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INDIAN POLITICS 1936–1942

THE SECOND PART OF A REPORT ON THE CONSTITUTIONAL PROBLEM IN INDIA SUBMITTED TO THE WARDEN AND FELLOWS OF NUFFIELD COLLEGE, OXFORD

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SUMMARY OF PART I

1. From the outset of British rule India has been divided into two parts under different forms of government: (1) British India, comprising a number of Provinces, under direct British administration, (2) the Indian States, which, by treaty or usage, are, broadly speaking, autonomous as regards their domestic affairs but accept the 'suzerainty' of the Crown and its control of their external relations.

2. The government of the Indian States has maintained, with modifications, the Oriental tradition of autocracy. Till 1919 the government of British India was controlled by the British Parliament, operating since 1858 through the Secretary of State for India. It was a highly centralised administration. The Provincial Governments were agents of the Central Government and under its legislative and executive control.

3. Already in 1833 Englishmen were contemplating the ultimate withdrawal of British rule from India, and it was hoped that Indians would some day acquire the capacity for representative self-government of the Western type. By the Acts of 1861, 1892 and 1909 the representative principle was recognised by the admission of Indians to the Legislative Councils in the Provinces and at the Centre. But British statesmen of all parties emphatically asserted that this development was not intended to lead to parliamentary government as practised in Britain. Indian society, it was held, was so diversified by race, creed and custom as to preclude the normal operation of 'majority rule'.

4. The outstanding example of schism in Indian society is the deep-rooted antagonism between the Hindus, who constitute about two-thirds of the population of India, and the Moslems who constitute nearly one-quarter. In the constitutional field this antagonism showed itself in the repudiation by the Moslems of majority rule in principle and of 'joint' electorates in particular. Since 1909 the Moslems and other minority communities have been represented in the legislatures through 'separate' electorates.

5. Meantime, the Indian nationalist movement, which had begun with the birth of the Indian National Congress in 1885, had come to regard the constitutional development of the British self-governing Colonies as the model for Indian advance. Dominantly Hindu in fact, though non-communal in principle, the Congress looked forward to acquiring the same kind of parliamentary government as existed in the Dominions and ultimately to the same status of equal partnership with Britain as the Dominions were then in process of attaining.

6. The nationalist movement was intensified by the War of 1914, and the Congress demanded the speeding-up of the process of constitutional advance on Colonial lines. In 1916 the chief obstacle to it seemed for the moment to have been overcome by an agreement between the Congress and the Moslem League, known as the 'Lucknow Pact', in which the most striking point was the Congress' concession of separate electorates.

7. In 1917 the British Government defined its policy as "the progressive realisation of responsible government in India as an integral part of the British Empire". This policy was explained in the 'Montagu-Chelmsford Report' and its first stage embodied in the Act of 1919. The main provisions of this Act were as follows. (i) It established a measure of Provincial autonomy by devolving authority in Provincial matters on to the Provincial Governments and freeing them to a large extent from Central control. (ii) It began the process of realising responsible government in the Provinces by dividing the field of government ('dyarchy'); while such vital subjects as law and order were 'reserved' to the control of the Governor and his Executive Councillors responsible as before to the Secretary of State and Parliament, the rest of the field was 'transferred' to Indian

Ministers responsible to their Provincial legislatures. (iii) It converted the existing Central Legislative Council into a bi-cameral legislature for British India, directly elected for the most part on a national or unitary basis; dyarchy was not introduced at the Centre, the whole Executive remaining responsible to the Secretary of State and Parliament. (iv) It established a Chamber of Princes representing the rulers of the Indian States for deliberative purposes. (v) It provided, lastly, for the appointment of a Statutory Commission in ten years' time to consider the possibility of the further extension of responsible government.

8. This new policy signified a change in the British attitude to the constitutional problem. Parliamentary government was no longer ruled out. On the contrary, the development of responsible government was generally interpreted to mean the development of parliamentary or Cabinet government of the British type, for which dyarchy was to serve as a training. The authors of the policy did not evade or minimise the difficulties in the path, especially Hindu-Moslem antagonism, but they expressed the hope that such obstacles would be overcome by the patriotic co-operation of all communities in the common task of self-government. Only thus could India achieve her nationhood and take her equal place, united and free, beside the other nations of the British Commonwealth. Since, however, the Moslems and other communities insisted on it, separate electorates were retained.

9. In the course of the next decade a real attempt was made to carry out this policy. On the one hand, Provincial dyarchy, though naturally cumbrous, proved workable, and the measure of responsible government it conceded was shown to be genuine. On the other hand, as if in anticipation of her coming nationhood, India was accorded a new status in her relations with the rest of the world. She had become a member of the Imperial Conference and of the League of Nations in her own right, and in other respects, notably fiscal policy, her status now seemed to be approximating to that of a Dominion.

10. The hopes of 1919 were mostly disappointed. In the first place the Congress, far the most powerful political organisation in India, became, under Mr. Gandhi's leadership, a *quasi*-revolutionary body, pledged to obtain 'complete independence' by all 'non-violent' means. It therefore rejected the Act of 1919 and refused to co-operate in working it. Secondly, partly because of the Congress attitude, partly because communal divisions prevented the development of a party system, dyarchy provided no effective training in parliamentary government. Thirdly—and this was the most discouraging feature—Hindu-Moslem antagonism increased.

11. In these circumstances a re-examination of the whole constitutional question was undertaken. It began with the appointment of the Statutory Commission under Sir John Simon in 1927 and ended with the passing of a new Government of India Act in 1935. The first contribution to this long discussion was the work of a group of Indian leaders. The Nehru Report, published in 1928, admitted the gravity of the communal problem, and proposed to deal with it on the principle of 'balance' between the Hindu-majority and Moslem-majority Provinces. It recommended that the number of the latter should be increased to 4 (as against 7 or 8 of the former) by the advancement of the North-West Frontier Province to full Provincial status and by the separation of Sind as a distinct Province from Bombay, but it insisted at the same time on the abolition of separate electorates. The proposed all-India constitution, moreover, under which India would attain Dominion Status with full responsible government at the Centre as well as in the Provinces, was more unitary than federal in character, although it was intended to cover the States. Most of the Moslem leaders reacted to the Report with a full-scale declaration of their claims. They insisted that separate electorates must be retained and that, since the theory of Provincial 'balance' required that the Provinces should be as free as possible from the control of a Centre which

must reflect the great Hindu majority in India as a whole, the future constitution must be essentially federal.

12. The Report of the Simon Commission, published in 1930, recommended (a) that Provincial autonomy should be strengthened by further devolution from the Centre and by the extension of responsible government over the whole field of administration, including law and order, and (b) that no change should be made for the present in the Central Executive, but that the Central legislature should be reconstituted on a federal instead of a unitary basis, its members being indirectly elected by the Provincial legislatures, not directly by British-Indian constituencies. The ultimate establishment of an all-India federation, including the States, was relegated to the distant future; nor was any reference made to Dominion Status, though in 1929 the attainment of that status had been officially declared to be the 'natural issue' of the policy of 1917. A marked feature of the Report was its reversion to the scepticism which had prevailed before 1917 as to the practicability of British parliamentary government in India: it suggested that the Provinces might in course of time develop other and varying constitutional practices and asserted that in any case the Central or federal Government could never operate on British lines.

13. The next phase of the discussions was that of the Round Table Conference which held three sessions in London, in 1930, 1931 and 1932. Its personnel consisted of representatives of the British political parties, of parties and communities in British India, and of the States. The Congress, which during this period was in open revolt, was represented only at the second session and then by Mr. Gandhi alone. The outcome of the Conference was a substantial, if incomplete, measure of agreement as to the main lines of a new constitution for India—a federal constitution, with responsible government, subject to specific 'safeguards', operating fully in the Provinces and partially at the Centre. Communal dissension was still the outstanding feature of the discussions. Mr. Gandhi's personal efforts to obtain agreement having failed, a 'Communal Award' was made by the British Prime Minister, maintaining separate electorates and arranging the distribution of seats on the lines of the 'Lucknow Pact' of 1916, as the only means of resolving the deadlock. The communal issue was also reflected in the controversy as to the character of the proposed Central Government, the Hindu representatives favouring a strong and unitary Centre based on direct election, the Moslems and other minorities insisting on a strictly federal system, with the maximum of Provincial autonomy and indirect election to the Centre on a Provincial footing.

14. In the light of the proceedings of the Conference the British Government formulated its proposals in a White Paper which was submitted to the consideration of a Joint Select Committee of both Houses of Parliament. Its report formed the basis of a bill which was introduced at the end of 1934 and became law in the summer of 1935.

15. The main provisions of the Act of 1935 were as follows. (i) It completed the development of Provincial autonomy by giving the Provinces a separate legal personality and liberating them entirely from Central control except for certain specific purposes. (ii) It established full responsible government, subject to 'safeguards', in all the Provinces (which, with the new Provinces of Sind and Orissa, now numbered eleven). (iii) It established 'The Federation of India', comprising both Provinces and States, with a federal Central Government and legislature for the management of Central subjects. (iv) Dyarchy, abolished in the Provinces, was reproduced at the Centre. The subjects of foreign affairs and defence were 'reserved' to the control of the Governor-General; the other Central subjects were 'transferred' to Ministers, subject to similar 'safeguards' as in the Provinces. (v) The federal principle was recognised in the provision for the indirect or Provincial election to the lower house of the Central legislature, but in general the constitution accorded more with the closer than with the looser type of federation.

(vi) On the other controversial issue the Act maintained the policy of 1917. On the one hand it confirmed and extended parliamentary government in the Provinces and introduced it at the Centre : on the other hand it retained separate electorates, both Provincial and Central, distributing the seats on the lines of the 'Communal Award'. (vii) As to Dominion Status, it was officially declared that the provisions of the Act which precluded full self-government were to be regarded as transitional and it was intimated that, mainly by usage and convention, India under the new constitution might quickly acquire the same freedom, internal and external, as that of the other members of the British Commonwealth.

16. The part of the Act which established the Federation was not to operate until a specified number of States had acceded to it. The rest of the Act came into force partly on July 3, 1936, when the electoral provisions began to operate, and completely on April 1, 1937.

PART II

INDIAN POLITICS, 1936-1942

INTRODUCTION

THE first part of this Report dealt with the past. It carried the examination of the constitutional problem in India down to the passing of the Act of 1935. This second part brings us to the present. It attempts to describe how, after a brief interim period, the Provincial section of the Act, but not the federal section, came into operation in 1937 and how the constitutional system thus established—partly new and partly old—has worked during the years that have since elapsed.

The treatment is deliberately much more detailed than in the first part. A proper understanding of the constitutional problem is impossible without some knowledge of the actual course of Indian politics. The information to be obtained from the current literature or the newspapers of Western countries is relatively so meagre and set forth as a rule in such general terms that a student with no personal experience of India is tempted to over-simplify the problem. It is apt to seem a simple question of right and wrong when in fact it involves a complex of conflicting principles and of practical necessities inherent in the peculiar conditions of the country. To appreciate the real difficulties of the problem and to see it in its true proportions it is not enough to study the declarations of policy, the parliamentary speeches, the party manifestoes and so forth which are ready to hand, nor to absorb such detailed information as the press provides when developments in India reach a crisis. The landscape should not be judged by its high lights. It is essential to know something of the background —of the actual course of politics, of what the Governments and legislatures are doing and how they do it, of the concrete questions they have to face and how they face them: for this is the solid stuff which gives to the general declarations all their practical meaning, this is the earthy soil in which the crises grow.

A scientific study of Indian politics for half a decade, scientific in the full academic sense, would take several years and fill several volumes; but for the purposes of this Report it seemed necessary to attempt a rapid survey which, however incomplete, would at least provide a fuller and more factual picture than any that has so far been available to students outside India. The author, accordingly, went to India in November 1941 and stayed there till April 1942. He visited eight of the eleven Provinces, acquiring information from Government reports, from current literature, from party publications, from newspaper files, and, above all, from personal conversation with officials, politicians, journalists and diverse members of the Indian public. He was accorded interviews with many of the leading men in Indian politics, and he would like to put on record here his deep appreciation of the courtesy with which they invariably permitted him to steal their time and the patience with which they submitted to his questions.

CHAPTER I

THE POSTPONEMENT OF FEDERATION

AT the close of the Round Table Conference it was generally expected that, despite the hesitant attitude of the Princes at its later stages, the requisite number of them would accede to the Federation, and so bring the federal part of the constitutional scheme into operation, within a relatively short time, not perhaps concurrently with the Provincial part but not more than a year or two later. These hopes were rudely disappointed. It almost seems, indeed, in retrospect as if the Princes, when on that memorable occasion at the first session of the Conference they declared their willingness to join without delay in an all-India federation with a responsible federal government, had hardly realised what it meant. At any rate, when the new bill took shape, despite its generous concessions to their claims, they greeted it with something like dismay. At a fairly representative meeting of Rulers and States' ministers held at Bombay in 1935 a series of objections were levied against the bill. Many of them were matters of detail, and capable of adjustment, but some of them ran counter to the fundamental principles of the federal scheme.[1]

Issue was joined first on the old vexed question of Paramountcy. The Princes had raised this question some years earlier, and the Indian States Committee had been appointed to consider it.[2] But its Report,[3] published in 1929, had only met the Princes' wishes on one point—'that the relationship between the Paramount Power and the Princes should not be transferred, without the agreement of the latter, to a new government in British India responsible to an Indian legislature'.[4] On other points the Report had rejected the Princes' claims. It had reaffirmed the supremacy of the Crown, quoting, amongst others, Lord Reading's well-known statement in 1926:

> The Sovereignty of the British Crown is supreme in India, and therefore no Ruler of an Indian State can justifiably claim to negotiate with the British Government on an equal footing. Its supremacy is not based only upon treaties and engagements, but exists independently of them and, quite apart from its prerogative in matters relating to foreign powers and policies, it is the right and duty of the British Government, while scrupulously respecting all treaties and engagements with the Indian States, to preserve peace and good order throughout India.[5]

The Committee had also declared that the exercise of Paramountcy was governed not only by the treaties and other written engagements between Rulers and the Crown but also by usage and sufferance;[6] and partly for

[1] These complaints, and the comments of the Secretary of State (Sir Samuel Hoare), will be found in *Views of Indian States on the Government of India Bill* (1935), Cmd. 4843.
[2] See Part I of this Report, *The Indian Problem, 1833-1935* (cited hereafter as Part I), 91. [3] Cmd. 3302. [4] *Ibid.*, 52. [5] *Ibid.*, 18. [6] *Ibid.*, 24.

that reason they had confessed their inability, like others before them, to describe the operation of Paramountcy in any definite formula.

> Conditions alter rapidly in a changing world. . . . Paramountcy must remain paramount; it must fulfil its obligations, defining or adapting itself according to the shifting necessities of the time and the progressive development of the States.[1]

These conclusions had not been generally accepted by the Princes, and their criticism of the bill was largely inspired by their own very different interpretation of Paramountcy. They objected, for example, to 'usage and sufferance' being coupled with 'treaties' in the text of the Instruments of Accession, and they claimed that those documents should be called 'Treaties of Accession' and regarded as bilateral agreements, involving on the British side an obligation 'to preserve and safeguard the whole of their sovereignty and internal autonomy . . . from any encroachment in future'.[2] Otherwise the Princes would be required to acquiesce in a 'derogation of their position from allies and absolute rulers in their own territories to rulers under the suzerainty of the other party to the alliance'.[3]

To these claims the Secretary of State replied that Paramountcy was a side issue. Its exercise could not be defined in a bill which was only concerned with part of the field it covered and only contemplated 'that certain matters, which had previously been determined between the States and the Paramount Power, will in future be regulated, in so far as the States accede to the Federation, by the legislative and executive authority of the Federation'. Nor, of course, could the Princes' claim to treat as equals with the Crown be accepted. 'The nature of their relationship to the King-Emperor', said the Secretary of State, 'is a matter which admits of no dispute.'[4]

But the renewal of this old controversy was not the most serious feature of the Bombay meeting. Many of the objections it raised to the bill suggested that the Princes, now that they were face to face with it, were not really willing to permit the Federal authorities to exercise those minimum powers within their States which were essential in any federal system. A good example was their protest against the Governor-General being charged with a 'special responsibility' to prevent 'any grave menace to the peace or tranquillity of India or any part thereof'—a provision, they argued, which menaced the 'sanctity' of their 'sovereignty and internal autonomy'.[5] Though the process of accession was to be voluntary, though each Ruler would be entitled to lay down in his Instrument the extent to which he was willing that the federal powers under the Act should operate in regard to his State, and though, of course, the federating States would be fully represented in the Federal legislature and government, it seemed in the light of the Bombay meeting that the Princes' assurance that they still desired a federated India was at the best half-hearted.

[1] *Ibid.*, 31. [2] Cmd. 4843, 17. [3] *Ibid.*, 22. [4] *Ibid.*, 30. [5] *Ibid.*, 20

The British Government for its part was anxious to smooth the Princes' path to federation; and during the winter of 1936-7 a group of selected officials representing the Viceroy personally were sent to tour the States and discuss with their Rulers and ministers the procedure and the meaning of accession. The collation of the results and their consideration by the Viceroy and the Secretary of State took a long time. It was not till the beginning of 1939 that the Viceroy made known to the Rulers the terms on which the Government, as then advised, would regard a State's accession as acceptable. The Rulers' replies were still incomplete in the autumn, and soon after the outbreak of the war the process of negotiation was formally suspended. By that time it had become obvious that many of the Princes were drawing back from the great design of a united India.

It was not only a closer understanding of what federation meant that prompted this retreat. The Princes must also have been influenced, at least after 1937, by the marked change in the attitude of the Congress towards them. Throughout the long period of constitutional discussion which had ended with the passing of the Act of 1935 the Congress had maintained the policy it had laid down in 1928. At its annual Session in that year it had adopted and repeated on its own account the demand of the States' Peoples' Conference for responsible government and full civil liberty.[1] But it had identified itself with the reformers in the States only in spirit and not in action. Direct intervention by the Congress organisation in State affairs was still regarded as unwise. Mr. Gandhi's claim at the Round Table Conference in 1931 that the Congress represented the States as well as British India[2] was not intended to be pressed to its logical conclusion. No branches of the Congress were established in the States. In 1935 the Congress Working Committee reaffirmed the resolution of 1928.[3] The burden of carrying on the struggle for full responsible government, it was said, must be borne by the States' people themselves. All the Congress could do was to 'exercise moral and friendly influence'.[4] 'Any attempt on the part of the Congress at interference', said Mr. Gandhi a little later, 'can only damage the cause of the people in the States. . . . I have not lost hope that the Princes will . . . become real trustees of their people. I do not seek to destroy their status.'[5] This conciliatory attitude seems to have been reciprocated by the Princes, for in 1934 some of them invited Mr. Bhulabhai Desai, the leader of the Congress party in the Assembly, to advise them as to the new constitution. The advice he gave startled some of his fellow Congressmen. He told the Princes to stand on their rights. The representations, in fact, of the Bombay committee were virtually identical with Mr. Desai's opinions.[6] It would seem, therefore, as if some Congress-

[1] See Part I, 91.
[2] See Part I, 124.
[3] *Congress in Evolution* (as cited Part I, 23) 32.
[4] *Indian Annual Register*, 1935, ii, 224.
[5] *Round Table*, No. 100, p. 763.
[6] *Ibid.*, No. 100, pp. 761-3.

men, with Mr. Gandhi at their head, were at this time taking a long view of the problem of the States. The Princes or at least the best and ablest of them were patriots. Their spokesmen at the Round Table Conference had meant what they said when they identified themselves with the aspirations of British India for the attainment of a free Indian nationhood.[1] It was a great mistake to suppose that they were 'reactionaries' on the national issue or would allow themselves to be used by British 'diehards' to obstruct the advance to Indian freedom from foreign control. It was in the domestic affairs of their States that they were 'reactionaries', in their clinging to their old-fashioned sovereignty, in their repudiation of democracy. Might it not, therefore, be good strategy to separate those issues? Might it not be possible for the Congress and the Princes to achieve a common front on the national question if the domestic question were left for future decision? And it could be safely left. The liberalisation of the States was surely only a matter of time.

