Congress leaders themselves believe it. This is what they say :

The only kind of provisional government would be a composite government representing the major parties in India to their satisfaction, namely, the Congress, the Muslim League and other important groups. "Any person who is responsible for making that government will have to satisfy these groups. Otherwise he has to face great difficulties at a time when the greatest measure of agreement is essential."—*Pandit Jawaharlal Nehru*, press conference on July 16.

The British might turn to the Congress or the League to accept the responsibility, and the Congress and the League, he was sure, would consult each other to form a government.—*Maulana Azad*, statement of July 16.

The acknowledged minimum, then, for a successful "provisional government" is the participation of the Congress and the Muslim League. In the light of their known policies and aspirations, is there any basis on which they could join together in an independent government ?

"The Pressure of Events"

"If there was no third party to give or take away," said Pandit Nehru in his press conference of July 16,

“ the pressure of events would make them (the different sections of the Indian people) come to terms very rapidly.” This of course is a favourite theme of the Congress. What does it mean in plain language? Does it not mean that, if there were no one to hold the ring and watch over the interests of the under-dog, the relative strength—in numbers and physical power—of the different communities and groups would settle the matter? If he does not mean this, it would be interesting to ask Pandit Nehru what he does mean by “ the pressure of events.”

The League's Conditions

Reasonable people will not look forward hopefully to such a trial of strength. Instead they will seek a means of accommodation based on the known policies of the several parties. Now the Muslim League has made its position perfectly plain. Provided it gets what it regards as its fair share of power forthwith, it is ready to come into an interim central government on either of two bases. The first is the acceptance of Pakistan now; the alternative is government within the framework of the existing constitution, on condition that nothing is done to prejudice the future attainment of Pakistan under a new constitutional settlement.

Obviously the acceptance of Pakistan now is out of the question for the Congress, although their doctrine of anarchy would lead to a far worse fragmentation of India. At Allahabad they pledged themselves to have no truck with schemes of partition. Can they accept the alternative terms for the co-operation of the Muslim League? The conditions that the present constitution should remain, and that the future constitutional settlement should not be prejudiced against the Muslim demand, are intimately linked. For the future is inevitably prejudiced if the present constitution is abandoned, or even radically modified by the abolition of all reserve powers in the hands of the British. Power to influence decisively the shape of a future constitutional settlement, to be achieved at some unknown date and by some unknown method, must pass to those who control an interim independent government.

Without Prejudice ?

That this interim government would be controlled neither by Hindus nor by Muslims, but would be a coalition of all main elements, is part of the Congress case, and one which all will applaud. But in the last resort who is to be the arbiter ? Or what is to happen if the coalition splits ?

There has been talk of responsibility to the people of India, since the Muslims and other minorities reject responsibility of such an executive to the legislature. It is a fine concept, but unless it is translated into institutions whereby the people of India can assert control over those responsible to them, it has no different meaning from the sense in which the Viceroy is now responsible to the people of India. Responsibility in the constitutional sense implies the power to remove by adverse vote. If the majority of the Indian people are to have this power over an independent central executive, is not this the very form of government which the Muslim League and other minority interests at present sternly repudiate ?

Congress Frustrates Itself

Thus if one version of the Muslim League terms is incompatible with India's unity, the other version is incompatible with India's immediate independence. Either way, Congress policy frustrates itself.

Failing a League-Congress coalition, the possibilities for a "provisional government" under a regime of independence are either a government dominated by the League, without the Congress, and *a fortiori* without the Hindu Mahasabha, or a government dominated by the Congress, and maybe the Mahasabha, but without the League. Can anyone doubt that either of these possibilities would lead within a short space to the gravest communal strife ?

This infection would soon spread to the armed forces ; for the militant arm of Hinduism, Sikhism and Islam in India, enlisted in the armed forces, would not stand as

idle spectators of the political struggle. All this would be to the gravest detriment of India's war effort. British authority would have to be re-asserted, and again Congress policy would have frustrated itself.

The Significance of Mr. Rajagopalachariar

Pandit Nehru is indeed right in insisting upon a Congress-League agreement as essential to the effective exercise of independent power. But has not Mr. Rajagopalachariar been obliged to resign from the Congress because he said the same thing, but in a sane, logical context? And is there not a better chance of building Hindu-Muslim unity under *de facto* self-government "within the framework of the present constitution", such as British policy offers if only Indian leaders could take advantage of it, than in the fierce arena of sudden and unpractised independence?