If indeed the possibility of such an *entente* was in the air in 1934, it never materialised. Ever since 1920 the younger and more restive elements in the Congress had been impatient with all 'gradual' policies. Just as they wanted *Swaraj* at once, so they wanted at once the emancipation of their fellow Indians in the States from an out-of-date absolutism. And these elements steadily gained ground. The concessions made to the States in the constitutional scheme were fiercely attacked. The British Government was flatly charged with a deliberate attempt to use the Princes to bolster up the tottering structure of imperialism in India. The official policy of the Congress was still 'non-interference', but, when the Act of 1935 came into force in the Provinces in 1937 and Congress Ministers came into power, it rapidly gave place to a new 'activist' policy—a policy of undisguised hostility to the States' governments and of open encouragement of agitation within and without the States against them. An account of these developments will be given in Chapter XVI. All that need be said here is that they were sufficient in themselves to explain the hardening of the Princes' attitude towards the federal scheme. Their dislike of any federal intrusion into their territories must needs be greater if one of the component elements of the federal authority, and perhaps the most powerful element, was to consist of men who repudiated the whole 'moth-eaten' treaty-system and foretold the submergence of their 'medieval' monarchies in an all-Indian democracy. Nor was it only a question of federal administration—of tariffs and railways and contributions to federal revenue and so forth. Paramountcy remained. As Sir Samuel Hoare had pointed out, the scope of the Paramount Power was much wider than the federal field, and, according to the British view, it was impossible to define the limits to which it was entitled to intervene in State affairs. Intervention, it was true, had been carefully reserved in the Act to the Crown; but the Princes' desire that the Crown Representative and the Governor-General should be

[1] See Part I, 115.

different persons had been deemed impracticable;[1] and it was difficult for them to believe that the same individual, acting in one capacity as the constitutional head of a responsible government whose advice he was normally expected to accept, would be able to take a completely independent and impartial line in his other capacity. When, moreover, Dominion Status was fully attained, the Indian Ministry would be entitled to advise the Crown as to the Governor-General's appointment.

It is believed that at one time some of the more important States might have been induced to accept the federal scheme if they could have obtained more favourable terms with regard to their right to levy customs and excise duties than were consistent with the federal principle of fiscal union. But on them as on the others the new attitude of the Congress was bound to have a deterrent effect and to stiffen their hesitation into something like a definite rejection of the scheme. It has been suggested, indeed, that the main motive of at least some Congressmen in adopting the policy of hostility and interference was to deter the Princes from acceding to the Federation and so to kill the federal part of the Act. If that was the intention, it was fulfilled. India remained disunited. The prospect of an all-India federation seemed to have returned to the clouds in which the Montagu-Chelmsford and Simon Reports descried it.

[1] The Joint Select Committee of 1933-4 (see Part I, 132-3), containing three ex-Viceroys, considered that the two offices should continue to be held by the same person (par. 158 of its Report), and Mr. R. A. Butler, during the Committee stage of the bill (Feb. 19, 1935; *Hansard*, H. of C., ccxcviii, 256), explained that separation would 'lead to great confusion' It seems to have been feared that, apart from the unnecessary correspondence caused by any such arrangement, a separate Crown Representative might merely delay the presentation, without being able to enforce the satisfaction, of claims by the Princes on the services of the Governor-General, *e.g.* in respect of defence and internal security.

CHAPTER II

THE INTERIM, 1935-1937

I. The Parties and the Act

The only party in India which defended the Act of 1935 was the Liberals. They had combated certain features of it at the Round Table Conference and in the Joint Select Committee, but they had acquiesced in the final outcome. Back in India, they did not change their minds. On the public platform, in the press and at meetings of the National Liberal Federation, Sir Tej Bahadur Sapru, Mr. Jayakar and their colleagues continued to criticise the limitations which the Act imposed on full self-government, but it should be worked, they said, and not only in the Provinces. If and when the federal Centre were established, Indian statesmen should take part in its operation in the hope that dyarchy and the 'safeguards' might soon give way to full responsible government. This attitude was well expressed by Sir Cowasji Jehangir, President of the Federation, at its meeting at Lucknow in December 1936. Much would depend, he argued, on the conduct of the Governor-General and the Governors. He believed that

> given men with wide sympathies and common sense, with which the British nation has been amply endowed, and given Ministers who will not seek deadlocks, the constitution should be given a fair trial. Its success must ultimately lead to a vast expansion of powers, equal to those enjoyed by the Dominions.[1]

But in nationalist movements 'moderates' are always at a disadvantage, and these Liberal opinions, coinciding as they did with British interpretations of the possibilities inherent in the Act,[2] were denounced as treason by the Congress, who, ever since the revolt of 1920, had not ceased to preach the doctrine that India's freedom could not be attained by co-operation with a Britain that did not mean her to be free. Nothing that had occurred in the course of the long discussions in London had tempered the attitude it had assumed at their outset: Mr. Gandhi's brief intervention had confirmed it. When, therefore, the White Paper scheme was published, it was promptly rejected outright by a resolution of the Working Committee, which was duly adopted at the Session of the Congress in October 1934.

> The only satisfactory alternative [it declared] . . . is a constitution drawn up by a Constituent Assembly elected on the basis of adult suffrage or as near it as possible, with the power, if necessary, to the important minorities to have their representatives elected . . . by the electors belonging to such minorities.[3]

A few months later the scheme which had emerged from the Joint Select Committee was condemned by the Working Committee as 'in several

[1] *Round Table*, No. 106, p. 385. [2] See Part I, 147. [3] *Congress in Evolution*, 30.

respects even worse than that of the White Paper'.[1] Both parts of the constitution were equally decried: the federal part must never come into force, and Congressmen must have nothing to do with the Provincial part except for the purpose of destroying it.

The Moslem community, like the Hindu, has always had its moderate and radical wings. Conservative-minded Moslems acquiesced in the Act as they had acquiesced in the Morley-Minto and Montagu-Chelmsford Reforms in the hope that the interests of their community were sufficiently protected by the 'safeguards' and the separate electorates on which at every stage of constitutional advance they had insisted. But those moderate Moslems were not as vocal as the Hindu Liberals. Most of the talking on the Moslem side was done by the All-India Moslem League, and the temper of the League, with Mr. Jinnah among its leading mentors, was now predominantly radical. Congressmen, indeed, could scarcely have used worse language about the Act than that of Sir Syed Wazir Hasan's presidential address to the Bombay Session of the League in April 1936.

> A constitution is literally being forced on us by the British Parliament which nobody likes, which no one approves of. After several years of Commissions, Reports, Conferences and Committees a monstrosity has been invented and is being presented to India in the garb of this Constitution Act. It is anti-democratic. It will strengthen all the most reactionary elements in the country, and, instead of helping us to develop on progressive lines, it will enchain and crush the forces making for democracy and freedom.[2]

Following this lead, the League passed a resolution condemning the Act as vigorously as the Congress had condemned it. But there was one point of difference. The Congress had rejected the whole of the Act. The League, while denouncing the 'safeguards' as making responsible government 'nugatory', recommended that, 'having regard to the conditions prevailing at present in the country, the Provincial scheme of the constitution be utilised for what it is worth'.[3]

In view of subsequent developments it is important to observe that the main charge levied by the Moslems against the Act at this time was that it did not concede full self-government at the Centre. Whatever may have been at the back of their minds, Moslem spokesmen betrayed no open anxiety as to the prospect of a Hindu majority at a Centre released to a considerable extent from British control. To all appearance, indeed, the Moslem attitude was still what it had been at the Round Table Conference when Mr. Jinnah accepted the principle of an all-India federation, when Mr. Muhammad Ali intimated that a Hindu majority at the Centre would be in some degree offset by Moslem majorities in certain Provinces, and when Dr. Shafa'at Ahmad Khan declared that the Moslems had never wished to create an Ulster in India.[4]

[1] *Congress in Evolution*, 32.
[2] *Indian Annual Register*, 1936, i, 294.
[3] *Ibid.*, 299-300.
[4] See Part I, 115, 116, 121.

II. Politics at the Centre

These trends of Indian opinion were naturally reflected in the Legislative Assembly at the Centre, and, as it happened, a new Assembly had come into being at the same time as the new constitutional scheme. The Joint Select Committee's Report was published in October 1934, and the British India elections were held—still under the provisions of the Act of 1919—in the following winter. The strength of the parties as they emerged from the polls was as follows: Congress 44, Congress Nationalists (a section of Congressmen, mainly members of the Hindu Mahasabha,[1] who so fiercely repudiated the Communal Award[2] that they formed a separate group to fight it) 11, Independents (of whom all but 3 were Moslems) 22, Europeans (the resident British business community) 11, officials 26, nominated members other than officials 13. The Liberals had been virtually eliminated.[3] The Government, therefore, could look for support only among the Europeans and the nominated non-officials, whose votes together with those of the 'official bloc' amounted to a maximum of 50. Against that the Congressmen, working usually in concert, could muster 55. The Government, in fact, was bound to be defeated in the lobby without the backing of some at least of the Independent or Moslem group.

Thus the Moslems—and Mr. Jinnah was again the dominant figure—held the balance, and they put their weight up to a point, but not all the way, on the Congress side. When the Joint Committee's Report was debated in February 1935, the Congress spokesman at once moved that the scheme must not be carried into law, since it was conceived in a spirit of imperialistic domination and offered no real power to the Indian people. But the Moslems were not as a whole prepared to join in this root-and-branch rejection of the scheme; and the motion was lost by 72 votes to 61. In its place Mr. Jinnah proposed three resolutions. The first accepted the Communal Award 'so far as it goes until a substitute is agreed upon by the various communities concerned'. Self-respect, said Mr. Jinnah, required that Indians should settle the question themselves, and he asked for a new deal with the Congress in the matter. In the second resolution the scheme of Provincial autonomy was criticised in detail but not condemned in principle. In his speech, indeed, Mr. Jinnah welcomed certain features of it, especially the abolition of dyarchy, as a real advance. The third resolution denounced the plan of all-India federation as 'fundamentally bad and totally unacceptable', and demanded a prompt effort to bring about the establishment of full responsible government in British India alone. On this last question Mr. Jinnah more than made up for such leniency as he had shown towards the Provincial part of the scheme. The federal plan, he declared, was completely vitiated by the 'impossible

[1] See p. 193 below. [2] See Part I, 128.

[3] Mr. Jayakar accepted an appointment on the new Federal Court in 1937; he resigned at the end of 1938 on his appointment to the Judicial Committee of the Privy Council.

terms which the Princes have laid down'. 'I believe that it means nothing but the absolute sacrifice of all that British India has stood for and developed in the last fifty years in the method of progress in the representative form of government.' All three resolutions were carried by the combined Congress and Moslem votes.[1]

Other leading Moslems more or less accepted Mr. Jinnah's lead in this debate; but they concerned themselves mainly with the Communal Award Maulana Shaukat Ali asked for a miniature Round Table conference of two Hindus, two Moslems, one Sikh, one Parsi, one Indian Christian and two British officials, and suggested a communal 'truce' for ten years to enable Indians to prove their capacity for full self-government.[2] Mr. Fazl-ul-Huq also pleaded for a settlement of the communal issue by Indians. 'If we fail to decide this amongst ourselves, I may say at once that we are unfit to have responsible government introduced into this country.'[3] But that was all he said—and nobody else said anything—about the difficulty of working the British parliamentary system in India.[4]

This alliance against the Government on the constitutional issue was more or less consistently maintained on other questions. Shortly before the constitutional debate the Trade Agreement recently concluded between the British and Indian Governments was condemned by 66 votes to 58, but, though no commercial matter of importance had been determined against the will of the Assembly since the establishment of the Fiscal Convention in 1919,[5] the Governments decided that the Agreement, being in their view to the mutual interest of both parties, should stand. A few weeks later, the budget, though it allotted one crore of rupees (£750,000) to rural reconstruction and on that account was hailed by one member of the house as 'the first people's budget', was hotly contested and ultimately passed by certification. Another defeat for the Government was the rejection of the Criminal Law Amendment bill, which likewise had to be certified. In the spring of 1936 the budget was certified again. Of the fourteen occasions on which the Governor-General used the power of certification between 1921 and 1940, eight occurred in the lifetime of this Assembly.

Thus, in politics at the Centre, Hindus and Moslems successfully combined against the Government, and in general, during this interim period before the new Act came into force, it seemed as if Hindu-Moslem antagonism was at any rate not worsening. Occasional 'disturbances', it is true, were apparently as unavoidable as ever. There was serious trouble at Karachi in 1935 when a huge mob took charge of the funeral of a Moslem executed for the murder of a Hindu who was said to have insulted the Prophet. In the spring of 1936 in two quarrels over processional music in the United Provinces two people were killed and 159 injured. In the following autumn a dispute arising in Bombay from building operations at a Hindu temple,

[1] *Legislative Assembly Debates*, 1935, i, 521, 572, 575-6. [2] *Ibid.*, 284
[3] *Ibid.*, 302. [4] See Part I, 75. [5] See Part I, 85-6.

which were regarded as likely to result in disturbance to worshippers at a neighbouring mosque, developed into rioting which lasted from October 15 to 19, broke out again on November 2, and continued intermittently till the beginning of December. The hooligans of the city made the most of their chance; there was much looting and arson; the police had to open fire on several occasions, and troops in lorries paraded the lawless area. The casualties amounted to no less than 93 killed and 632 injured. In the spring of 1937 there was a minor outbreak in the United Provinces caused by a Moslem sacrifice of a bullock, and another, which lasted for three days, at Madras arising from the celebration of a Hindu festival. Rioting also recurred at Bombay over Hindu processional music near a mosque: four people were killed and 65 injured.

This was a bad enough record, but at any rate it was not worse than that of the preceding years. If no certain inference could be drawn from it, yet it seemed as if Hindu-Moslem tension was not increasing in this period as it had increased at other periods of constitutional change. The Moslem leaders can scarcely have rid themselves of all their old anxieties now that responsible government in the Provinces was imminent and its extension to the Centre a not very remote possibility; but they said nothing to suggest that they thought the rights and interests of their community were in any serious danger.

III. The Provincial Elections

The policy of the Congress in these years was a single policy determined by the 'high command'.[1] But in so large a body there were bound to be differences of temperament and opinion, and the partial secession of the Congress Nationalists was not the only symptom of dissension. For some time past the natural tendency of all politicians to go left or right had been growing. The leader of the Left, to which most of the younger rank and file adhered, was Pandit Jawaharlal Nehru, who, since the days he had acted as secretary to the committee presided over by his father,[2] had preached a logical and forthright doctrine of *Swaraj*. India, it might be summed up, must free herself in her own way. But Pandit Nehru is not only a nationalist, he is also a socialist, and, while in the first character his only differences with other Congressmen are on procedure, not on principle, he is confronted in the second character with a substantial middle-class section of the Congress which is not socialist.

In 1936 the Pandit was elected President of the Congress, and at its annual Session at Lucknow he expounded his views with his usual frankness and clarity. He was a socialist, he said in effect, because only by socialism, involving 'vast and revolutionary changes', could India's problems and the world's be solved. But he did not suggest that socialism could be established in India forthwith. The first objective was independence, for which all Congressmen, whatever their opinions on social and economic

[1] The organisation of the Congress is described in Chapter X. [2] See Part I, 87-96.

issues, must stand united. And the only way of attaining it was the Congress way. 'Independence cannot be given.' It could not be got through the Act, a 'new charter of slavery', designed to perpetuate the hold of British imperialism on India. It must come by means of a democratic Constituent Assembly. And the opportunity for such an Assembly to obtain whatever it should decide to demand would arise, it was plainly hinted, as soon as Britain was involved in the gathering storm in Europe.

The time may come, and that sooner perhaps than we expect, when we might be put to the test. Let us get ready for that test. Every war waged by imperialist powers will be an imperialist war whatever the excuses put forward; therefore we must keep out of it.

Meanwhile, when the Provincial part of the Act came into force, the Congress should certainly contest the elections to the legislatures. But they must have no more to do with the Act than that. On no account must Congressmen take office.

To accept office and ministry under the conditions of the Act is to negative our rejection of it. . . . It is always dangerous to assume responsibility without power; it will be far worse with this constitution, hedged in with safeguards and reserved powers and mortgaged funds. . . . Imperialism sometimes talks of co-operation, but the kind of co-operation it wants is usually known as surrender.

In particular the Pandit denounced the 'astonishing and fatal suggestion' that the decision as to accepting office should be left to the Congressmen of each Province concerned.

First issues will sink into the background, independence itself will fade away and the narrowest provincialism raise its ugly head. Our policy must be uniform for the whole of India, and it must place first things first, and independence is the first thing of all.[1]

It was on this question of office that the clash between the two wings of the Congress was most apparent. Pandit Nehru was taken to task in several Congress newspapers, and the election manifesto[2] issued a few months later by the All-India Congress Committee, while in full accord with the Pandit's opinion that Congressmen should enter the legislatures 'not to co-operate in any way with the Act, but to combat it and seek the end of it', declared that the decision on accepting office would be postponed till after the elections. Nevertheless the Pandit continued to air his uncompromising opinion on this point. 'It would be a fatal error', he said at Madras, 'for the Congress to accept office. That inevitably would involve co-operation with British imperialism.' On the contrary, said Mr. Satyamurti, a leading Madras Congressman, the refusal of office would be to play the imperialist game. 'In saying this I believe I represent the vast majority of the Congress opinion in the Province.'[3] Nor was this attitude

[1] *Round Table*, No. 103, pp. 563-6.
[2] Text in Jawaharlal Nehru, *The Unity of India* (London, 1941), 401.
[3] *Round Table*, No. 105, pp. 142-4.

dictated only by tactical considerations. There were Congressmen who earnestly desired to take office in order to begin at once the work of social reform which they had at heart. Were the masses to wait for the better times they had been promised till independence had been won?

Since, however, the decision of this vexed question had been postponed till after the elections, the difference of opinion on it had no effect on the electoral campaign. All Congressmen accepted the election manifesto as their common platform in all Provinces. While doing their best to destroy the Act, it declared, and 'to resist British imperialism in its attempts to strengthen its hold on India', Congressmen would work for the uplift of the masses—for the reform of the system of land tenure, the reduction of agriculturalists' rents and the relief of their indebtedness—for the improvement of industrial conditions in the towns, insurance against old age, sickness and unemployment, the maintenance of trade unions and the right to strike—and for the removal of sex disabilities and of 'untouchability' and the social and economic advancement of the backward classes. In the political field, the first objective was the repeal of all repressive laws and regulations, the release of political prisoners, and the establishment of full civil liberty. A special section of the manifesto was devoted to the Communal Award. The Congress, it declared, was not indifferent or neutral in this matter. It condemned the Award as inconsistent with democratic principles and disruptive of Indian unity.

> But a satisfactory solution of the communal question can come only through the goodwill and co-operation of the principal communities concerned. The attempt by one group to get some communal favour from the British Government at the expense of another group results in an increase in communal tension and the exploitation of both groups by Government. Such a struggle is hardly in keeping with the dignity of Indian nationalism. . . . The Congress, therefore, holds that the right way to deal with the situation created by the Communal Decision is to intensify our struggle for independence and at the same time to seek a common basis for an agreed solution which will strengthen the unity of India.

This programme, supplemented by a more detailed exposition of agrarian policy[1] and by local material provided by the Provincial committees, was sedulously preached throughout the country by a well-organised regiment of Congress canvassers.

Meantime the Moslem League had also issued an electoral manifesto,[2] the work of a Parliamentary Board which the League meeting at Bombay had instructed Mr. Jinnah to establish. To all appearance the social policy it advocated was much the same as the Congress policy. The League was to play its part in building a new 'social edifice', though it would oppose 'any movement that aims at expropriation of private property'—a plain reference to the socialist ideas of Pandit Nehru and his disciples. Industrial development, the uplift of the rural population, the relief of agricultural

[1] Nehru, *op. cit.*, 408.

[2] *Indian Annual Register*, 1936, i, 299-301.

indebtedness—all this was common ground. Nor was there much difference on political issues. The League, like the Congress, stood for the abolition of all repressive infringements of civil freedom. As to the constitution the position taken up by Mr. Jinnah in the Assembly was reaffirmed. The federal scheme was damned as heartily as any Congressman could wish. The Provincial scheme was also severely criticised, but nothing was said about destroying it: it should be worked 'for what it was worth'.

There were, indeed, only two points on which the League manifesto was obviously at variance with the Congress creed. One was the language question. The League pledged itself 'to protect and promote the Urdu language and script', and, though no mention was made of it in its manifesto, the Congress was notoriously bent on making Hindi the national language of India.[1] The other point of difference was, of course, the old point—separate electorates. The manifesto did not contain those two controversial words, nor did it take issue with the Congress on the subject directly. The Moslem claim was advanced indirectly in the course of the brief but significant account of the history of the League since its inception in 1906 with which the manifesto opened. Its main theme was the co-operation of the League with the Congress in the common task of national liberation. The Lucknow Pact of 1916[2] was hailed as 'one of the greatest beacon lights in the constitutional history of India' and as 'a signal proof of the identity of purpose, earnestness and co-operation between the two great sections of the people of India'. From that time onwards the Moslems had 'stood shoulder to shoulder with sister communities' in the cause of Indian freedom. If they demanded that their minority position should be safeguarded in the structure of the constitution, that was not communalism. Anyone conversant with world history would realise that this was a natural claim and that its acceptance was essential in order to obtain the 'whole-hearted and willing co-operation of the minorities who must be made to feel that they can rely upon the majority with a complete sense of confidence and security'.

By those who remembered that the Lucknow Pact was the only occasion in the history of the long dispute on which the Congress had conceded separate electorates this passage was construed as a bid for another Congress-League accord on the principles of 1916. Mr. Jinnah had once been spoken of in Congress circles as the 'Ambassador of Hindu-Moslem unity'.[3] Was he not asking now for the one concession which might make a genuine alliance possible? The language question could be used to widen the breach between Moslems and Hindus if they meant to quarrel, but it could be smoothed over by reasonable give and take if they meant to be friends.

[1] Hindi and Urdu are forms of Hindustani, the dominant language of Northern India. Their accidence is identical, but each has its own script, and the vocabulary of Hindi is largely derived from Sanskrit while Urdu retains many Persian and Arabic words.

[2] See Part I, 47-9.

[3] *Jawaharlal Nehru, an autobiography* (London, 1936), 67.

And there was nothing else in the League's programme to obstruct a practical political *entente*. Might not the co-operation already established at the Centre be extended to the Provincial field? Might not Congress-League coalition Ministries be established in most of the Provinces? Would not that be the greatest possible step towards Indian unity and therefore towards Indian freedom?

Whatever its precise implications, the League manifesto was clearly an offer of co-operation, and, as will be manifest later on, the subsequent course of Hindu-Moslem relations and of the whole constitutional controversy would have been different if the Congress leaders had accepted the offer. Their rejection of it after the elections, and the reasons, will be discussed in later chapters of this Report.[1] But before the elections there seemed to be a real chance of agreement. The Congress could never abandon its claim to represent Indian nationalists of all communities, and, as the elections approached, Congress Moslem candidates were put up to contest 58 of the 482 separate Moslem seats. But was it necessary for the Congress leaders to insist that Congress Moslems were the only authentic representatives of their community? Apparently not, since, at any rate, for the purposes of the elections, something like a concordat was established with the League. In the United Provinces the leaders of the two organisations agreed on a common platform.

How vigorously and effectively the Congress fought the elections may be gathered from the following description of the campaign in the United Provinces, which has always been regarded as the key Province of Indian politics.

> As the time for the election approached, they developed their activities, not spasmodically but continuously, through their resident workers in every village. Meetings and processions, slogans and flags, the exploitation of grievances, promises which held out the vision of a new heaven and a new earth, stirred the countryside into a ferment such as it had never before experienced. The sense of impending change awakened the villages. The Government, which had in past agitations opposed the Congress with the weight of its authority, now stood inactive. It was too much to expect that the villager would understand the constitutional necessity for this attitude. He felt that the British Raj was weakening, that the Congress Raj was coming, and, as so often happens, threw himself definitely on what seemed to be the winning side.[2]

In most constituencies it was the party rather than the candidate for whom the votes were cast—a tendency that was accentuated where coloured boxes were used for voting owing to the number of illiterate voters who could not read a ballot-paper. 'It is doubtful', wrote one observer in Madras, 'if 40 per cent. of those who exercised the franchise knew the name of the

[1] See pp. 101, 110-12, 179-80 below.

[2] Sir Harry Haig (Governor of the United Provinces, 1934-9), 'The United Provinces and the New Constitution', in the *Asiatic Review*, July 1940, pp. 424-5.

candidate for whom they voted. . . . The slogan "vote for Gandhi and the yellow box" carried all before it.'[1]

The result was a series of Congress victories on a far wider scale than anyone, including Congressmen, had anticipated. Over 54 per cent. of the total electorate went to the poll, and out of the total of 1,585 seats in the Provincial lower houses the Congress won no less than 711. In five Provinces—Madras, the United Provinces, the Central Provinces, Bihar, and Orissa—it obtained clear majorities.[2] In Bombay it won nearly half the seats and could count on the support of two or three pro-Congress groups to give it a majority. In Assam it was the strongest party, securing 35 seats out of 108. In the North-West Frontier Province it won 19 seats out of 50, a commanding position since the Moslem party, with its 23 seats, was known to be divided. In Bengal it did better than was expected, winning 60 seats out of 250. In the Punjab it won only 18 seats out of 175 and in Sind only 8 out of 60. Of all these results the most striking was the victory in Madras, where the Justice (or anti-Brahmin) party, which had remained in power in the teeth of Congress opposition ever since 1922, obtained only 21 seats against the 159 won by the Congress.

These Congress victories, however, were mainly gained in Hindu constituencies. The Congress had won, it is true, 26 of the 58 Moslem seats it had contested, but most of these were in the North-West Frontier Province where the Congress holds a peculiar position to be described in a later chapter,[3] and a vastly greater number of Moslem seats, no less than 424, had been won by Moslems who were not Congressmen. The results in the Punjab and Sind alone were enough to show that the Congress could not truly claim to be the only valid champion of Indian political aspirations.

IV. 'Office-Acceptance'

When, in February 1937, the full results of the elections were known, a decision on the office question could no longer be delayed, and in March it was debated for two days by the All-India Congress Committee. The upshot was a resolution (March 18)[4] which began by strongly reaffirming the Congress' policy of combating the Act of 1935.

The electorate has, in overwhelming measure, set its seal on this policy and programme and the new Act therefore stands condemned and utterly rejected by the people through the self-same democratic process which had been evoked by the British Government, and the people have further declared that they desire to frame their own constitution, based on national independence, through the medium of a Constituent Assembly elected by

[1] Lord Erskine (Governor of Madras, 1935-40), 'Madras and the New Constitution', in *Asiatic Review*, January 1941, p. 21.

[2] Madras, 159 out of 215; U.P., 134 out of 228; C.P., 70 out of 112; Bihar, 95 out of 152; Orissa, 36 out of 60. Full details are available in *Return showing the Results of the Elections in India, 1937*, Cmd. 5589.

[3] See pp. 121-3 below.

[4] *Times of India*, March 17 and 19, 1937.

adult franchise. This Committee therefore demands, on behalf of the people of India, that the new Constitution be withdrawn.

The resolution then reminded the elected Congress members of the legislatures that all their actions must be based on this policy of combating and ending the Act.

That policy must inevitably lead to deadlocks with the British Government and bring out still further the inherent antagonism between British Imperialism and Indian Nationalism, and expose the autocratic and undemocratic nature of the new Constitution.

Finally the resolution dealt with 'office-acceptance' as follows.

In pursuance of the policy summed up in the foregoing paragraphs, the All-India Congress Committee authorises and permits the acceptance of offices in Provinces where the Congress commands a majority in the legislature, provided the Ministerships shall not be accepted unless the leader of the Congress party in the legislature is satisfied and is able to state publicly that the Governor will not use his special powers of interference or set aside the advice of Ministers in regard to their constitutional activities.

This resolution, which had been carried against an amendment declaring office to be unacceptable on any terms, was generally regarded at the time as a victory for the Right. It was well known that the Congress leaders in the Provinces in which they had obtained majorities were anxious to take office, and it was thought that the assurances required of the Governors were mainly intended to justify the vehement denunciation of the 'safeguards' during the elections and that in view of the vague phrasing of the resolution the Governors would have no difficulty in saying something that would meet the case. A different complexion, however, was put upon the matter when the constitution came into force on April 1 and the Governors invited the leaders of the Congress majorities to accept appointment as Premiers and to form their Cabinets. Each Governor was asked to give to his presumptive Premier an assurance, which the latter might make public, in the following identical terms, dictated by the Working Committee—

that in regard to the constitutional activities of his Ministers His Excellency will not use his special powers of interference or set aside the advice of my Cabinet.

The meaning of this was unmistakable. The Governors were to promise not to do what in certain circumstances they were required to do by the Act and Instructions which they had sworn to obey. When they explained that they could not give such a promise, the Congress leaders declined to take office.

In the so-called 'Congress Provinces', therefore, the Governors were obliged either to declare in the words of the Act that 'a situation has arisen in which the government of the Province cannot be carried on in accord-

ance with the provisions of the Act', which was doubtless what the more radical Congressmen wished, or to appoint Ministries which could not command majorities in the legislatures. They took the latter course, but the crisis was not resolved thereby, it was only suspended, since the legislatures would have to be summoned within six months and, when they were summoned, the position of Ministers in a minority, unable in particular to carry their budgets against the Congress majorities, would clearly become impossible. If only a sense of public duty could have induced the new Ministers to accept such a thankless task, the situation was scarcely less unsatisfactory to the would-be Congress Premiers and to that large section of the rank and file of Congressmen who had always wanted office to be accepted. In the long controversy which ensued Mr. Gandhi came once more to the front. He had been released from prison in 1933, and in 1934 he had withdrawn from active participation in the Congress 'high command'; but he had remained the dominant personality in Indian politics, and it was understood that most of the leading Congress committeemen consulted him and sought his approval of their decisions. He now told the press that he was the sole author of the 'office-acceptance' clause in the resolution of March 18 and that he had not intended to lay down an impossible condition, but one which the Governors could easily have accepted. And he interpreted the hopes expressed by Sir Samuel Hoare and others in London that Governors would not ordinarily have to use their special powers as tantamount to an undertaking that they would not do so. This brought Lord Lothian into the field. As a member of the Round Table Conference and chairman of the Franchise Committee he had been closely concerned with the framing of the Act, and he now pointed out in *The Times*[1] that the use of the 'safeguards' would in practice be controlled by public opinion. The history of responsible government showed, he said, that a Governor's decision to differ from his Ministers depended on whether they could count on the support of the electorate in the event of a dissolution. If they could, 'the Governor has usually decided not to provoke a constitutional crisis of which there is no solution save the suspension of the normal functioning of the constitution'.

If, on the other hand, the Ministry is pursuing a policy which raises vehement opposition to the point of imperilling peace and tranquillity or the rights of minorities it is right that the first remedy in the hands of the Governor should be to refer the matter to the electorate. That is the true safeguard of democracy itself. Is not the most promising way out of the present difficulty to recognise that once responsible government is in being the ultimate 'arbitration' will almost inevitably be exercised by the electorate?

These views harmonised with the democratic doctrine of the Congress. Even Pandit Nehru welcomed them. The basis of the Congress demand was modified accordingly. If a Governor overrules his Ministers—it now ran—

[1] April 6 and 13, 1937.

he must dismiss them. If they retained the support of the majority in the legislature, this would mean a dissolution. The Governor's right to dismiss Ministers and dissolve the legislature 'when serious differences of opinion arise' was not questioned. But the Working Committee still insisted that 'without specific assurances as required by the Congress, popular Ministries will be unable to function properly and without irritating interference'.[1]

After some further dispute as to whether Ministers should be dismissed or asked to resign, the controversy was ended by a long statement to the people of India by Lord Linlithgow, the Viceroy, on June 22. The discussions of the last three months, he said, and also the actual operation of the Provincial constitutions during that period, had corrected certain misconceptions as to the position of the Governors and the use of the 'safeguards'. It was now understood that Governors were not partisans, that their experience and advice were at the disposal of any Ministry which was willing to work the constitution, and that they would accept any such Ministry's programme for the advancement of the Province provided it did not run counter to the purposes which they were charged by their 'special responsibilities' to ensure. Those responsibilities did not entitle a Governor 'to intervene at random in the administration of the Province'. They had been 'restricted in scope to the narrowest limits possible'. 'Every one of them represents the response of Parliament to demands of substantial and legitimate interests.' Within this narrow field the Governors were anxious 'not merely not to provoke conflicts with their Ministers to whatever party their Ministers may belong, but to leave nothing undone to avoid and to resolve such conflicts'. At the same time those interests and communities which the 'safeguards' were designed to protect must not think that 'any question will arise of sacrificing their interests for political reasons'. As to the question of the dismissal or resignation of Ministers, Lord Linlithgow argued in favour of the latter as being more in accordance with constitutional precedent and with a Ministry's self-respect. But he accepted Mr. Gandhi's suggestion that 'it is only when the issue between a Governor and his Ministers constitutes a serious disagreement that any question of the severing of their partnership need arise'. It must be such a major question that Ministers would feel that their position had been 'hopelessly compromised' by the Governor's rejection of their advice. The decision, therefore, would depend on the circumstances in each case, and could not properly be determined *a priori* by a binding rule. 'It is not by rigid conventions of this nature, but by give and take, by the elasticity which is the governing factor of any successful democratic constitution, that constitutional advance is shown by the experience of history to proceed.' Finally, Lord Linlithgow appealed to the Indian people to take advantage of the Act. 'I am convinced that the shortest road to that fuller political life which many of you so greatly

[1] Mr. Gandhi in *Hindu*, April 22, 1937. Resolution of the Congress Working Committee, April 29: *Indian Annual Register*, 1937, i, 256.

desire is to accept this constitution and to work it for all it is worth. . . You may count on me, in face even of bitter disappointment, to strive untiringly towards the full and final establishment in India of the principles of parliamentary government.'[1]

The Viceroy's statement ended the deadlock. On July 7 the Congress Working Committee, having 'considered the views of Congress members in the legislatures and of Congressmen generally', resolved 'that Congressmen be permitted to accept office where they may be invited thereto'.

But it desires to make it clear that office is to be accepted and utilised for the purpose of working in accordance with the lines laid down in the Congress election manifesto, and to further in every possible way the Congress policy of combating the new Act on the one hand and prosecuting a constructive programme on the other.

When this decision was known, the 'interim' Ministries in the Congress Provinces resigned, and Congress Ministries took office in due course.

To disinterested observers the long debate and its upshot were a somewhat curious spectacle. The Governor-General and the Governors, with the Secretary of State behind them, had tried their best, and ultimately with success, to persuade Congressmen to take office, though they were under orders from their 'high command' to use it for the purpose, in part at least, of combating the constitution and seeking to end it. And some observers were not disinterested. Before the elections left-wing Moslems, as has been seen, had joined with Congressmen in denouncing the 'safeguards', but, now that the Congress had won such unexpectedly decisive victories in so many Provinces, did they still see no virtue in a Governor's neutral authority? Many Moslems, indeed, like the members of other minority communities, may now have feared, despite the assurances in the Viceroy's statement, that the doubts cast on the effectiveness of the 'safeguards' when the Act was passed were not without foundation. Fair play for the minorities, moreover, might prove to be more a matter of day-to-day administration than of 'major questions' or 'serious disagreements': it might mainly depend on just those minor issues as to which it seemed to be agreed that Governors and Ministers should not come to an open breach; and in any case, Moslems may have asked, did not the Congress' acceptance of office imply that their attempt to undermine the 'safeguards' had succeeded?

In fact no constitutional ground had been surrendered. Lord Linlithgow had not accepted Lord Lothian's doctrine that a conflict between a Governor and his Ministers should be resolved by an appeal to the electorate, nor did his view that only a conflict on a major issue would justify an open breach imply that on other issues the 'safeguards' would not operate at all. On minor questions, as on others, it was not to be supposed, as the Governor of the United Provinces (Sir Harry Haig) had pointed out at an earlier stage

[1] *The Times*, June 22, 1937.

of the controversy, that Ministers would try, as a matter of deliberate policy, to do what the 'safeguards' had been designed to prevent. Differences of opinion on such questions would probably, therefore, be due to misunderstandings and ought to be overcome by frank discussion.[1] Nor, it is safe to say, had the Congress' change of front been primarily determined by this constitutional discussion. Lord Linlithgow certainly wanted the Congress to take office, but so now did the great majority of Congressmen. For three months they had observed the Act in operation, they had seen that the power it gave to Ministers was real power, and, whatever may have been said in March, they did not really want to be prevented now by a dispute about the 'safeguards' from using that power to carry out the social programme which had been put so forcibly and successfully to the electorate.

[1] *Leader*, May 27, 1937. Cf. Sir Samuel Hoare's expectations: Part I, 145.

CHAPTER III

PROVINCIAL SELF-GOVERNMENT: INTRODUCTORY

THE Congress decision to take office meant that the new constitution was to be given a trial in all the Provinces. In the next twelve chapters an attempt will be made to describe and assess the result. For the purposes of this Report attention will be concentrated on three main questions: (1) the character and constitutional position of the Governments, (2) the maintenance of law and order, (3) social policy. On these questions some brief introductory comments are needed.

(1) The Government of each of the eleven Provinces now consisted entirely of Indian Ministers responsible, in accordance with the British parliamentary system, to the majority in the Provincial legislature, now almost wholly elected[1] under the old system of separate electorates. These electorates included in all the Provinces taken together more than 30 million persons, of whom a substantial number were uneducated and many illiterate.

The Provincial Governments were now free, apart from the 'safeguards',[2] from all external control in the Provincial field, *i.e.* in nearly all matters which closely affected the life of the people. Such matters as agriculture, education, public health had already been dealt with by responsible Ministers under dyarchy.[3] Now finance and law and order, hitherto 'reserved', were likewise 'transferred' to them. A Province, in fact, now enjoyed a similar measure of legislative and executive self-government to that enjoyed by a State of Australia or of the American Commonwealth.

The new Governments did not begin their work, so to speak, in a void. They had at their back the existing body of law which they were free to alter or extend; and they had at hand, as a running machine, the whole of the administrative services. Of these the great majority were Provincial Services, numbering roughly 500,000 all told, and wholly Indian in personnel. The recruitment and control of these Services were vested exclusively, now as before, in the Provincial Governments. But they also had at their command the Services now known as the 'Secretary of State's Services'—the Indian Civil Service, the Indian Police, and the Indian Medical Service. Members of other Services, such as the Agricultural and Educational, which were now 'Provincialised' but had been on an all-India basis at the time of their recruitment, had a similar status. The total number of these classes of officers in 1937 was 3,212, of whom 1,893 were British and 1,319 Indian. They had been recruited by the Secretary of State and were under his ultimate control. Certain key-posts in Provincial administration were reserved to them, and their rights were protected by one of the 'safeguards'.[4] But

[1] The legislatures in Madras, Bombay, Bengal, the United Provinces, Bihar and Assam are bicameral, and out of a maximum total of 283 seats in their upper houses (Legislative Councils) taken together, a maximum of 38 may be filled by the Governor's nomination. See Act of 1935, Fifth Schedule.

[2] See Part I, 135. [3] See Part I, 62-3. [4] Act of 1935, Ss. 244-9; and see Part I, 135.

they were now all under the immediate orders of the Provincial Ministers. Last, but not least, there were the Governors. Those of Madras, Bombay, and Bengal are traditionally chosen from men who have had experience of British parliamentary life. Those of the other eight Provinces are members of the Indian Civil Service who have long proved their capacity in Indian administration. Under the new *régime* their power to override Ministers was limited to certain specific matters enumerated in the 'safeguard' clauses of the Act, and, as will be seen, this power was rarely used. But in all the Provinces the Governors presided at all regular Cabinet meetings, and they possessed the three rights which Bagehot once defined as those of a constitutional sovereign, 'the right to be consulted, the right to encourage, the right to warn'. It is not contested that the Governors have played their part in the operation of the new constitution in accordance with its spirit as well as with its letter; and the fact that their advice was always at their Ministers' disposal was an advantage of which they all availed themselves.

(2) The sternest test which confronted the new Governments was the test of their capacity to maintain law and order. The wisdom of 'transferring' that field of administration to ministerial control was questioned in the course of the long constitutional controversy, but it was 'transferred' by the Act of 1935, mainly on the ground that responsible government could not otherwise be made a reality.