A Practical Question

Hindu-Muslim agreement will come in time, if the leaders of both communities work for it. But what dupes are the hopes of the Congress leaders for a Congress-League coalition after an immediate declaration of independence! Nevertheless, if we are to be left with anything to test by the standard of effectiveness for the prosecution of the war, we must disregard the probabilities and assume, for the moment, that such a coalition can be brought into being, perhaps with the addition of other elements. Compared with what is possible within the framework of the existing constitution, would this enhance or diminish India's Contribution to the power of the United Nations to wage war against the enemy? Practical men will know how to answer this practical question.

The Congress and the Nation

Beyond any doubt a government of popular political leaders is better able than an official or externally manipulated government to arouse the enthusiasm of the people, to stamp out defeatism and fifth-columnism, to check subversive movements among labour, and generally to raise the civilian morale. But that is not

the point at issue. A government of popular political leaders, with genuine *de facto* autonomy, is possible under the existing constitution. The point is the condition of *de jure* independence, and the assumed predominant place of the Congress in the government.

. That the Congress leaders do assume this is proved by the resolution itself, which could be justified only on the theory that Congress represents the Indian nation, in whose name it can take these fearful risks ; if this theory is false, the whole resolution is a fraud, but if it is, true the Congress would have a fair claim to dominate an independent national government.* Would such a government, compared with a National Government under the existing constitution, be better or less able to lead India in war ?

Sympathy is Cheap

Reasonable opinion may be forgiven some doubt whether the Congress, even excluding the hundred-per-cent non-violent wing, are unanimous in their determination to wage the war until final victory has been won. By their very adoption of the Wardha resolution, the Working Committee have shown their subservience to Mr. Gandhi, who has declared, by way of comment on it, that if he could possibly turn India to non-violence, then he would do so. (Press Conference of July 14.) The mind of the Congress is authoritatively expressed in the main resolution passed at Allahabad last May.

“ While India has no quarrel with the people of any country, she has repeatedly declared her antipathy to Nazism and Fascism as to Imperialism. If India were free, she would have determined her own policy and might have kept out of the war, though her sympathies would in any case have been with the victims of aggression.”

Antipathies and sympathies are no substitute for action as an effective means of waging war. Such declarations, to say the least, are not likely to inspire confidence in the Congress' will to fight.

Disbandment of the Indian Army

They are, indeed, calculated to have the gravest effect on the morale of the Indian troops. The future of these gallant forces would be thrown into the melting pot at the very moment of their keenest trial and finest opportunity. "It should be understood," wrote Mr. Gandhi in *Harijan*, "that the Indian army has been disbanded with the withdrawal of British power." He told two American press correspondents that the disbandment would be "*automatic*" from the moment of the withdrawal. If by this he meant that the disappearance of all British officers from the Indian Army, including all the highest ranks, would automatically result in its administrative and operational collapse, he was speaking with an unwonted realism.

Assuming that it escaped total disbandment—a fate scarcely likely to increase the war strength of India and the United Nations—the Indian Army will not be galvanised and inspired by confidence in party leaders who have declared :

"The present Indian army is in fact an offshoot of the British army and has been maintained till now to hold India in subjection. It has been completely segregated from the general population, *who can in no sense regard it as their own.*" (Allahabad resolution of the A.I.C.C., May 1, 1942.)

The Wardha resolution, which makes no mention of the Indian army or other armed forces, does nothing whatever to mitigate the shattering effect which this doctrine of their disassociation from the Indian people would have on their morale.

Injury to the War Effort

Apart from the unrest and uncertainty in the Indian forces, the war effort would further be handicapped by the detachment of the British forces in India from the same higher command, by the necessary separation of States forces and thousands of Gurkhas from the Indian army, and by all the other consequences of

breaking up the present coherent system of military command, administration and supply in India. When Pandit Nehru says that the Congress proposal seeks to make no change from the military point of view, he is not only flying in the face of its terms, but also revealing that he does not speak for the Congress Working Committee as a whole, certainly not for its all-powerful mentor, Mr. Gandhi.

On the political side, a handicap to the prosecution of the war would be the uneasiness of the communal situation, in default of a permanent constitution with solid guarantees for minorities. Even with a Congress-League coalition, the two major communities would eye each other watchfully, lest either take advantage of the other to prejudice the eventual settlement, while the smaller minorities would live in an atmosphere of suspicion, anxiety and manoeuvre.