The average Indian is not naturally given to violence. Submission to his rulers, acquiescence in his fate, those, till very recently at any rate, have been his age-long habits. On the other hand the average Indian—who is, of course, not a member of the small intelligentsia but a very poor and ignorant peasant or labourer—is highly susceptible to mass-excitement; and for some years before 1937 the feelings of the masses—the villagers of the countryside, the workers in the towns—had been roused and stirred as never before. Though India suffered less than many other countries, the relatively simple structure of her economic life had not saved her from the maladjustment and *malaise* which had affected all the world since the last great war; and the consequent disgruntlement and restlessness had been quickened by a widespread political agitation which had awakened in the masses, rural and urban alike, a new consciousness of common grievances and a new hope of remedying them by common action. The anticipations of the Montagu-Chelmsford Report had been fulfilled. The 'placid pathetic contentment of the masses' had been ruffled at last.[1]

Since five-sixths of Indian life is on the land, agrarian discontent was the most marked and important feature of this general unrest, and there was good reason for it. In most of Bengal and Bihar and in parts of Madras and the United Provinces—the so-called *zamindari* areas—the tillers of the soil still lacked such security of tenure as their fellows possessed in most of the Western world. A good deal had been done for them under the previous *régime*—in the United Provinces, for example, by the Acts of 1886, 1921 and

[1] See Part I, 55.

1926—but a good deal more needed doing. More important even than security of tenure was the control of rent. Here again something had been done before 1937. When the price of grain was driven down in the world slump in agricultural produce after 1928, efforts were made to bring about a reduction in rents. To cite the United Provinces again, an agreement was reached in 1931 under which on the one hand the amount of land-revenue paid to the Government by the landlords was reduced and on the other hand all rents were scaled down to the level at which they had stood thirty years earlier. But the peasantry were still miserably poor, and both for a further reduction of rent and for greater security of tenure they had been trying for some time past to establish a common front against the landowners. The strongest and most extensive organisation was the *Kisan Sabha* or Peasant Society. Its adherents were mostly tenants-at-will of the larger landowners in the *zamindari* areas, but they could swell their ranks on occasion by enlisting the support of the 'landless proletariat' or wage-earning agricultural labourers who had been steadily growing in numbers but whose attempts at organising agitation on their own account had so far been transient and ineffective. The second focus of unrest was industrial or urban labour. But there are few large towns in India; and, swiftly as it has grown in recent years, Indian industry has not yet involved more than a small fraction of the enormous population. The present war has quickened the pace, but in 1937 less than one Indian in two hundred was working in a registered factory. Nevertheless in Bombay, Calcutta, Cawnpore and other industrial centres masses of workers were already congregated, many of them, though by no means all, unskilled, underpaid, and poorly, sometimes miserably, housed. This is combustible material, and strikes had been frequent. They might have been fewer or more orderly if there had been an organised and powerful labour movement. But Trade Unionism has not yet found its feet in India. The All-India Trade Union Congress, founded in 1920, is mainly concerned with politics: it does not control, it does not even greatly influence, the course of industrial disputes; and the local Unions, most of them weak and ill-disciplined, have to fight their battles singlehanded.

The Governments of the old *régime* had had to grapple with political as well as economic difficulties. The 'civil disobedience' movement had been, indeed, a far more dangerous threat to law and order than agrarian or industrial trouble. Nor were the new Ministries relieved of all political disturbance. The Congress, as has been observed, has a left wing which begins with Socialism and merges into Communism and links on with still more extremist movements beyond the Congress fold—with anarchists or terrorists who are out for a revolution and seize every opportunity they can find to incite discontent and provoke disorder. Lastly, there is always communalism lurking in the background, the worst and most intractable enemy of India's peace, so irrational, so little affected by real or substantial grievances which could be reasonably examined and remedied, so prone to magnify or to fabricate any pretext for a fight. Thus, all too often, a

strike, in Bombay, say, or Cawnpore, begun for purely economic reasons, ends in a bloody communal riot.

In assuming the responsibility for imposing the rule of law on all these elements of unrest the new Ministers could claim one great advantage over their predecessors. They were all Indians, not foreigners, for dyarchy was dead. They were all the servants of the people and of no one else. Their authority rested on Indian soil, not at faraway Whitehall and Westminster. But in some other respects their position was weaker than that of their predecessors. In the first place the Provincial Governments could no longer rely on the Centre to advise and assist them in keeping the peace. Under the Act of 1935 the Provinces stood for the first time on their own feet in all their domestic affairs. Only in the last resort, only for 'preventing any grave menace to the peace or tranquillity of India or of any part thereof', could the Governor-General formally intervene.[1] In the second place the prestige of government was not all it once had been. The nationalists' abuse and defiance of the previous system had undermined to some extent the moral authority not only of the British Government but of all government; and, though the new *régime* might claim in theory to be stronger because it was based on the popular will, ill-disposed persons might think that in fact it was weaker than the British Raj and behave accordingly. Thirdly, the advantage of a purely Indian Ministry had its reverse side: there were no British neutrals in it now: all its members belonged to one or other of the rival Indian communities.

(3) The record of the Provincial Governments in maintaining law and order will be examined in some detail in the next few chapters, but no fair judgment can be grounded only on this negative work of repressing disorder and crime, and a brief survey will be attempted of their more positive and constructive achievements. One of the chief reasons for welcoming the introduction of full responsible government in the Provinces was the belief that 'popular' Ministries would be able to take a bolder course in the field of social reform than the Governments of the old *régime*. Under dyarchy, it is true, the social field had been entrusted to Ministers responsible to their legislatures, but in face of Congress opposition and non-co-operation those Ministers had never been able to feel that they were backed by the bulk of public opinion. They had been regarded indeed as part and parcel of the 'official' Government and the British Raj, whose traditional supporters belonged mainly to the propertied and conservative classes which were by no means desirous of drastic social reform. An 'official' Government, moreover, especially in India, is naturally anxious to avoid controversy and agitation lest it should lead to a breach of the peace. One of the tests, therefore, of the new *régime* was the extent to which it enabled Indian party leaders to solicit the support of the electorates on controversial social questions, and to carry in the face of vested interests the measures for which they obtained a mandate at the polls.

[1] S. 126 (5).

CHAPTER IV

THE NON-CONGRESS GOVERNMENTS: I. BENGAL

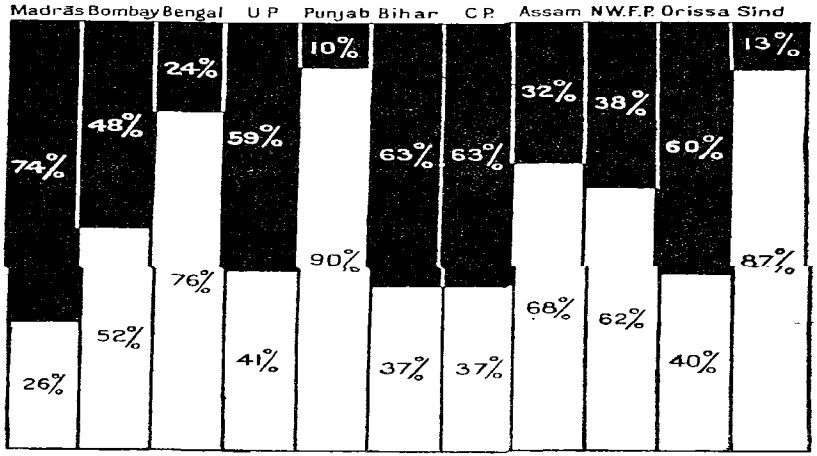
THE Congress acceptance of office meant that the new Provincial *régime* was to continue in force in all the Provinces. But in the Congress Provinces, there could be no clear test of its working or of the extent to which it fulfilled the intentions of its authors. For, in the first place, the policy of the Congress was still only half constitutional, it was still half revolutionary, and the working of a constitution cannot well be judged if those who work it are pledged to 'combat' it and may attempt, at any time they choose, to destroy it. Secondly, the Congress policy, as will appear in due course, ran counter to the two interconnected principles of the new Provincial system—Responsible Government and Provincial Autonomy. Provincial politics were suffused and distorted by nationalist politics. Under the control exercised by the 'high command', which imposed on the Provincial Ministries a more or less uniform programme, supervised their execution of it, regulated their relations with the Governors and finally ordered their resignation, government was not responsible, nor were the Provinces autonomous, in the sense or to the extent intended by the constitution. In the four 'Non-Congress Provinces' it was quite otherwise. The parties which obtained majorities at the elections and took office were not pledged to 'combat' the constitution. They were all nationalist. They all desired India's attainment of a free nationhood. None of them was satisfied with the Act of 1935. But they were willing to work the Provincial constitution, as the Moslem League put it, 'for what it was worth'. Moreover, though the League claimed to represent all Moslem India, its leaders had not acquired by 1937 the authority over the Moslem community as a whole which the Congress leaders unquestionably exercised over all Congressmen. The League was by no means inactive, and from the autumn of 1937 onwards it grew rapidly stronger in numbers and in influence; but, till 1941 at any rate, it did not attempt to control Moslem Ministers as the Congress controlled Congress Ministers. In those four Provinces, therefore—and there was ultimately a fifth—though their domestic politics were affected from time to time by external forces and influences, the Act had a reasonably fair trial. For a few years, at any rate, government was responsible in the accepted British sense, and, until a measure of control was restored to the Centre for war purposes, the Provinces were autonomous to the full extent intended by the Act. It will be convenient, therefore, to examine the working of the constitution in those Provinces first.

I. THE GOVERNMENT

The political situation in Bengal is in three respects unique. First, the population is much more evenly balanced between Moslems and Hindus

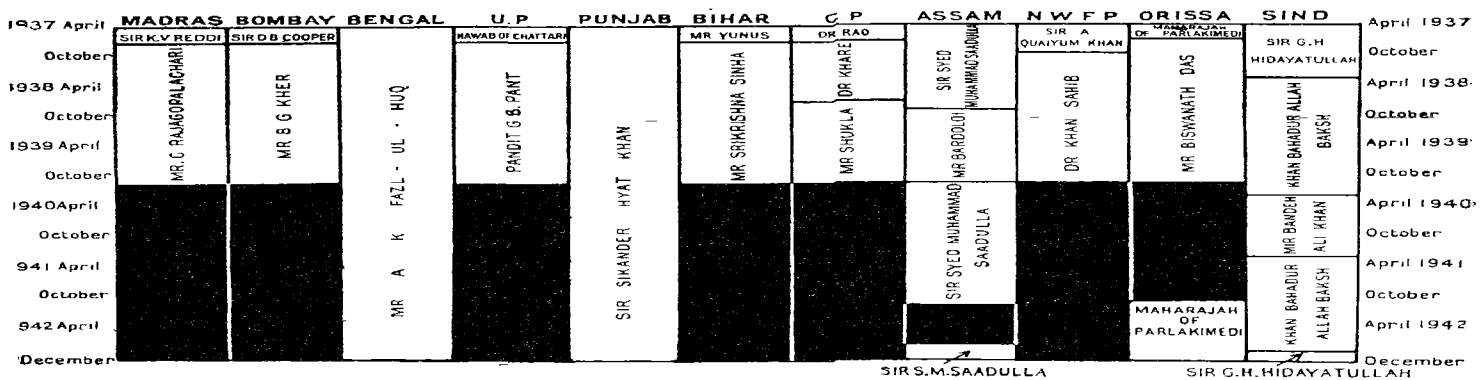
RESULT OF ELECTIONS TO LOWER HOUSES OF PROVINCIAL LEGISLATURES IN 1936-7

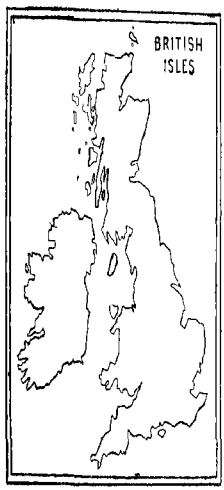
(Congress black, non-Congress white)

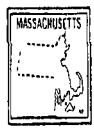


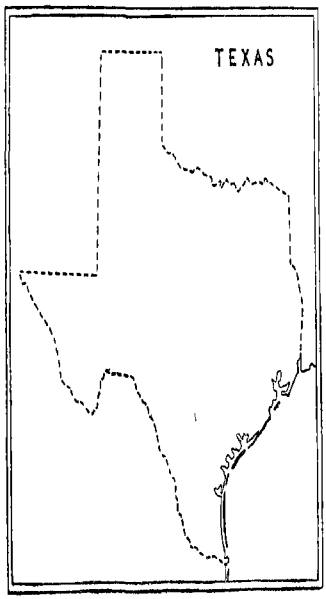
CHANGES OF GOVERNMENT IN THE PROVINCES, 1937-42

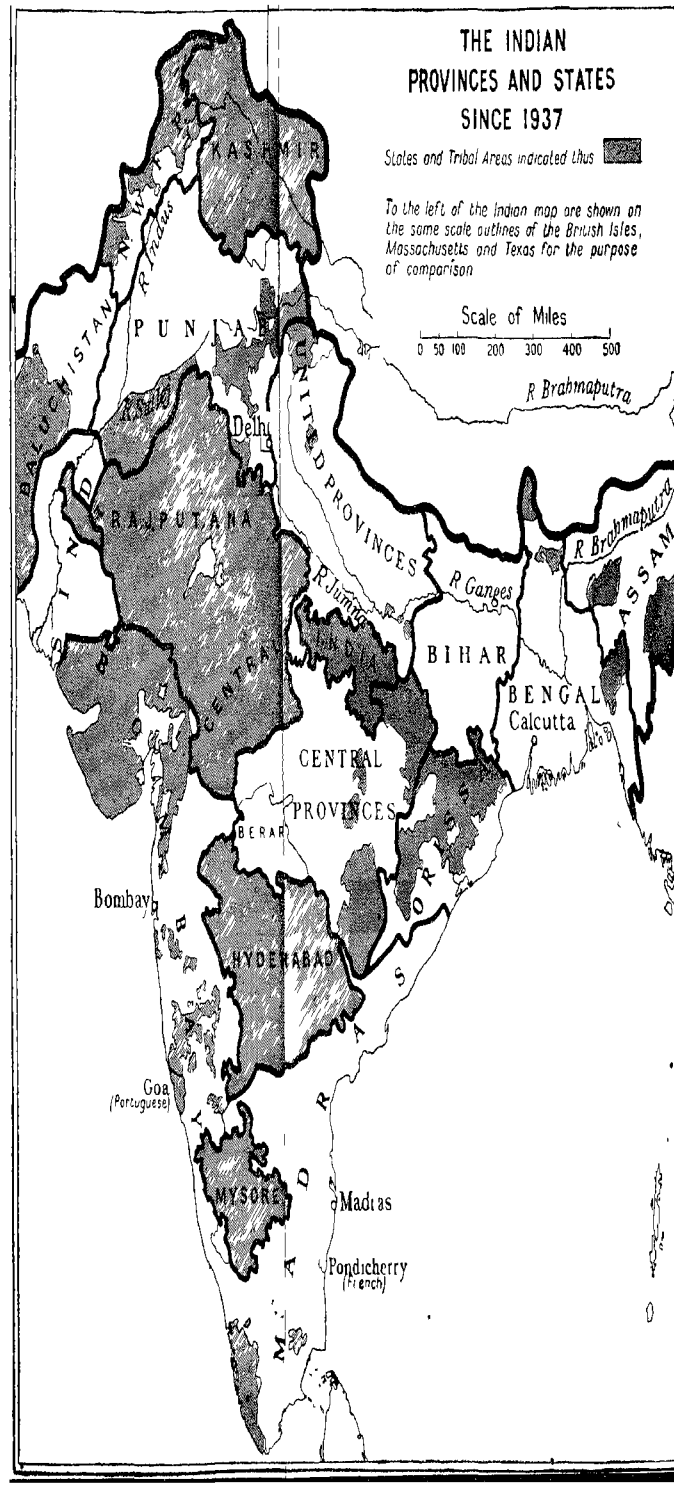
(Periods of Governors' rule under Section 93 of the Act of 1935 are shown in black.)




BRITISH
ISLES


MASSACHUSETTS


TEXAS


THE INDIAN
PROVINCES AND STATES
SINCE 1937
States and Tribal Areas indicated thus
To the left of the Indian map are shown on the same scale outlines of the British Isles, Massachusetts and Texas for the purpose of comparison
Scale of Miles
0 50 100 200 300 400 500
KASHMIR
PUNJAB
R Indus
R Brahmaputra
Delhi
R Jumna
R Ganges
RAJPUTANA
UNITED PROVINCES
BIHAR
BENGAL
Calcutta
ASSAM
CENTRAL
PROVINCES
BERAR
Bombay
HYDERABAD
Goa
(Portuguese)
MYSORE
Madras
Pondicherry
(French)

than in any other Province, the former constituting 55 per cent., the latter 45. Secondly, the British resident business community, centred in Calcutta, is the largest in India: it numbers over 20,000 as against some 2,500 in Bombay. Thirdly, the division into several small discordant parties and groups, remarked by the Simon Commission, has been a persistent feature of Bengal politics since the first introduction of representative institutions. That it persisted in 1937 was clear from the results of the elections. In the contests for the Legislative Assembly the Congress did best, but they only won 60 seats out of 250, and, whereas in Madras, for example, the 159 Congress members formed a single solid Congress block, in Bengal only 43 of the 60 were Congress *tout court*, the other 17 carried the extra tickets of the Scheduled Castes (as the Depressed Classes are now officially termed), Labour, and the Tippera Krishak Samity (Tippera Cultivators' Society). The next largest party was the Independent Moslems with 41 seats, followed by the Moslem League with 40, the Proja Party (a predominantly Moslem body representing the special interests of the agrarian tenantry) with 35, the Europeans (or British community) with 25, the Independent Scheduled Caste group with 23, and the Independent Caste Hindus with 14.[1] Government in Bengal, therefore, could only be coalition government of a sort. But, when it was formed in April, the Congress 'high command' had not yet decided whether Congressmen should be permitted to take office. The Bengal coalition was based, accordingly, on the Moslem League, the Proja Party, the Scheduled Caste Party and the small but important group of Independent or non-Congress caste Hindus. Its leader was Mr. A. K. Fazl-ul-Huq, a vigorous and resourceful politician whose name has figured more than once in the first part of this Report. Though apt on occasion to use strong language on communal issues, Mr. Fazl-ul-Huq's record has not always been that of an uncompromising communalist. He was one of the signatories of the Congress-League Pact of 1916, and in 1918 he was at the same time President of the Moslem League and a General Secretary of the Congress. If in subsequent years he had fallen out of the Congress ranks, he had had experience both in Provincial and in municipal politics (he was Mayor of Calcutta in 1935-6) of co-operation with Hindus; and the composition of the Cabinet he now headed was certainly intercommunal. Of the unusually large number of ten Ministers besides himself, half were Moslems and half Hindus.

But it was not a strong or stable Government. There was occasional strain and dissension inside it. Mr. Nausher Ali, the Moslem Minister for Local Self-Government, was dropped in June 1938—since he refused to be dismissed, the whole Ministry resigned and was re-appointed without him—and repeated attempts were made in Congress quarters to bring about the resignation of Mr. Sarker, the able Hindu Finance Minister, who had once been a leading member of the Congress. In the legislature, more-

[1] The strength of the chief parties in the Legislative Council (or upper house) was as follows: Independent Moslems 13, Independent Hindus 12, Moslem League 11, Congress 10, Europeans 6, out of a total of 63.

over, though the Government secured its majorities on all important votes, it only did so by obtaining the support of other parties than its own and of smaller groups and individuals. And this support was shifting and precarious. In the summer of 1938, for example, the Government was in danger of defeat through the defection of the Scheduled Caste Party, about 24 strong, which had hitherto co-operated with it, but now, after discussions with Mr. Gandhi who twice visited the Province in this period, formed a separate group in *liaison* with the Congress. Ten motions of no-confidence in individual Ministers were tabled, and, as the day for their discussion approached, there was intense excitement in Calcutta. Opposition leaders were assaulted in the street, and on the night before the debate some members of the Opposition slept in the House for fear of being seen outside it. On the day itself a procession of Moslems marched to the House to demonstrate their support of the Government. In the event the Government was saved, but not by a large margin. The first resolution was rejected by 130 votes to 111, the next two without a division, and the rest were dropped. If the 25 European members had abstained from backing the Government, it would have fallen, and thenceforward it was frequently dependent on this European support—an unsatisfactory situation for the new Indian Ministry, since nationalism is so easily tinged with racialism. Even with that support the Government would probably have been defeated sooner or later if its most bitter opponents, the Congress, had been able to act effectively or consistently in unison. But the indiscipline of Congressmen in opposition in Bengal was in marked contrast with their discipline in power in the Congress Provinces. Instead of presenting a single well-drilled front they split into warring sections which even Mr. Gandhi's personal influence could not unite.

In these uneasy circumstances Mr. Fazl-ul-Huq might possibly have welcomed a coalition with the Congress or a section of it if he could have got it on reasonable terms; and on several occasions the Congress leaders seemed prepared to lift the ban on coalitions. Rumours of an alliance were abroad in the autumn of 1937 and again in the spring of 1938 at the time of Mr. Gandhi's second visit. But the negotiations broke down, and what Mr. Fazl-ul-Huq thought of them was clear from the tone of the announcement on the subject which he made in April. The Congress, he said, had more than once offered him the Premiership in a coalition Ministry, but, if he had accepted, he would have 'signed the death-warrant of Islam'.[1] This communal rhetoric was significant. The effect of persistent Congress opposition had been a steady drawing-together of the Moslem groups in the Assembly; and from now onwards, though there were still Hindu Ministers in the Government, Mr. Fazl-ul-Huq's hold on office depended mainly on a consolidated Moslem front. While this made for the Government's stability, it weakened its claim to be a genuine inter-communal coalition. Congressmen asserted that it was to all intents and

[1] *Leader*, April 20, 1938.

purposes a Moslem Government, and it was certainly shown to be more Moslem than Hindu when at the end of 1939 Mr. Sarker resigned on a purely communal issue.[1]

The outbreak of the war also strengthened the Ministry. The Premier at once called on the people of Bengal to support the Allied cause, and he and his colleagues showed the greatest readiness to co-operate with the Central Government in everything that concerned the war-effort. The bulk of public opinion was with them, and for nearly two years, though Ministers were faced with serious trouble, to be described presently, in the field of law and order, their hold on the legislature was relatively safe. Nor was it the strength or skill of Congress opposition that accounted for the gradual undermining of their position in the course of 1941. The cleavage in the Congress ranks was now sharper than ever. On one side stood the 'orthodox' Congressmen, more or less obedient to the control of the 'high command', on the other the so-called 'Forward Bloc', led by Mr. Subhas Bose.[2] The reason why the Government became once more unstable was that the Moslems became once more disunited. In August 1941, Mr. Jinnah and the Working Committee of the Moslem League insisted that the League Premiers of Bengal, the Punjab and Assam should resign the seats they had accepted on the new Defence Council.[3] Mr. Fazl-ul-Huq bowed to this decree, though only after some delay and under protest, and he resigned his membership of the League Working Committee. But his reaction against outside interference in the politics of Bengal was not shared by his Moslem colleagues. Led by Khwaja Sir Nazimuddin and Mr. Suhrawardy, the majority of the Bengal Leaguers turned against him. A demonstration was organised in Calcutta, and a violent clash between the two Moslem groups was narrowly averted. For the moment, however, peace was restored. The rival leaders publicly made up their quarrel for the sake of Moslem solidarity.

But it was only a truce. When the legislature met at the end of November it was learned that a new 'Progressive Coalition Party' had been formed, including the Premier's existing supporters, the Proja tenants' group, the 'Forward Bloc' and other minor elements. The Premier denied that he had negotiated with the Opposition; but his inclination to join forces with one or both of the Congress wings was well known—he had proposed it again late in 1940 when communal tension in the Province was nearing breaking-point, but Mr. Jinnah had vetoed it—and all his colleagues resigned. Thereupon Mr. Fazl-ul-Huq accepted the leadership of the new party, to which his opponents replied by dissolving the old Coalition and forming a new Moslem League Party with Sir Nazimuddin

[1] The Government had proposed a resolution asking for Dominion Status after the war, with safeguards for minorities 'based on their full consent and approval'. When Mr. Sarker refused to vote for this on the ground that it gave the minorities a veto on constitutional advance, the Moslem supporters of the Ministry would not acquiesce in his retaining office.

[2] For the conflict between Mr. Bose and Mr. Gandhi in 1939, see p. 91 below.

[3] See p. 253 below.

at its head. After some days of manoeuvre and uncertainty it became clear that Mr. Fazl-ul-Huq could command a majority in the Assembly: on December 16 the formation of a new Ministry was announced, and on December 17 its personnel was completed. Of its nine members five, including the Premier, were Moslems and four Hindus. Of the latter two were members of the 'Forward Bloc', one was a representative of the Scheduled Castes, and the fourth was Dr. Syama Prasad Mookerjee, ex-Vice-Chancellor of Calcutta University, who became Finance Minister. This last appointment was somewhat startling, since Dr. Mookerjee is one of the most militant members of the militant Mahasabha and the President of its Bengal branch, and not long before he had been engaged in a fierce communal controversy with Mr. Fazl-ul-Huq. But the inclusion of the 'Forward Bloc' was a still more piquant element in the new combination. Its leader, Mr. Subhas Bose, had been arrested in the summer of 1940 for his part in provoking disturbances in Calcutta.[1] In the following January, while on temporary release for reasons of health, he had disappeared and was suspected of trying to make his way in disguise to Japan. Some months later he was broadcasting from Berlin inciting his fellow-countrymen to rebellion The outbreak of war with Japan cast a further shadow on the 'Forward Bloc' since on December 16, Mr. Sarat Bose, brother of Subhas, was arrested because of 'contacts between him and the Japanese'. Yet, a few days later, two other members of the party, which recognised Sarat Bose as its leader, took the oath of office in a Government committed to the war.

Mr. Fazl-ul-Huq, still in the saddle after more than five years, repeatedly claimed that his new Ministry was a real Hindu-Moslem coalition, giving the rest of India an example of intercommunal co-operation at a critical time. But the Moslem Opposition, of course, denied that. The Government, they said, was now a Hindu Government. Dr. Mookerjee was its strongest personality, and the Premier was virtually his prisoner. And certainly, though Mr. Fazl-ul-Huq retained his hold on his large personal following in the countryside, he could no longer be sure that the majority of Bengal Moslems were behind him. In the spring of 1942, at a by-election in the north, his candidate was defeated by a loyal supporter of Mr. Jinnah by 10,843 votes to 840.[2] Since, however, there was no prospect of a general election till after the war, the Government might still hope to retain its majority in the Assembly. But, as time went on, the internal cohesion of the coalition showed signs of weakening. Dr. Mookerjee did not prove an easy colleague. It had been highly embarrassing, for example, for the other Ministers when he publicly encouraged and then attempted to join in the Mahasabha's organised defiance of the neighbouring Government of Bihar at the end of 1941,[3] and in the course of 1942 he made it clear

[1] See p. 34 below.
[2] The League has won all of the 7 Moslem Assembly by-elections since Jan. 1, 1938. See Appendix VI, p. 333 below.
[3] See p. 255 below.

that he was far from satisfied with the working of the constitution. Finally, in November, he resigned. Provincial autonomy, he told the world, was 'a colossal mockery'[1]—an opinion which was not shared by other Ministers in the non-Congress Provinces, nor indeed, as will be seen, by the Congress Ministers when they were in office.

II. Law and Order

The Bengal Provincial Committee which co-operated with the Simon Commission might have been expected to agree in claiming the maximum of self-government for its own Province, but in fact it had been divided on the point, some of its members holding that the control of the police should not be 'transferred', or at least not unreservedly, to Ministers.[2] In view of Bengal's notorious record of conspiracy and outrage, such caution was not unnatural. No other Province, except the Punjab, contained such dangerous elements. None of the other new Governments succeeded to such a troublesome inheritance. The measures of repression taken in Bengal in face of the Congress' direct defiance of authority had been more severe than elsewhere because political agitation was more deeply imbued with the doctrines of revolutionary violence. For the same reason the Bengal Government was not so ready as those of the Congress Provinces to repeal the 'repressive' legislation of the old *régime*. All the old laws and ordinances remained in force with one exception. When the period of the Public Security Act of 1932, which provided for emergency powers to control subversive agitation such as the 'civil disobedience' movement, expired in 1938, Ministers, whose position in the Assembly that summer was not strong, decided not to renew it.

A much more awkward inheritance for the new Government than the 'repressive' laws of the previous *régime* were the 'victims', as the Congress put it, of those laws. When Mr. Fazl-ul-Huq took office, no less than 2,304 persons were being 'detained' without trial, under the Bengal Criminal Law Amendment Act or older Regulations, because they were believed to be members of secret terrorist societies. Of these 1,152 were in jails or detention camps and the rest confined to their homes or villages. There were also a number of convicts in the Provincial jails—387 at the beginning of 1938—who had been tried and sentenced for criminal offences in connexion with the terrorist movement. In 55 cases the crime had been murder, in 10 attempt to murder, in 102 dacoity (gang-robbery) with attempt to murder. In a few cases the conviction had been for an offence in which no violence had been used, *e.g.* seditious speech or the breach of restrictive regulations.

The character and criminality of those numerous *détenus* and convicts were thus widely varying. At one end were those who had done no violence,

[1] *Statesman*, Nov. 27, 1942.

[2] *Indian Statutory Commission*, vol. iii (*Reports of the Committees appointed by the Provincial Legislative Councils*), Cmd. 3572, pp. 169-70.

at the other were adherents of the black cult of murder which has so long stained the political annals of Bengal. But in its denunciation of the whole system of 'repression' the Congress had made no such distinctions. For years past it had fixed on the Government's treatment of political agitation as the worst manifestation of 'imperialist tyranny'. Now that law and order, 'reserved' under dyarchy, were in the charge of Indians responsible to Indian opinion, it insisted that the civil liberties of the people must be promptly restored. *All* 'repressive' laws must be repealed, and *all* 'political prisoners'—a collective label usually applied to both *détenus* and convicts without discrimination—must be released forthwith.

The attack was opened in this field soon after Ministers had taken office. In the summer of 1937, 225 out of the 280 terrorist convicts confined in the Andaman Islands—a penal settlement utilised by all the Provinces—started a hunger-strike to enforce a demand for the general and immediate release of all 'political prisoners'. Sympathetic hunger-strikes ensued in a jail in Bengal and in a camp in Ajmer-Merwara where 150 Bengali terrorists were in detention. Their cause was taken up by Congress spokesmen all over British India. In Bengal itself there was violent and widespread excitement and agitation, and Ministers were bitterly assailed as the foes of Indian freedom.

Ministers for their part were ready to admit that the introduction of the new constitution justified a review of sentences or restrictions imposed on opponents of the old *régime*. The release of 'political prisoners' had figured, indeed, as the last item on the Premier's electoral programme. But Mr. Fazl-ul-Huq and his colleagues insisted from the outset on distinguishing, first, between the *détenus* and the convicts and, secondly, between different convicts according to the gravity of their offences. As regards the *détenus* they came to a decision soon after taking office. They could not ignore the fact that on two previous occasions, in 1920 and in 1928, large numbers of *détenus* suspected of terrorism had been released wholesale and that on both occasions the result had been such a recrudescence of terrorist crime as to necessitate the renewal of restrictive measures. The Government's policy, therefore, as expounded by the Home Minister, Sir Nazimuddin, early in August 1937, was not wholesale or immediate but gradual release—a process which could be 'accelerated in proportion to the co-operation and support given to the Government by the public in rallying opinion against terrorist methods'.[1] This policy was pursued to its conclusion in just over a year. On August 25, 1938, the Home Minister was able to announce that all the *détenus* had been set free.

This did not satisfy the Congress Opposition. Throughout those twelve months they had been demanding that not only the *détenus* but also the convicts should be released. As to the manner of it, however, they disagreed. The left wing, headed by Mr. Subhas Bose, whose revolutionary sympathies were notorious, wanted all the convicts to be freed at

[1] *Bengal Legislative Assembly Proceedings*, vol. li, no. 2, Aug. 9.

once, whatever crimes they had committed and at whatever risk to the public. The right wing, which was more amenable to the direction of the Congress 'high command', admitted that some guarantee was needed as to the effect of release on public safety, and Mr. Gandhi, who visited the Province in November 1937 and again in March 1938, maintained that it would be a sufficient guarantee if a convict declared that he had abjured the principle of violence. Mr. Gandhi offered to obtain such assurances himself, and he was engaged in interviewing convicts when a breakdown of health compelled him to return to his *ashram* near Wardha. Mr. Bose, for his part, promised Ministers the backing of his party if they would agree to immediate and unconditional release of all the remaining convicts, and this promise was endorsed by the Provincial Congress Committee which appealed for funds and for 10,000 volunteers to open a campaign of 'direct action'.[1]

Neither Mr. Gandhi nor Mr. Bose succeeded in diverting the Government from the policy which they finally laid down in September 1938. They intended, said the Home Minister, (1) to release at once all terrorist convicts suffering from grave or lasting illness, (2) to release as soon as possible those who had not been convicted of murder or serious violence and had not more than 18 months of their sentences still to run, and (3) as regards the remainder, to set up an advisory committee of nine, including six members of the legislature and presided over by a High Court judge, which would consider each case on its merits and recommend what action the Government should take. The upshot of this procedure was that by October 1939, 12 terrorist convicts had been released unconditionally, 41 had been offered release on conditions, and 7 had been granted remissions of sentence: 41 were left as they were.

Thus Ministers emerged from a long and troublesome controversy without loss of prestige. They had regarded some measure of release as a political necessity, and, as to the extent and method of it, they had adopted a consistent policy from which they had not been deflected by cajolery or threats. As regards the more dangerous prisoners at any rate the process of release had been properly deliberate, and a substantial residue had not been released at all. Nevertheless to discharge more than 2,000 people who had been convicted or gravely suspected of being associated with terrorism was to take a serious risk. And some of the men who were freed made trouble. Early in 1939 it was reported that *ex-détenus* were at work among the peasantry, fomenting agitation against the landlords and preaching Communist doctrine; and the Home Minister took occasion in the

[1] In the matter of 'hunger-strikes' there was a measure of agreement between the Government and more moderate Congressmen. When Mr. Gandhi was in the Province in November 1937, he condemned 'hunger-strikes' on principle, and the formal re-affirmation of this opinion by the Congress Working Committee in February 1938 (*Times of India*, Feb. 21, 1938) soon brought the strikes to an end. When hunger-striking was resumed in the summer of 1939, it received a still stronger reprimand. If convicts can free themselves by hunger-striking, declared the Working Committee, 'orderly government will become impossible'. (*Ibid.*, Aug. 14, 1939.) 'If a prisoner decides to starve himself to death', said Mr. Gandhi in an outspoken article, 'he should in my opinion be allowed to do so.' (*Harijan*, Aug. 13, 1939.)

Assembly to deliver a strongly-worded warning. The Secret Societies, to which the *ex-détenus* belonged, he said, were as well-organised as ever, and their aim was social revolution.[1] There was no overt terrorism, however. In some cases it was thought that the abjuration of violence at Mr. Gandhi's bidding had been genuine, and, if it was too much to expect that all the devotees of Kali had really been converted to the doctrine of *ahimsa*, at least there were no political murders.

After the outbreak of the war, however, there were signs of a recrudescence of organised terrorism. Several of the terrorists recently released were believed to be assuming their old activities, and in the spring of 1940, as a measure of precaution, some 20 of them were re-arrested and detained under the powers granted by the new Defence of India Rules. And behind the terrorists and by no means out of sympathy with them were the revolutionaries of Mr. Subhas Bose's school. At the end of June a serious threat to the peace of Calcutta was engineered by Mr. Bose. For some time past, as it happened, an agitation had been going on for the removal of the monument which commemorates the tragedy of the 'Black Hole'. That historic incident, it was said, was a British invention, and the monument was a libel on the good name of Siraj-ud-Dowlah. The question was under Government's consideration when Mr. Bose suddenly announced that he would resort to 'direct action' on July 3 if the monument were not at once removed. He rejected all appeals to await the Government's decision and on July 2 he was arrested under the Defence of India Rules. Every day for the next three weeks parties of 'volunteers' approached the monument with the evident intention of damaging it and were arrested. By July 24 the number of arrests had nearly reached 300. Meantime the agitation was spreading among the large student community in Calcutta, and, since Siraj-ud-Dowlah was a Moslem, among Moslem as well as Hindu students. On July 22, on which date the Moslem students had threatened a 'general strike', a demonstration in front of the Islamia College was broken up by the police. Some of the youths who were hurt in the charge had taken no part in the demonstration and so great was the public indignation that the Premier declared next day that the monument would be removed forthwith. Since, however, it was a 'protected' monument, this decision required the consent of the Central Government under the Ancient Monuments Preservation Act of 1904, and the matter had, therefore, to be referred to the Governor-General and the Secretary of State. They agreed that the monument should be removed from the list of 'protected' monuments, and it was thereupon transferred to one of the Calcutta cemeteries. Six months later, as has been seen, the chief instigator of this trouble disappeared.

Revolutionary agitation is not, of course, the only danger to law and order in Bengal. There is communal strife, and there is Communism and

[1] *Bengal Legislative Assembly Proceedings*, vol. liv, no. 4, pp. 31-6.

labour trouble. As to the two latter the Province was relatively free from serious disturbance on a large scale during this period. The Communists confined their public activities to propaganda, and the Government made it clear that direct incitement to sedition and terrorism would not be tolerated. In 1938 the editor and printer of one newspaper were prosecuted and convicted, but acquitted on a technicality on appeal. In 1939 a well-known Communist, Mr. Batliwala, and Mr. R. M. Lohia, a Congress Socialist and sometime secretary of the foreign department of the All-India Congress Committee, were likewise charged with sedition: the former was sentenced to six months' imprisonment, the latter was acquitted. When Russia came into the war in 1941, the attitude of the Communist Party changed in Bengal as elsewhere. Instead of denouncing the 'imperialist war', they declared their desire to fight the Nazis; and in due course the Government thought it safe to release a certain number of Communists. More of them were freed when the Central Government in the summer of 1942 removed the Communist Party from the list of 'unlawful associations'.

Nor was Bengal as much afflicted as some other Provinces by labour trouble. There was a strike in the jute mills of Calcutta in the spring of 1937 and another, involving some 14,000 men, in the iron and steel works at Kulti and Hirapur in the summer of 1938. But both of these were settled without grave disorder by Government intervention. In November 1938, a big strike started in the jute mills at Titagarh. It involved about 43,000 men and lasted six weeks. Rioting broke out and quickly became communal. Three persons were killed and sixty-five injured. Early in January the strike collapsed. At about the same time a strike at a shoe factory, provoked by Communist agitation, led to such turmoil between mobs of strikers and workers that the police were compelled to fire, but no one was killed. At the end of a fortnight the dispute was adjusted. The summer of 1939 was peaceful, but, after the war began, labour became more restless. There were large-scale strikes in the jute industry in 1939 and in the summers of 1941 and 1942. In the spring of 1940, 50,000 scavengers struck in Calcutta. These and other lesser disputes were all settled with the Government's assistance, mostly by the concession of higher wages.

More serious was the communal trouble. For their first few years of office Ministers were relatively free of it. Communal antagonism was sharp enough among the politicians, but it did not spread to the masses. In marked contrast with some other Provinces there was hardly any rioting. Even at the simultaneous celebration of a Moslem and a Hindu festival, Muharram and Holi, the fighting which such an occasion usually provokes resulted in only a single death. But this period of relative calm came to an end in 1940. In August that year there was an outbreak of communal disorder at Dacca: the police were attacked by a Moslem mob, and, opening fire, killed one of their assailants and injured three. In September, in a riot in the Burdwan district, the police were again attacked, this time

by Hindus, four of whom were killed: another Hindu was done to death by Moslems. In February 1941 some sixty people were injured in a disturbance caused by a Muharram procession: *lathi* charges and tear-gas were needed to disperse the mob. At the end of February communal tension in Bengal as in other Provinces was aggravated by the census operations, the result of which would, of course, establish the numerical proportions of the Moslem and Hindu communities in any area. Early in March a petty personal dispute in the Khulna district precipitated a fierce conflict in which several lives were lost, two villages were burnt out, and large quantities of corn destroyed. On the 17th a more serious and protracted outbreak began at Dacca with an assault on a Moslem in the Hindu quarter. Next day there were further assaults, looting started, and a mosque was attacked. For the next three days a series of pitched battles were fought between Hindu and Moslem mobs, and looting and arson were rife. Both police and troops were forced to open fire. After the 21st the situation improved, but on April 10 there was another riot which was dispersed by tear-gas. From first to last over 50 persons were killed and many more injured. Nearly 700 arrests were made, and an additional force of police was stationed in the city for three months at the cost of its inhabitants. The trouble, meanwhile, had spread from Dacca to the countryside. In the city the Hindus had been the more aggressive party, in the country it was the Moslems who attacked. Several Hindu villages were fired and looted, and a great number of Hindus, as many as 10,000 it was said, fled from their homes. By the end of April order had been restored, most of the fugitives had returned. and officials were at work assessing the damage done and the amount of relief required by those villagers who had lost their means of livelihood.