A Divided India

Geographically, even if British India held together, a divided and therefore weakened India would face the enemy; for a declaration of independence would give British India neither legal authority nor physical power in the Indian States, which would certainly not join an independent British India, run by a combine of political parties under Congress leadership, unless they were compelled under duress to do so. Nor would these be the only sources of political weakness. The public services would be filled with restlessness and uncertainty, pending new guarantees of their position. Especially would this be true of the British officers in the I.C.S., the police and other services, who certainly cannot be replaced during the war, and whose whole future would be in jeopardy.

A Government of Inexperience

To complete the picture of injury to India's power to resist and repel the enemy, the members of the new independent National Government would be for the most part totally inexperienced, not only in the conduct of war, but indeed of the conduct of government at

any time. One-fifth only of the Congress Working Committee have ever held responsible ministerial office, and they only for a short time in provincial governments; nor is the high command of the other political parties much more experienced.

Two Vital Conditions

Already, even by assuming that the Wardha resolution is not to be taken at its face value, we have been obliged to modify in one respect after another the rationalised substitute proposal, in order to turn it into a plan, which could begin to compete with British policy as a practical contribution to the war effort of the United Nations. Briefly, the Congress proposal passes the preliminary muster only if it is modified in two vital respects. First, there must be no prejudice to the permanent future constitution, to the detriment of minorities, nor any challenge to their present determination not to be ruled over by the majority community. Secondly, allowance must be made for the retention of a unified command for Indian and British forces in India or on her periphery, and for the continued higher conduct of the war by the War Cabinet.

These were in fact the two main considerations which limited the degree of immediate formal self-government which could have been negotiated under the Cripps plan, if it had ever come to the point of applying clause(e).

Full Circle to British Policy

The wheel has turned full circle. First the Congress proposal was shorn of its mere nonsense or its deliberate invitation to the dacoit and the invader; thus rationalised, it had to be further progressively adjusted to make it practicable and enable it to pass a qualifying test of effectiveness in helping to win the war. At the end, its honest and practicable remnant has been found to differ little, if at all, from British policy, which the Congress attitude of negation has never allowed to be put to the test of practical experience and organic growth. That policy may be summarised as the greatest possible measure of *de facto* self-government for India,

within the framework of the existing constitution, pending the building of a new constitutional structure by Indians themselves, as soon as victory is won.

The Limits of Formal Self-Government Now

The two great limiting factors, which affect alike any plan for immediate formal self-government, whether coming from India or from Britain, if it is not to expose India to internal disorder and external conquest, are, in brief, the war and the lack of communal agreement. These limitations are not founded upon British imperialist needs but upon Indian needs and the needs of the United Nations. There is no reason to belabour them, for they are recognised by every patriotic and realistic Indian; but the precise way in which they affect the constitutional problem of immediate self-government is not always understood.

India's Defence Part of a World System

The defence of India in this context is not to be thought of in a static and local sense. India is an integral part of a world-wide system of offensive and defensive operations, of supply, transport and all that goes to make a total war effort. This system requires the most intimate co-operation among its different elements; nor can its control be bisected, though it can be shared. Hence it is that in two of the most vital ganglia of such co-operation—the War Cabinet and the Pacific War Council in London—India is represented by her own spokesmen, as an equal among the United Nations.

“No Upset in the Middle of the War”

For reasons which reach far back into history, the bilateral connection between Britain and India for the conduct of the war is peculiarly intimate. Among those reasons are the presence in India of a great British army; its unity of command, including supply and training, with the Indian army; the large numbers of British officers in the latter, in spite of accelerated Indianisation; the presence in it of thousands of Gurkhas, subjects of Nepal, whose relations for this

purpose are with the British Crown rather than the Government of India ; the attachment to it of forces of the Indian States ; and many others.

It was in recognition of these reasons that the Congress leaders, in a saner mood from which they have now dangerously lapsed, declared : " We had no desire to upset in the middle of the war the present military organisation or arrangements. We accepted also that the higher strategy of the war should be controlled by the War Cabinet in London." (Letter from Maulana Azad to Sir Stafford Cripps, April 10th, 1942.)