At an early stage in the course of these disorders the Governor (Sir John Herbert) had invited the leaders of all groups in the Assembly to a conference with a view to trying to check the growing strife. Six Ministers, the chief Government whip and seven Opposition leaders attended, and a series of meetings were held between March 10 and the end of April, when an agreed *communiqué* was issued, appealing for communal peace and outlining a scheme for the setting-up of 'goodwill committees' throughout the Province. It was hoped that the appointment of a judicial committee of inquiry into the Dacca riots a few weeks later would also assist in improving the atmosphere. But on June 26 trouble began again at Dacca Though order was soon restored, occasional assaults continued till July 7. The final death-roll was over 30. By this time, happily, the fever was beginning to burn out. Public opinion, both Moslem and Hindu, had evidently realised that it was time a truce was called. By the end of the month more or less normal conditions had been restored. There was another period of tension in Dacca in October and a recurrence of isolated assaults, but this time the trouble soon died down, and the Province as a whole was practically free from major communal disorder for the next twelve months.

It remains to assess the reaction of this grave revival of communal strife on the political situation. Undoubtedly the politicians had been themselves to some extent responsible. It has already been noticed that in the period preceding this last outbreak communal discord had been more marked in the legislature and the press than among the mass of the people. Despite its mixed composition Mr. Fazl-ul-Huq's Ministry was consistently denounced by Congressmen and members of the Mahasabha—whose influence was now fast growing in Bengal—as being engaged in a deliberate attempt to undermine the position, political and cultural, of the Hindu community; and the Government's tampering with the Calcutta municipality and its proposals in the field of secondary education—to be mentioned presently—were cited to prove the charges. The strong language, moreover, in which the Premier occasionally indulged, did not make for harmony. Yet Mr. Fazl-ul-Huq's political tactics, as has been seen, had never been dominated by the communal issue; and towards the end of 1940, when communal tension was nearing breaking-point, he publicly proposed that the Moslem League should take the initiative in an attempt to come to terms with the Congress and he wrote to Mr. Jinnah asking him to call a meeting of the League Working Committee to discuss the proposal. Mr. Jinnah replied that he too desired a settlement, but that it was impossible to obtain one when the Congress was trying to compel the British Government to accept its demands and leave the Moslems in the lurch.[1] In this opinion Mr. Fazl-ul-Huq ultimately acquiesced. But it seems probable that, just as the Congress 'high command' had frustrated his previous efforts at a settlement, so now the chief obstacle was again not in Bengal but in the all-India policy of the League as dictated by Mr. Jinnah.

To sum up, it may be said that the record of the Bengal Ministers in the field of law and order as a whole has certainly justified its 'transference'. Though some of them have been impulsive and provocative in speech, they have been cool, firm and impartial in action. They have adopted strong measures themselves, and, when similar measures had to be taken by a local official in emergency on his own responsibility, they have not disavowed him. If the latent forces of disorder may be quite as formidable now as they were six years ago, no fair critic can ascribe it to the conduct of the Government; and, if no one can tell what would happen in the event of a Japanese invasion, the Provincial war-effort has not been relaxed and Ministers have faced without flinching the arrival of the enemy on the Bengal frontier and the first bombings of Bengal towns.

III. Social Policy

The three main social reforms which the Congress had long been advocating were the liberation of the agricultural masses from old-fashioned tenancy laws, high rents and indebtedness, the extension of education

[1] The correspondence was published on January 28, 1941, by Mr. Jinnah despite Mr. Fazl-ul-Huq's request to the contrary.

especially in the primary field, and Prohibition. Agrarian reform and compulsory primary education were also the first two items in Mr. Fazl-ul-Huq's electoral programme.

In the first session of the legislature the Government announced the appointment of a commission, with Sir Francis Floud as chairman, to examine the land-revenue question with special reference to the Permanent Settlement which, as all students of Indian history know, has controlled for more than a century the development of the agrarian system in Bengal. Its Report was published in 1940. The majority held that the Permanent Settlement and the *zamindari* system it had confirmed were out of touch with modern conditions, and recommended that all interest in land-rent should be taken over by Government with payment of compensation and that a *ryotwari* system should be introduced so as to convert the cultivators into Government tenants. The minority took the view that State acquisition would be a financially hazardous and economically unwise experiment. The general opinion was that any drastic treatment of the position should be postponed till after the war. There was some discussion of the Report in the Assembly, but no action was taken.

Meantime the Government had already carried a measure of tenancy reform under the existing system. The Bengal Tenancy (Amendment) Bill was on somewhat similar lines to those of the corresponding legislation in the Congress Provinces. Among its purposes was the restriction of the landlords' powers of recovering rent, the abolition of landlords' fees on the transfer of holdings, the reduction of the rate of interest on arrears of rent from 12½ per cent. to 6¼ and the suspension for ten years of all provisions relating to enhancement of rent. In its early stages the bill was opposed by the European Party, but the Premier declared that the amendments it proposed would rob the bill of all meaning and that, if it were not carried, he would resign. Since the subject of the bill had headed his electoral programme, this firm attitude was not unnatural, and in the light of it the Europeans decided to withdraw their opposition and take a neutral line. The bill passed the Assembly in the autumn of 1937 and the Council in the following spring. The Governor returned it with two suggested amendments, both of which were accepted. In August 1938 the bill became law.[1] Another tenancy bill was introduced at the end of 1939, mainly designed to protect tenants in the matter of mortgages and arrears of rent. This bill also was amended in accordance with the Governor's suggestions and received his assent in January 1941.[2]

In Bengal as elsewhere the relief of rural indebtedness was linked with tenancy reform. In the summer of 1939 a bill was introduced which required all moneylenders to be licensed and to regularise their business and, among other provisions for the protection of debtors, prescribed 10 per cent. and 8 per cent. per annum simple interest as the maximum charges on unsecured and secured loans respectively. After passing both houses

[1] VI of 1938.

[2] XVIII of 1940.

the bill was reserved for the consideration of the Governor-General. In July 1940, it was assented to.[1]

The Bengal Shops and Establishments Act,[2] signed in September 1940, provided for the closing of shops and for holidays for employees without loss of pay on 1½ days in each week and for closing on other days at 8 p.m., regularised the payment of wages and overtime, and entitled employees to obtain a fortnight's leave on full pay each year. The Act applied in the first instance to Calcutta and Howrah, but could be extended by notification elsewhere.

More controversial was a bill which proposed certain changes in the constitution of Calcutta Municipality, including the introduction of separate electorates for Moslems and Anglo-Indians and of reserved seats for the Scheduled Castes. It was fiercely denounced by the Hindu Opposition as a deliberate and reactionary attempt to secure for the Moslems an unfair share of power in municipal politics, but it ultimately passed the legislature and received the Governor's assent in July 1939.[3]

Among other bills which reached the statute-book may be mentioned a bill to establish a fund for relief and insurance against famine and other calamities of nature, a bill to enable women employed in industry to keep their jobs and obtain subsistence during the period of childbirth, and a bill for the assistance of the poor and unemployed in rural areas.[4]

There is one notable omission in this record of legislative achievement. The election pledge to introduce compulsory primary education was not fulfilled, mainly, no doubt, because of the very high cost involved. An attempt was made to deal with secondary education, but the bill was almost as bitterly attacked on communal grounds as the municipal bill, and, unlike the latter, it was shelved. Nor could it be said that in administration the Bengal Government showed the same zeal and initiative in the educational field as were shown in the Congress Provinces. The official review of educational progress in Bengal from 1932 to 1937 had painted a gloomy picture of the results of financial depression under the old *régime*,[5] and the new Ministry cannot be said to have substantially improved the situation. Something was done to consolidate the system of primary education and to combat illiteracy among the masses, but there was nothing new or striking in theory or practice. 'The stagnation and wastage in the primary stage', confessed the departmental Report for 1938-9, 'is still appalling.'[6] Such progress as was made seems to have been inspired mainly by communal interests which were bound to have a reactionary effect on the curriculum and on the general standard of teaching.

Another social reform on which the record of the Bengal Government

[1] X of 1940. [2] XVI of 1940.
[3] The Calcutta Municipal (Amendment) Act, XI of 1939.
[4] The Bengal Famine Insurance Fund Act, III of 1938; the Bengal Maternity Benefit Act, IV of 1939; and the Bengal Rural Poor and Unemployed Relief Act, X of 1939.
[5] *Quinquennial Review of the Progress of Education in Bengal, 1932-7*, pp. 2-3.
[6] *Annual Report of the Bengal Department of Education, 1938-9*, p. 10.

was less impressive than that of its Congress rivals was a more controversial question. Mr. Fazl-ul-Huq and his colleagues did not share the enthusiasm for Prohibition which Mr. Gandhi had instilled in the ranks of the Congress, nor were they as ready as he was to contemplate the serious loss of excise revenue it would involve. It was introduced in the spring of 1938 in a single district; but the Finance Minister declared that it was not an urgent problem in Bengal, and that, though the experiment might be extended if successful, it would be abandoned altogether if it failed. Cynics pointed out that the district chosen was the one which returned the smallest excise revenue.

CHAPTER V

THE NON-CONGRESS GOVERNMENTS: II. THE PUNJAB

AT least as much as Bengal and more than any other major Province the Punjab possesses a distinctive character rooted in its geographical situation, its history, and especially its great military tradition. 'The shield, spear-head and sword-hand of India', as a Punjabi called it at the Round Table Conference,[1] it provided nearly 58 per cent. of the fighting men of the Indian Army before the war; and during the last three years its famous regiments have won new laurels in the field in Africa and the Middle East. The Punjab has its own patriotism, and, while this certainly does not mean that Punjabis are less determined than other Indians to attain an equal footing with other peoples in the world, it does mean that the nationalist movement in the Punjab has, or had till very recently, maintained an unusual measure of independence of or aloofness from the all-India nationalist organisations. Under the pre-1937 *régime* the Congress had less influence in the Punjab than in any other Province. In the successive elections to the dyarchic Legislative Councils the number of successful Swarajist candidates dwindled till only two or three were left. Nor was the Moslem League so important in the Punjab as it was in the neighbouring United Provinces: the leading Moslem politicians were not members of it. This aloofness was doubtless one of the reasons why the Act of 1919 worked reasonably well in the Punjab. To quote the Simon Report:

> The Punjab Legislature has not at any time attempted to bring administration to a standstill, and has on occasion shown itself ready to risk unpopularity both in support of the Government on matters affecting law and order and in imposing taxation. It has shown itself more interested in practical affairs than in political abstractions.[2]

The strength of this independent Punjabi patriotism is the more remarkable in that the Punjab has always suffered at least as much as any other Province from communal dissension. But it is not a clean issue, as it is in Bengal for example, between the Moslems, who number 57 per cent. of the population, and the Hindus, who number 26½ per cent. There are also the Sikhs, who number only 13½ per cent., but who have always claimed that their traditional footing in the Province, of which less than a century ago they were the rulers, and their outstanding contribution to the ranks of the Indian Army entitle them to 'weightage'. The allocation of seats in the Punjab was one of the thorniest questions in the long unprofitable controversy which was closed for the time being by the Communal Award of 1932. The relative success, moreover, of the constitution of 1919 in the Punjab did not imply that parliamentary government was operating there in the way the authors of the constitution had hoped. Parties were not so

[1] See Part I, 116.

[2] *Simon Report*, i, 208

much political as communal. Social or economic issues failed to cut across the lines of communal division. The most promising move in that direction was the formation of the Punjab National Unionist Party, which stood for the interests of the rural population irrespective of its creeds; but before very long the Hindu and Sikh members of the Party began to drop out till it became almost wholly Moslem. Thus politics in the legislature were mainly communal politics. To quote the Simon Report again:

> The most striking feature of the Council remains its deep communal cleavages; and the stability of the successive Ministries is largely to be explained by the existence of the official *bloc* generally in a position to hold the balance between nearly equal forces of Muhammadans on the one side, and Hindus and Sikhs on the other.[1]

I. The Government

The disappearance of the official *bloc* under the Act of 1935 might have produced a difficult situation if the National Unionist Party had not obtained a clear majority at the elections of 1937—ninety-six seats out of 175. Its leader, Sir Sikander Hyat Khan, who had been a member of the Executive Council under the old *régime* and had twice acted as Governor of the Province, could count, moreover, on the support of a group of fifteen to twenty Sikhs, known as the Khalsa Nationalist Sikhs. He formed a cabinet of three Moslems, two Hindus, and one Sikh. Sir Sikander was still in office when he died at the end of 1942—a record only beaten by Mr. Fazl-ul-Huq; but his Ministry was far more stable and united in itself, despite the communal strains to which it was subjected, and kept a far firmer hold on the respect and support of the legislature. This was largely due to the personality and prestige of the Premier, but not wholly. The level of ability and public repute among the Ministers as a whole has been higher than in most other Provinces. Three of them, besides the Premier, had served at one time or another on the old Executive Council. Of the two Hindus Sir Manohar Lal, a man of considerable academic distinction, represented within the Cabinet the very class, the urban Hindu commercial class, which, as will be seen, was to suffer most from the forthcoming legislation, while Sir Chotu Ram, the Revenue Minister, was able to influence opinion among Hindus in the rural areas in the face of bitter Congress opposition. And this strong and compact cabinet was backed by a strong and compact majority in the Assembly. A little 'cave' of nine Independents broke away from the Unionist Party in the summer of 1938, but otherwise the alinement of forces remained more or less unchanged, and the Government was never in serious danger of defeat. Not that it had a quiet time. On the more controversial questions the temper of the legislature was stormy; there were frequent 'scenes'; and in the winter of 1938 the Government introduced a bill for the appointment of a Serjeant-at-Arms to assist the elderly Speaker to maintain discipline.[1] It was carried, against vehement opposition, in the course of 1939.[2]

[1] *Simon Report*, I, 208. [2] The Punjab Legislative Assembly (Offices) Act, VII of 1939.

The strength and solidarity of the Government were confirmed by the outbreak of the war. At the time of the Munich crisis in 1938 the Premier pledged the Punjab to the unconditional support of Britain in the event of war. When 'we offered our hand' in the last war, he said, 'we were still in our political apprenticeship': it is offered again by a Punjab 'which has now attained its political majority'.[1] In May 1939 a resolution to the same effect was carried unanimously in the Assembly. On August 25 Sir Sikander repeated his assurance of the previous year. 'The manpower and resources of the Punjab will be unhesitatingly and ungrudgingly placed at the disposal of Great Britain and her Allies, in the service of our motherland, and for the sacred cause of justice, righteousness and freedom.'[2] When war had finally broken out, it was believed that the Premier would have been willing to take some leading Congressmen into the Ministry if they had been willing to co-operate in the war-effort. In November he submitted a resolution to the Assembly declaring its determination to resist aggression and protect the security and honour of the Punjab and India, and asking for an assurance that the constitutional position should be reconsidered after the war with a view to India's immediate attainment of Dominion Status with effective protection of minorities and in agreement with all parties concerned.[3] This resolution was carried by 104 votes to 39; and thenceforward, though there was evidence of anti-war sentiment and defeatism in some Congress quarters, the Punjabis as a whole remained true to their martial tradition, provided a steady flow of recruits for the armed forces, and backed without demur the Ministry's unswerving war policy.

Nevertheless, as the war years went slowly by, the Government's popularity declined. This was partly due, no doubt, to mere staleness, the effect on public opinion of seeing the same men in office year after year; but it was also due to the intrusion of an external factor, the Moslem League, and the consequent exacerbation of communal feeling, especially among the Sikhs. The enrolment of the Moslem members of the Unionist Party as members of the League, the conflict between Sir Sikander and Mr. Jinnah, the former's apparent acceptance of the Pakistan policy—all this will be recorded later.[4] Here it must be noted that, though these developments were welcomed by more militant Moslems as making for Moslem solidarity, they weakened the Premier's claim that the Punjab should as far as possible keep itself to itself and deal with its own communal difficulties in its own way. To the Sikhs the ascendancy of the League was particularly alarming. Mindful of the days when they had ruled the Moslems, they fiercely repudiated the idea of Pakistan. When the Viceroy enlarged his Executive Council in July 1941,[5] the fact that none of its eight Indian members was a Sikh was taken as a slight on the national importance of the Sikh

[1] Statement of Sept. 26, 1938; *Hindustan Times*, Sept. 29.
[2] *Statesman*, Aug. 27, 1939.
[3] *Punjab Legislative Assembly Debates*, vol. x, no. 8, p. 593.
[4] See Chapter XVII. [5] See p. 230 below.

community; and, though the Punjab Premier was not in any way responsible, he was blamed for it. There was a stormy Sikh conference, with the militant Akalis in the foreground, at Amritsar in August 1941; there were threats of 'direct action'; and in the course of the following winter alarmist rumours were current of an imminent Sikh revolt. Nor was the Sikh attitude softened, it was hardened, by the British Government's plan for the drafting of the post-war constitution, expounded by Sir Stafford Cripps in the spring of 1942.[1] A little later, however, a concordat was at last achieved. In July 1942 Sir Sikander Hyat Khan came to terms with Sardar Baldev Singh, a Sikh who commanded much more influence in his own community than the Sikhs who had hitherto held office, and appointed him Minister of Development. A few days later the Viceroy again expanded his Council, and among the eleven Indian Members there was now a Sikh, Sir Jogendra Singh, Member for Education, Health and Lands. As a result of these moves, particularly the former, the Punjab Government recovered most of its earlier strength, and it looked as if it would outlast the war when on December 26 Sir Sikander Hyat Khan died suddenly of a heart attack.

II. Law and Order

For many years the Punjab has ranked with Bengal as a Province in which the public peace is in serious and constant danger—from terrorism, from revolutionary Communism, and from communal strife—and in which, therefore, the firm maintenance of law and order is the Government's first and gravest responsibility.

On taking office Sir Sikander Hyat Khan's Ministry was immediately confronted with the problem which had created so much turmoil in the Provinces to the eastward and especially in Bengal. The hunger-strike movement for the release of 'political prisoners' began in a Punjab jail; and if the number of Punjabi terrorists serving their sentences was only 44,[2] that number ranked next to the exceptionally high number of Bengalis. The original strike in November 1937, in which only two convicts participated, attracted little public attention; but at the end of the year a Political Prisoners Release Society took the field, and when, early in 1938, another hunger-strike, involving some twenty convicts, mostly terrorists, was started at Lahore, this Society organised a public demonstration of sympathy. Some 20,000 people gathered round the Assembly Hall and subjected the police to a shower of brickbats and abuse. But the Government stood firm, and it was aided, as in Bengal, by Mr. Gandhi's repudiation of hunger-striking. Congress leaders were permitted to interview the convicts, and towards the end of February 1938 the strike was called off. In March seven 'non-violent' prisoners and in April five terrorists were released, on the understanding that any further misconduct would

[1] See p. 280 below.

[2] Of these 16 had been convicted of murder, 2 of attempt to murder, and 7 of dacoity with attempt to murder.

lead to their re-arrest. The trouble in the Andaman Islands having stimulated a demand in the Punjab as in other Provinces for the 'repatriation' of convicts from that distant settlement, the Punjabi terrorists confined there were transferred to jails at home in the course of the summer. As far as the Punjab was concerned that was the end of the prisoners' release affair.

In the middle of March 1938 a nasty incident occurred which showed how easily political controversy could degenerate into violence and bloodshed. Congress speakers having been severely heckled at a meeting at a village in the Amritsar district, a second meeting was arranged and was attended by Congressmen armed with knives and other weapons. The meeting passed off with only a few interruptions, but, after it was over, the Congressmen attacked the villagers, killing one man and wounding several before the police could quell the riot. Two Congress members of the Assembly were present. The party promptly issued their own version of the affair and attempted to make political capital of it. In due course judgment was pronounced in the Courts. Of the thirty-three Congressmen arrested, one was sentenced to transportation for life for murder and other offences, six were given various terms of imprisonment, and the rest were acquitted.

In the matter of labour unrest the less industrialised Punjab had less trouble than some of its neighbours. In May 1938 some 1,500 textile workers, incited, it was said, by Communists, struck for higher wages, but in two or three weeks an agreement was reached and most of the men returned to work. There was a short strike of scavengers at Multan in the summer of 1939, and another at Lahore in the spring of 1941.

More serious was the preaching of active sedition. Early in its life, in August 1937, the Government showed that in this matter too it meant to take a firm line. Two of the prisoners who had been released in another Province and who proposed to attend a Communist meeting in the Punjab were denied entry, and a Sikh agitator, who had made a name for himself in the Akali disturbances of 1924, was arrested, tried and imprisoned for sedition. The Congress Press made much of these 'high-handed' measures, and Pandit Jawaharlal Nehru, who was visiting the Province, took occasion to contrast the abject condition of the Punjab under a tyrannical Government with the freedom enjoyed in the Congress Provinces. Up to the war and during it Communist agitation persisted, and in the winter of 1940 a number of its leaders were arrested. But the movement continued to hold its ground among younger intellectuals and university students. It is organised on an all-India basis, and the German attack on Russia brought about the same change of front in the Punjab as in Bengal: many Communists, who had previously been anti-war, now declared themselves eager to fight on the same side as Russia; and when, in the summer of 1942, the Central Government raised the ban on the Communist Party, most of the Communists under detention in the Punjab as in other Provinces were released.

Another disorder from which most of the Provinces suffered in the pre-war period was the growth of militant partisan organisations. In the Punjab as elsewhere, the most formidable of these were the Kisans or peasant societies and the Khaksars, a militant Moslem body, of which more will be said later on. Another active body was the Punjab Congress Socialist Party, which went so far as to constitute a 'National Militia' to 'deal with hooligans of the Unionist Party'. The Sikhs likewise had their volunteer organisations, such as the 'Akali Fauj', which purported to perform social services to the Sikh community at religious fairs and festivals. An example of the trouble caused by these irresponsible bodies was the persistent agitation engineered by the Congress Socialist Party and the Kisans with regard to the payment of land-revenue and other agrarian questions. Again the Government was firm. Demonstrations in Lahore were broken up by the police and their ringleaders arrested; and, when the agitation still continued in the country districts, the local officers were instructed to deal with bodies of volunteers as unlawful assemblies. These measures proved effective, and the trouble finally subsided in the autumn after discussions between the Premier and the Kisan leaders.

But far the worst threat to the peace of the Punjab was communal strife. The Province, as has already been remarked, has always been notorious on this score, and the tension has steadily been growing in recent years. No student of society and politics can tour the country without becoming instantly aware of it. Except in the most advanced and enlightened circles—and even that exception may not be wholly valid—everybody seems to suffer more or less from communal self-consciousness. If anyone wished to conceal his faith as a matter of purely private interest, he could not do it. His name betrays him. It does not occur to the average Punjabi that, since he has to live side by side with members of other communities, he should moderate his communal loyalty. The idea of being non-communal or neutral in the ordinary affairs of life would seem to him unnatural and absurd. As a matter of course he prefers to shop with tradesmen of his own community and so forth; and nothing will induce him to believe that all his fellow Punjabis, however highly placed, do not feel and act as he does. Even the Courts are not above suspicion. Clients are shy of employing lawyers of a community other than their own. Judges are by no means regarded as unprejudiced. Young magistrates, fresh to their work, are dismayed to find that every decision they make as between members of different communities, even if the matter in dispute be utterly trivial, is at once denounced by the losing party as having been manifestly dictated by communal bias. When communal tension is acute in a country district, the local leaders still, as they always used to do, implore the Government to send them a British official: they may or may not trust their Indian magistrate's impartiality themselves, but they know what their fellow countryfolk will think. There is less blind prejudice, of course, in the educated class, especially among the younger generation; but even the Communist students tend to split into

Hindu and Moslem sections. It is not surprising to find young idealists asking if religion is a blessing or a curse. What is more surprising is the gross irresponsibility of the Press. With a few notable exceptions, newspaper editors, anxious, no doubt, to give their readers what they want, make a habit of describing every communal dispute in the most sensational and provocative language they can command.

In such an explosive atmosphere outbreaks of violence and bloodshed are inevitable, and not only for what might be regarded as the normal or regular reasons—religious festivals, processions, music outside mosques, cow-killing.[1] The most trifling incident leads to blows and may mean a death or many deaths. A barrel rolled by a Moslem accidentally hits a Hindu who gathers his friends to attack the Moslem and his friends. A Moslem has an altercation with a Sikh shopkeeper over the price of rice: the Sikh draws a knife and stabs him. A Hindu is said to have named his donkey 'Muhammad'. A Moslem kills him in broad daylight and gets away. The Hindus report the crime to the police, naming four leading but quite innocent Moslems as the murderers. They proceed to loot Moslem shops and to besiege the house of the local Moslem member of the legislature, shouting obscenities. To avenge these insults some six or eight Moslems in another corner of the town decide to kill the first Hindu they come across. This happens to be a harmless old temple-attendant. They set on him, beat the life out of him, and throw his body in a drain. At dusk the same evening a Hindu boy of four, playing in an alley, is seized by two Moslems, taken into a neighbouring house, throttled, and his body flung into the street.[2]

Under such conditions the communal problem is necessarily the major problem of law and order in the Punjab, and the new Government was soon required to deal with it.[3] At the end of a few months four outbreaks of fighting had occurred—three between Moslems and Sikhs, one between Moslems and Hindus. The Premier called a conference and appointed a committee to examine the causes of friction, but, though Sir Sikander's request for support in taking strong measures against deliberate communal incendiarism was backed by the Assembly, the Congress refused to take part in the conference and there was no softening of the strident communalism

[1] See Part 1, 30.

[2] Another incident of the past may be cited, to illustrate not the triviality of the provocation—it was not trivial in this case—but the communalists' attitude to murder. A Hindu bookseller of Lahore printed in 1929 a book called *Rangila Rasul* ('The Luxurious Prophet') which reflected on Mahomet's morals. Several attempts were made to kill him, but were frustrated. A certain Ilam Din at last succeeded. He was caught, tried, convicted, and hanged. The justice of his sentence—he had confessed his guilt—was not disputed, but Moslem feeling ran high. His execution was arranged at a distant jail, but the body was brought back to the city and a huge procession accompanied it to the burial-ground. The murderer is still revered as a martyr, and pilgrims visit his tomb.

[3] The excitability of religious feeling at this period may be illustrated by the fact that the Central Government was reluctantly compelled to abandon, at a cost to the taxpayer estimated at some 50 lakhs (£375,000), a scheme for building a central *abattoir* near Lahore, because of the feverish agitation it aroused, which, though vested interests and anti-Government faction fanned the flames, was mainly inspired by Hindu repugnance to the slaughter of cattle.

of the newspapers. Early in 1938 there was another Moslem-Hindu riot; and meantime, in midwinter, an old quarrel as to the ownership of the Shahidganj mosque in Lahore had been wantonly resuscitated by a militant Moslem sect, known as the Ahrars. The Shahidganj mosque, though claimed by the Moslems and originally no doubt a mosque, had been in the possession of the Sikhs for about a century, and their possession had been confirmed by previous judicial decisions. In the summer of 1935 it was rumoured that the Sikhs were going to demolish it: indeed they did subsequently demolish a portion of it. This led to an agitation which for several months held the whole Province in suspense. There were grave disturbances in Lahore where the police and military had to open fire on several occasions. After tempers had cooled down, the Moslems decided to make one more attempt to obtain possession of the building through the Courts and filed a civil suit for possession. By the winter of 1937-8 this suit was nearing its final conclusion. An opportunity was thus afforded to revive the agitation. The Ahrars, who took the initiative, belong to the minority of Punjabi Moslems whose political sympathies lie with the Congress, and the agitation was thought to have been inspired and perhaps financed by Congressmen in order to embarrass the Government. However that may be, a kind of 'civil disobedience' movement was set on foot among the Ahrars, and, day by day, parties of 'volunteers', mostly ignorant fanatics, courted arrest by marching to the mosque in defiance of Government orders. By the end of January 1938, 200 of them had been arrested and 158 were in jail. About the same time the Moslems' civil suit for possession of the mosque was decided by the High Court in favour of the Sikhs; but this only served to raise the temperature, and further 'volunteers' from the North-West Frontier Province, the United Provinces and Delhi were soon marching on Lahore. The number of arrests rose to over 1,000. To make matters worse, a Moslem League member of the legislature gave notice of a bill to apply Moslem law with retrospective effect to all buildings which had ever been mosques. Had it become law, it would have overridden the judgment of the Court and transferred the Shahidganj mosque and many other buildings now in Sikh or Hindu occupation to the Moslems. Nevertheless twenty-four Moslems of the Unionist Party were prepared to back the bill, and a grave political crisis, probably involving the Premier's resignation, was only averted by the intervention of the Governor, who, after discussion with Ministers, used the discretionary power vested in him with regard to the extinguishment or modification of rights in land[1] to refuse leave for the introduction of the bill. In some other Provinces this action by the Governor might have intensified the crisis by converting the issue into a conflict between the Governor and the Assembly; but in a frank and impressive speech on the dangers inherent in the bill the Premier declared that the Governor's decision, though taken at his discretion, was in accordance with Ministers' advice. He carried the House with him, and nineteen

[1] Act of 1935, S. 299 (3).

of the twenty-four rebels resumed their allegiance. The Council of the Moslem League approved the Premier's conduct, and a month later it held a special 'Shahidganj Session' of the League at Calcutta, which, showing the same moderation as the Congress had shown on the hunger-strike question, decided that 'civil disobedience' ought to be discountenanced and that every effort should be made to localise the quarrel. Thereafter the agitation rapidly subsided, the trickle of 'volunteers' petered out, and the tension was still further lowered by the grant to the Moslems of leave to appeal to the Privy Council against the High Court's decision. It is a tribute to the Punjabis' respect for the 'rule of law' and its machinery that there was no further trouble during the pending of the appeal and that when, a year later, judgment was given upholding the High Court, the agitation was not revived.[1]

But the subsidence of this particular disturbance did not mean that communal feeling in general was any less acute. In October 1938 an accusation levied against a Moslem woman of stealing cloth from a Hindu shop in Multan precipitated a serious riot. Two persons were killed, and eighty-six injured. Several buildings, including the local Congress office, were fired by the mob; and British troops had to be called in to restore order. In March 1939 two persons were killed and eighteen injured in a riot at Amritsar arising from a Muharram procession traversing the Hindu quarter of the city. British troops were again called in.

In the following summer the peace of the Punjab and other Provinces too was threatened by another large-scale communal disturbance. The so-called Khaksar movement had been started in 1931 by Inayatullah Khan Mashriqi, an ex-member of the Educational Service in the North-West Frontier Province, who had resigned his post and set himself to organise a brotherhood of Moslems dedicated to social service and ultimately and somewhat vaguely to the attainment of *Swaraj*. The movement spread slowly and sporadically from its headquarters at Lahore over several other Provinces, and in the pre-war period it assumed the quasi-military character which, as has been seen, was becoming fashionable at that time. The Khaksars drilled and marched in khaki, and, like some contemporary Nazi formations, they carried spades—a nasty weapon at close quarters. The organisation was financed by Moslem sympathisers and from Inayatullah's own substantial means. At the beginning of 1939 their strength was estimated at about 7,500. So far they had not threatened to disturb the peace, but in August 1939 a little 'army' of them invaded the United Provinces in order to intervene in the protracted dispute at Lucknow between the Sunni and Shia branches of the Moslem community. They succeeded in keeping up their agitation in defiance of the United Provinces Provincial Government until the Congress Ministers resigned in November;

[1] In January 1940 a young Moslem, disguised as a Hindu, obtained entry to the shrine and wounded three of its Sikh guardians.

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but, when the Governor took over the administration, they quickly came to terms and withdrew.[1]

Their numbers, meantime, had been growing, up to 17,000 or more, and groups were now scattered widely over British India—in every Province except Madras, Orissa and Assam—and even in some of the States. And Inayatullah's mind had taken a Napoleonic turn. He was said to be dreaming of mastering all India and Burma and dividing them up into fourteen satrapies under his appointed rulers. In the Punjab the parades and military evolutions of his followers began to arouse serious alarm amongst members of other communities. The Government, fearing that if the Khaksars continued their martial exercises, rival private armies would also be started, tried to persuade them to confine themselves to social service. But these efforts were unsuccessful, and so on February 28, 1940, they boldly passed an order forbidding drilling in military formation. On March 19 this order was deliberately defied by a large body of Khaksars in Lahore who had been reinforced by bands from the North-West Frontier Province. There followed a sanguinary clash between them and the police, in which casualties on both sides were heavy. The Punjab Government took prompt *and vigorous action. Inayatullah, who was in Delhi at the time,* was arrested, and the Khaksars were declared an unlawful association throughout the Province. There was then a period of hesitation. It was not till August that the Central Government took the action to be recorded presently, and meantime the whole onus of dealing with the Khaksars was left with the predominantly Moslem Government of the Punjab, which was now confronted with considerable difficulties. The bulk of the Moslem community had at first looked coldly on the Khaksars; they had resented their leader's grandiose pretensions and their defiance of the Moslem Premier and his colleagues; but they became more sympathetic as the Hindu newspapers became more abusive of the Khaksars and bestowed unusual praise on the Government's repressive policy. Meanwhile a number of Khaksars had established themselves in mosques at Lahore and elsewhere. To deal with them without bloodshed was a difficult business, but, after several uneasy weeks, the Government again decided to take vigorous action. On June 11 a strong force of police, with troops in reserve, attacked the mosques occupied by Khaksars and with the aid of tear-gas drove the intruders out of nine. The tenth was cleared on the 22nd. It was a quick and clean affair. Only one Khaksar was killed and only fourteen injured. 276 were arrested. At the same time 500 extra police were quartered in the old city of Lahore at the cost of the Moslem inhabitants and of those non-Moslems who were known to have supported the agitation. In the course of July the Government issued two orders under the Defence of India Rules. The second and more stringent prohibited—in the larger towns of the Province for a period of six months—all processions except for marriages and funerals and for such other purposes as might be officially permitted.

[1] See p. 131 below.

In August the Ministers' hands were further strengthened by action at the Centre.[1] It had been decided that 'private armies', dangerous enough in peace-time, were intolerable in war-time. As the Central Government's *communiqué* pointed out, it was impossible to suppose that the great majority of the 'volunteer' bodies existed for any legitimate or peaceful purpose: they were evidently intended either for communal conflict or as a means of supplanting the existing administration. Orders, accordingly, were issued under the Defence of India Rules, forbidding in all British India any activities of a military kind, with or without arms, and banning the public use of anything resembling a military or police uniform. Certain bodies, such as the Boy Scouts, were exempted, and Provincial Governments were empowered to exempt other organisations. The Congress Working Committee, meeting at Wardha, protested against the application of this order to Congress 'volunteers' whose lawful and peaceful work, they said, must be continued.[2] But certainly in the Punjab and probably elsewhere public opinion in general was relieved at the suppression of this alarming feature of recent Indian politics.

During the next few months the Punjab Government attempted to reach a final settlement of the Khaksar trouble. In September the ban on the organisation was withdrawn, and in October, on assurance of good conduct, over 600 Khaksar prisoners, whose offences had not been aggravated by violence, were released. Yet the movement refused to fade out. Early in 1941 it flared up again. The immediate release of Inayatullah was demanded. Khaksars donned their uniforms again and drilled. A training camp was organised. March 19, the date of the clash in 1940, was celebrated as 'Martyrs' Day' and May 2 as 'Inayatullah's Day'. Finally a plot was hatched to assemble at various mosques, both in the Punjab and in other Provinces, and organise marches and processions in defiance of the authorities. Official warnings to the leaders went unheeded, and on June 5 the Central Government, using its new emergency powers under the amending Act of 1939,[3] directed all Provincial Governments to declare the Khaksars once more to be an 'unlawful association',[4] to arrest their leaders, and to prevent the execution of the proposed campaign. These instructions were efficiently obeyed. Except in the Central Provinces, there was virtually no trouble. In the Punjab it seemed as if the movement had at last received its quietus. But there were signs of revival in October when Inayatullah, taking a leaf from Mr. Gandhi's book, began a 'penitential fast' in prison. There were minor demonstrations and disturbances in a number of places. But the revival lacked leadership and drive, and in January 1942, Inayatullah, now confined in Madras, broke his fast and issued a statement ordering his followers

[1] For the extension of the Central Government's authority in the Provinces after the outbreak of war, see p. 209 below.
[2] *Indian Annual Register*, 1940, ii. 198.
[3] See p. 209 below.
[4] Under Section 16 of the Criminal Law Amendment Act of 1908.

to abandon their uniforms and spades and military activities for the duration of the war. He was subsequently released, but required to remain within the Madras provincial boundaries. The ban on the organisation was kept in force.

Fortunately this long and dangerous episode had not provoked any general increase of communal disorder. Indeed, in the first year or two of the war there was less fighting and bloodshed than in the last few years of peace. That does not mean that communal hostility had softened. It was bitter enough, for instance, in March 1941, when Mr. Jinnah was in the Province preaching Pakistan and the Hindus and the Sikhs were holding conferences to denounce it. Yet there was only a brief and minor outbreak at Amritsar in that month; one man was killed and fifteen injured. In April the worst incident was the shooting of a Moslem by a Hindu for killing a calf. In May, however, there was more serious trouble. A quarrel in a school in the Hissar district between some Hindu pupils and the Moslem headmaster led to a general clash in which nine Moslems and two Hindus were killed and twenty-six Moslems and fifteen Hindus injured. Shortly after this, two 'unity' campaigns were set on foot in Lahore. One was organised by the young left-wing President of the Provincial Congress Committee at Mr. Gandhi's bidding. The Premier was reported to have warmly blessed it, and its committee included the leaders of the Moslem League, the Mahasabha and the Akali Sikhs. The other campaign was undertaken by a rival group of Congressmen. But little came of them There was no genuine subordination of party sentiment to the common need, no real improvement in the atmosphere.

It may be said, in conclusion, that in the Punjab, as in Bengal, the Government has unquestionably proved its capacity to maintain law and order in a Province in which the task is particularly difficult. It could be argued that its handling of the communal question has not been as firm on the whole as that of the previous administration. But the old Executive Council was in effect a neutral body, and in the new popular Ministry all three communities are represented. If Ministers have leaned at times to compromise, that in itself is no bad thing: it is what communalism anywhere in India desperately needs; and they certainly cannot be charged with persistent or excessive weakness. They have not hesitated to use their powers and to call in the police and the troops at need. They have fully supported district officers in their efforts to control disorder in the country at large. They did not throw away the instruments of repression with which the existing law entrusted them. In the case of the Shahidganj agitation they freely employed the Press Act to deter the more violent newspapers from adding fuel to the flames of communal passion. But for all this they got small credit from the politicians and journalists of the Opposition. Sir Sikander's repeated appeals to the Press were consistently ignored. If the stand he took on the Shahidganj dispute and the speech he made to the Assembly made a marked impression on public opinion, it

was mainly Moslem opinion; and if Congress writers did not quarrel with his handling of communal disturbances—they applauded his firm treatment of the Khaksars—they persistently attacked his policy on other questions of law and order, especially his refusal to tolerate subversive agitation on the extreme Left. In such matters, they said, the new *régime* was as bad as the old or worse.