The Responsibility of The Government of India

Yet the admitted need for a unified command of British and Indian forces operating in or from India, and for ultimate control of those forces by the War Cabinet as part of the higher strategy of the war, does not mean in the least that the connection is entirely one-sided, or that this great field of responsibility is taken out of the hands of the Government of India. Such a segregation of military defence from the rest of government would be totally impracticable. On the contrary, though the ultimate responsibility is with the British Government, *the primary responsibility for the defence of India in all its aspects is with the Government of India.* That includes the whole duties of the Commander-in-Chief, who is directly answerable to the Government of India, not to the War Cabinet.

If, then, the Government of India is at one with the British Government in pursuing relentlessly and with its whole will the complete overthrow of our enemies, and if as a rule it is prepared to defer to a trusted Commander-in-Chief in his own sphere, the ultimate British responsibility need have no tangible effect in qualifying the *de facto* autonomy of the Government of India.

Cabinet Government Impossible

It is the same with the second acknowledged check upon formal, immediate and total self-government—the

lack of agreement among the communities upon the permanent bases of the constitution. So long as minority communities repudiate the authority of the majority to control a responsible central Ministry, so long will a Cabinet form of Government be impossible at the Indian Centre. For the essence of Cabinet Government on the British model, both historically and in current practice, is responsibility to the Legislature. If this is impossible, the Governor-General in Council—which for most purposes is the Government of British India—cannot set up as an independent oligarchy, finally controlled by its own majority. Until a new constitutional system can be framed, the ultimate responsibility must remain where it is at present—to the British Crown and Parliament.

De facto Autonomy

Parliament, however, has made plain its anxiety that India shall have the maximum possible measure of *de facto* autonomy in her own affairs; and it will always exercise its responsibilities in this sense. Therefore, so long as the Government of India avoids injury to the rights of minorities, or prejudice to the future constitution, including the place of the States, the ultimate responsibility of Parliament need not be felt as a tangible qualification of *de facto* self-government.

No All-India Government

The problem of the States is itself a limiting factor upon the immediate, formal self-government of *India as a whole*. For there is at present no government of all-India to which independent power could be granted or transferred. Authority over all-India, in so far as external affairs and defence are concerned, is united only in the British power, and in the person of the Viceroy so long as he is both Governor-General for British India and Crown Representative for the States. To transfer independent power to a British Indian Cabinet or caucus would be automatically to divide India and to half-paralyse her war-effort, which now pays little heed to state borders. The total neglect of

this problem in the Congress Working Committee's resolution is one of its more blatant weaknesses.

To say, however, that the Government of British India cannot have independent power over the States is not to mitigate the *de facto* autonomy that it can possess, not only in the affairs of British India, but also in sharing and indeed leading the conduct of the war effort of all-India, and of other matters of common concern to India's constituent elements. In this it can actually be more powerful under the existing constitution than under a disjointed independence.

A Government of Patriots

In brief, a government of patriotic Indian leaders, resolute to fight the war, and determined to subordinate all sectional interests to that end, can in practice exercise such a full measure of autonomy as to deserve in every sense the name National Government. For such a Government, the over-riding powers of Secretary of State and Governor-General, which express in legal form the ultimate responsibility of Parliament and the conduct of higher strategy by the War Cabinet, need appear as reserve powers only, which may never have to be used at all.

The chance of exercising that practical self-government is open to patriotic Indian leaders who are resolute to fight the war, and determined to subordinate all sectional interests to that end. Such are the eleven Indian members of the Governor-General's present Executive Council. If the opportunity which they have seized for the people of India were taken by the leaders of the largest parties, putting the country's need and the country's danger first, and agreeing among themselves to co-operate, then India's advance to complete self-government in practice would undoubtedly go farther and faster than has been possible hitherto.

The Chance Which the Congress Rejected

Such is the chance which the Congress leaders, by their policy of negation and intransigence, have thrown

away, in favour of an invitation to anarchy. Judged beside their own proposals, by the test not of bare sentiment but of effectiveness in winning the war, need fear nothing at the hands of Indian and world opinion.

The Eyes of the World

The eyes of the world are on India. The world knows that India's right to self-government, and to frame her own national constitution, is not at issue; that the British Government has promised these things, and with them the right of her leaders to take their full part immediately in the government of their country and the Councils of the United Nations. India's choice is not between two rival views of her long-term future, but between two rival programmes for the period of the war or until she can frame her own new constitutional structure. Her choice is between phantasy and realism, between a tearing down of orderly government and a building up of self-government, between emotional defeatism and robust common-sense, between the open invitation to anarchy and the enemy, which the Working Committee's resolution presents, and a united effort of leaders and people to play their part in the overthrow of fascist tyranny and aggression.