III. Social Policy

The agrarian question is the dominant question in every part of India, but even more dominant in the Punjab than in the other major Provinces since its urban population is relatively smaller and its industrial development less advanced. Naturally, therefore, the Government's legislative programme was first and last agrarian. By 1942 it had carried the following measures among others. (1) Three Acts to amend that sheet anchor of the Punjab agriculturalist, the Punjab Alienation of Land Act 1900. The main purpose of the original Act was to restrict the sale or mortgage of agricultural land to urban non-agriculturalists. The amending Acts placed further restrictions on the transfer of such land to moneylenders and mortgagees and on the use to which the land could be put by a mortgagee; they also annulled alienations whenever made with restoration of possession to the alienor, if in contravention of the provisions of the original Act.[1] (2) The Restitution of Mortgaged Lands Act, providing for the liquidation on easy terms of all mortgages executed before 1901 (*i.e.* before the imposition by the Act of 1900 of a statutory limit of twenty years on agricultural mortgages).[2] (3) The Agricultural Markets Products Act,[3] mainly intended to prevent malpractices in the markets whereby the ignorant cultivator had been defrauded of his just dues. (4) The Registration of Moneylenders Act, denying to a moneylender the assistance of the courts in obtaining the repayment of a loan unless he holds, or has applied for, a licence.[4] (5) The Relief of Indebtedness Act, which, like similar legislation in Bengal and other Provinces, limited the rate of interest, prohibited the imprisonment of debtors, and restricted creditors' powers of seizing property in execution of debt.[5] Since most of the moneylenders and most of the Congress members of the legislature belong to the same *bania* class, these 'black bills' were violently attacked in the Assembly and in the Congress newspapers, and an association of non-agriculturalists was formed to whip up agitation against them in the towns. But, fierce as it was for a time, the opposition ultimately petered out, mainly because the measures were in harmony with the policy officially adopted by the Congress for all British India and now being carried out in the Congress Provinces. The 'high command', accordingly, overrode the Provincial Congress Committee and did its best to damp the agitation

[1] V and X of 1938 and VIII of 1940. Two of these bills were reserved by the Governor for the Governor-General's consideration on points of law. One was approved, the other returned to the legislature with amendments which it accepted.
[2] IV of 1938. [3] V of 1939. [4] III of 1938.
[5] XII of 1940. Reserved for Governor-General's assent which was given.

down. As to the popularity of the measures in the rural areas there was no doubt at all. Ministers, touring the country, were greeted by jubilant and cheering crowds.

At the end of 1940 the quarrel was renewed on the issue of taxation. The Government proposed and eventually carried three measures: (1) a tax on urban immovable property, (2) a bill restricting urban rents in order to prevent landlords passing the burden of the tax on to their tenants, and (3) a general sales tax.[1] All these measures, particularly the last, were strenuously resisted, and this time the local Congressmen were backed by the 'high command'. On its orders they withdrew from the Assembly, and with its help agitation was widely and effectively organised outside. There was a local *hartal* or shop-closing strike at Amritsar in December 1940 and a more general one in May 1941. Ministers showed a willingness to compromise, and in view of their assurances the traders' association called the *hartal* off. But it was resumed in January 1942 and stubbornly maintained for several weeks. The main demand was for the raising of the limit of exemption from the sales tax from a turnover of 5,000 rupees to one of 20,000. Again the Government was conciliatory. It passed an amending Act, fixing the limit at 10,000 rupees and meeting the traders' claims on other points. But the *hartal* still persisted, encouraged, it was clear, by political agitators, till the poorer classes of the population in Lahore and elsewhere were beginning to find it difficult to buy the necessaries of life. There were unruly scenes in the streets of Lahore. Processions were broken up by the police, and six Congress members of the Assembly were arrested. The tension had become acute when on February 26 the *hartal* was at last called off.

The strikers' case was not a strong one. The taxes were neither unjust in principle nor excessive in amount. Similar taxation had been levied by the Congress Ministries in Madras and other Provinces. The strength of the agitation was due, in fact, not so much to these taxes as to a long pent-up resentment against an administration whose whole course seemed biased in favour of the countryfolk and against the townsmen. And this resentment had certainly been deepened by the denunciations of the propertied classes in which Sir Chotu Ram, the passionate champion of the rural underdog and the most dynamic personality in the Government, occasionally indulged. That in itself, however, may have helped to prevent the quarrel becoming primarily a communal quarrel: most of the traders might be Hindus, but Sir Chotu was fighting for Hindu agriculturalists as much as Moslem.

There were other Government measures in aid of the countryfolk which could not be represented as injurious to urban interests. Tenancy legislation, such as was carried in Bengal and most of the other Provinces in this period, was not an urgent need in the Punjab—only one minor Act was passed[2]—but the Village Panchayat Act[3] began the process of

[1] XVII of 1940, IV and X of 1941. [2] IX of 1939. [3] XI of 1939.

strengthening local self-government, so much needed everywhere in India, by increasing the simple social services under the *panchayat*'s (village council's) control and extending its judicial powers; and the State Aid to Industries Act[1] provided public money for the maintenance of cottage and village crafts. The Government pledged itself, moreover, to a 'five-year plan' of rural development costing 10 lakhs (£75,000) a year. Nor was urban welfare wholly neglected. The Trade Employees Act[2] prohibited the employment of children under 14 unless they were genuine apprentices, and imposed early closing, holidays with pay, and so on. Lastly, for the benefit of the whole community, the Government succeeded, after some years' discussion arising mainly from communal suspicions and intransigence, in carrying at last at the end of 1940 a Primary Education Act[3] the main purport of which was to enable any local authority to make primary education compulsory for boys between 6 and 12 and girls between 6 and 11 in the whole or part of the area under its jurisdiction.

As to educational administration a steady process of consolidating and expanding the existing schools was reported in these years. The percentage ratio of boys and girls at school to the total population of the Province in 1937 was 5·5—in the whole of British India it was 5·4—but by 1939-40 it had risen to 5·9.[4] An encouraging feature of this increase was that the girls had a substantial share in it: their school attendance rose by upwards of 9,000 each year; but here, as everywhere else in India, much headway must still be made before the expansion of girls' schooling equals that of boys'. In the summer of 1938 a campaign against adult illiteracy, similar to those in the Congress Provinces to be described in Chapter XIII, was launched by the Education Minister, Mr. Abdul Haye, and a five-year programme was adopted for the progressive elimination of illiteracy throughout the Province at an annual cost of 22,800 rupees (£1,710).[5]

The expenditure on the Punjab social services as a whole was 24 per cent. higher in 1939-40 than in 1936-7.

As to Prohibition, Government was even more cautious in the Punjab than in Bengal. It did not repudiate it on principle, but the Revenue Minister pointed out, early in 1938, that the application of Prohibition to the whole Province would mean an annual loss of 116 lakhs (£870,000). The Government, he added, was thinking of making an experiment in one district. Nothing more has been heard of it.

[1] III of 1940. [2] X of 1940.

[3] XVIII of 1940. The application of compulsion under the previous Act was officially admitted in 1938 to have been a failure: *Report on the Progress of Education in the Punjab, 1937-8*, p. 3.

[4] These and similar subsequent figures must be slightly scaled down since they are based on the 1931 census and make no allowance for the increase of population in the last decade. The percentage of school-age (6-11) population to total population is usually reckoned as 12.

[5] *Annual Reports on the Progress of Education in the Punjab from 1937-8 to 1940-1.*

CHAPTER VI

THE NON-CONGRESS GOVERNMENTS: III. ASSAM

It was not to be expected that the other two non-Congress Provinces would make as much of the new constitution as Bengal or the Punjab. Assam and Sind are backward Provinces. Their populations are relatively small, about 10 millions and 4½ millions respectively. There is little urban or industrial development. The revenue of Assam in the last quinquennium of the old *régime* averaged only about £1,695,000 a year; and it was doubtful, as has been seen, whether the financial resources of Sind were sufficient to justify its detachment as a separate Province from Bombay.[1] In both Provinces, therefore, the number of the educated and politically-minded people needed to take the lead in democratic politics, to man the legislature and the Ministry, is small; and neither Province possesses the material resources to finance a substantial programme of social betterment. Account must be taken of those basic weaknesses in judging the record of Assam and Sind under the new Act.

I. The Government

In three respects the result of the elections in Assam was similar to the result in neighbouring Bengal. There was a multiplicity of parties, no less than fourteen: the Congress won most seats, but much less than a majority: and the Moslems were divided under several party labels. Of the 108 seats in the Assembly 35 went to Congressmen (one of whom was a Moslem), 34 to Moslem parties (14 Independent Moslems, 9 Moslem League, 5 Assam Valley Moslems, 5 Surma Valley Moslems, 1 Proja Party), 10 to the Independent Hindus, 4 to Labour, 3 to the United People's Party, 2 to the Indian Planters, 1 to the Indian Christians, 1 to the Independent Women, and 9 to the Europeans. Of the 21 members of the Council or upper house 10 were Moderates (Hindu), 6 Independent Moslems, 2 Europeans, and 3 nominated members.

An eminent Moslem lawyer, Sir Syed Muhammad Saadulla, was invited to form a Government, and, having chosen two Moslems, one Indian Christian and one non-Congress Hindu (Mr. R. Chaudhury) as his colleagues, he succeeded in obtaining sufficient co-operation among the rival Moslem groups to provide him, together with the Europeans and a few Independents, with a majority in the Assembly. But it was a small and precarious majority, and, though the Congress opposition suffered from a lack of leadership, the Government's position was far from safe. When it was decided in July 1937 that Congressmen might take office, the possibility of a Congress-Moslem coalition was canvassed; but that method of obtaining a more stable Government was soon ruled out, as in other Provinces, by the Work-

[1] See Part I, 119, 127.

ing Committee's instructions. A coalition in Assam might, indeed, be permitted, it was said, but only if it pledged itself to the full-scale Congress electoral programme. So the Government struggled on alone, and at the end of the year it was defeated on a minor question in the Assembly and threatened with the possibility of a direct vote of no-confidence being carried against it. It was difficult for the Premier to strengthen his Cabinet, since its chief weakness was the incompetence of the two Moslem Ministers both in administration and in debate; and, since it was mainly personal and sectional issues that counted in the legislature, to replace the two Ministers with better men was to lose the votes of the former's supporters. From this dilemma the Premier escaped by an ingenious device. He reconstructed his Government with two new Moslems but also with a new Minister to represent the Scheduled Castes who brought with him five certain votes. The case for this appointment on administrative grounds was so weak that it could scarcely have been made if the new Minister had not agreed to accept half the normal salary and if this half had not been contributed by the other five Ministers so as to avoid any extra call on public funds. By these means the Government just succeeded in prolonging its life till the end of the session in March 1938. A motion of no-confidence, instigated by the two ex-Ministers, was defeated by one vote. But the Government gained no strength in the recess, and, when the Assembly met again in September, four motions of no-confidence were tabled, and rather than fight them Sir Muhammad Saadulla resigned.

The Governor (Sir Robert Reid) invited the Congress leader, Mr. Gopinath Bardoloi, to form a Government. Since all Congress Ministers were required to accept a uniform low-level salary of 500 rupees a month (£450 a year),[1] Mr. Bardoloi was able to adopt and improve upon his predecessor's stratagem. He proposed to form a Cabinet of eight, and submitted to the Governor the names of four Hindus, one of whom was the same representative of the Scheduled Castes who had served in the former Cabinet. Meantime the Moslem groups whose disunion and dissidence had been mainly responsible for Sir Muhammad's fall had repented of their handiwork and formed at last a solid Moslem block, the Assam United Party, which with the support of the European Group could command 56 out of the 107 votes in the Assembly.[2] Thus the new Government, it seemed, would have to face a hostile majority; nor was its personnel complete, since Mr. Bardoloi was finding it difficult to fill the three posts he had reserved for Moslems. To gain time he persuaded the Speaker, a Congressman, to adjourn the Assembly *sine die* (September 19). The Governor, thereupon, refused to have the oath of office administered to Mr. Bardoloi and his four colleagues until he had obtained from the Speaker an assurance that the session would be resumed, and the Government's position thereby tested, not later than October 20. Mr. Bardoloi, however, demanded that the adjournment should

[1] With house and car allowance.
[2] Of the 108 seats, one was occupied by the Speaker.

last till the New Year, and the Speaker, having issued a lengthy but not very convincing statement of his reasons, withdrew his previous assurance and announced that the House would meet on December 1. It was difficult for the Governor to renew his request for an earlier meeting, since it was only by refraining from summoning the legislature that the interim Governments had been kept in office in the Congress Provinces; and he may well have felt that the fact that the presumptive hostile majority depended on the adherence of the European group was another good reason for not pressing the issue.

Thus Mr. Bardoloi obtained a breathing space, and he used it well. By the end of October he had secured his three Moslem Ministers—one of them was the Moslem Congress member of the Assembly, another was one of the two Ministers discarded by the previous Premier, and the third was a deserter from the Assam United Party—and in the subsequent weeks he did all he could to win over wavering in the Assembly to his side. When it met on December 1, the inevitable motion of no-confidence was defeated by four votes. Thenceforward till the crisis caused by the outbreak of war in the following September the Government, though scarcely more stable than its predecessor, remained in being, and, since its chief was a Congressman and acted like the other Congress Premiers under the instructions of the 'high command', it could be reckoned for nearly a year as one of the Congress Governments. But, unlike the others, it was a coalition, and one in which only two of the eight members were Congressmen. Naturally, therefore, the reluctance of the Government to resign in obedience to the orders of the Congress 'high command' in October 1939[1] was more marked in Assam than in the 'pure' Congress Provinces. For the same reason it was possible in Assam, as it was not possible in those other Provinces, for the Governor to obtain an alternative Government. When Mr. Bardoloi resigned, Sir Muhammad Saadulla resumed the Premiership.

The Government he formed was not a strong one. Some of his nine colleagues[2] were men of small ability and repute, and his narrow majority in the Assembly was in constant danger from the pressure, not always of a respectable kind, brought to bear on some of his less reliable supporters. To some extent his position was eased by the withdrawal of Congressmen from the legislature on orders from above and by the imprisonment of some of them in 1941 for participation in the *satyagraha* campaign.[3] With short sessions and little legislation he was able to carry on for two years, but all the time intrigue was rife, nor could the Province, remote as it was, escape the disruptive currents of all-India politics. As in the Punjab, the Moslem Premier's resignation of his seat on the Defence Council in the summer of 1941[4] on Mr. Jinnah's peremptory orders meant a certain loss of prestige. In the autumn it was believed that Mr. Bardoloi had obtained

[1] See p. 218 below.

[2] One of the Ministers was Miss Mavis Dunn, the second woman to hold office in a Provincial Government: see p. 112, note 2 below.

[3] See pp. 248-9 below.

[4] See p. 253 below.

his 'high command's' permission to take a hand again in the parliamentary game. In November Mr. Savarkar, President of the Hindu Mahasabha[1] and opposed on principle to any Ministry headed by a member of the Moslem League, visited the Province. At the beginning of December, undeterred by the outbreak of war with Japan and the fact that Assam lay nearest to the enemy, the conspirators brought off their *coup*. At the meeting of the Assembly on December 9 Mr. Chaudhury, who was Education Minister in Sir Muhammad Saadulla's second Ministry as in his first, announced his resignation and the formation of a new party which would support him if he became Premier. A few days later Sir Muhammad, with his remaining colleagues, resigned. On his advice the Governor sent for Mr. Bardoloi, who refused office, but said his party would support Mr. Chaudhury, though it could not co-operate in the war-effort or vote for expenditure thereon. Mr. Chaudhury was then interviewed, and claimed that he could keep a Ministry in power by relying on the Opposition's help to carry those war measures which his Congress supporters could not accept. Not unnaturally he could give no proof that this curious plan would work. Sir Muhammad having declined to attempt to form another Government, the Governor took over the administration of the Province under Section 93 of the Act of 1935.[2] He explained in his official statement that he could accept no Ministry which would not take its full part in the prosecution of the war.

Thus the number of Provinces under responsible government, which had been increased to five in the previous month,[3] was reduced again to four. The Congress had won a victory, a more decisive victory than in Bengal. In both Provinces the Moslem League had been defeated, but in Bengal it had not been the work of the orthodox Congress group, nor had responsible government been killed. But it proved a short-lived success. Assam is a frontier Province, and the triumphs of the Japanese in the south in the winter of 1941-2 and their steady northward advance in the spring seemed to have a steadying effect on political ambitions and discussions at Shillong. Negotiations were set on foot for the restoration of ministerial government, and in July it was calculated that Sir Muhammad Saadulla's party could count on 53 votes which, together with the 9 votes of the European party, would give him at least as good a prospect of keeping office in a house of 107 (not counting the Speaker) as any Ministry in Assam had yet enjoyed. On August 25 the Governor (now Sir Andrew Clow), having obtained an explicit assurance of wholehearted co-operation in the war-effort, revoked the Section 93 proclamation and Sir Muhammad Saadulla was once again invited to form a Ministry.

II. The Political Record

The Government was gravely handicapped from the outset by lack of revenue—each year's budget showed a deficit[4]—and a constructive social

[1] See p. 193 below. [2] See p. 234 below. [3] See p. 78 below. [4] See table facing p. 158 below.

policy was on that account alone impracticable. Large-scale measures of agrarian reform such as were carried in other Provinces were obviously out of the question; and it was only under pressure in the Assembly, vigorously led by the Congress members, that Sir Muhammad Saadulla, who for most of his periods of office was his own Finance Minister, agreed to relieve the poorest class of agriculturalists by reducing their land-dues by one-third. Nor could Mr. Bardoloi's Government do much more. The reduction of land-dues was increased in some cases to one-half. Ministers' salaries were lowered. The few 'political prisoners' in the Province were released. But the Congress electoral programme, a good deal of which, as will be seen, was implemented by the 'pure' Congress Governments elsewhere, remained virtually a dead letter in Assam. Even the proposal to introduce Prohibition in one district was left on the shelf for the simple reason that it would cost too much. One or two small and inexpensive measures were carried—an Act to equalise the rating system, an Act to protect the property of wards from their creditors, an Act to enable women to be elected on municipal committees, and an Act to allow well-behaved convicts to be released on probation.[1] In the course of the second Saadulla Ministry further protection was given to poorer agriculturalists in debt by an Act postponing for two years, and possibly three, the execution of money decrees, the foreclosure of mortgages, and the seizure of certain kinds of property.[2] Another useful Act provided for the construction and control of embankments and the improvement of drainage.[3] Taken all together, however, Assam's legislative record could not compare with that of other Provinces, even if allowance be made for its relative poverty. Out of 38 Acts passed between 1937 and 1941, 11 were concerned with the salaries or allowances of Ministers or members of the legislature.

In administration also Assam would have fallen behind if the civil services had failed to bear the strain imposed on them by the mediocrity of most of their ministerial chiefs. Nor was the administrative field exempt from party politics. Two measures in particular were forced on the first Saadulla Government by the pressure of the Congress Party in the Assembly. The need for financial retrenchment was self-evident, especially in view of the loss of revenue occasioned by the lowering of the land-dues; and the Congressmen, who had been responsible for that concession, proposed as a partial offset that the C.I.D. (Criminal Investigation Department) and the two Divisional Commissionerships in the Province should be abolished. But these proposals were not inspired by economy only. The C.I.D., and its political branch in particular, had been concerned in the detection, arrest and punishment of Congressmen who had taken part in the 'civil disobedience' campaign, while the Commissionerships are reserved for members of the I.C.S., one of the 'Secretary of State's Services' whose retention under the Act of 1935 was one of the Congress' chief objections to it. On both issues the Saadulla Government was induced by fear of

[1] I, VII and VIII of 1937 and II of 1938. [2] I of 1941. [3] VII of 1941.

defeat in the Assembly to come to terms with the Opposition. It acquiesced in a reduction of the budget estimate for the C.I.D. which necessitated the discharge of about two-thirds of the whole intelligence staff. This was a serious blow to the efficiency of the forces of law and order in the Province, and its effect was felt in 1939 when, as will presently be recorded, there was an alarming outbreak of labour trouble. In 1940, accordingly, Sir Muhammad Saadulla being again in power, the re-establishment of the intelligence staff of the C.I.D. was imposed, with the Premier's assent, by the use of the Governor-General's discretionary authority.[1]

The Commissionerships were another matter. The retention of these highly-paid posts, intermediate between the Provincial Secretariats and the District Officers, had long been a controversial question in all Provinces except Madras which has never had Commissioners, and a case could be made for their abolition on purely administrative and financial grounds; but since, as has just been observed, the posts were reserved for members of the I.C.S., they could only be abolished with the authority of the Secretary of State.[2] The Congress members attempted, therefore, to bring about their abolition indirectly. They moved—and again the Government acquiesced—that the salaries of the Commissioners' staffs should be cut out of the budget. Since clearly the Commissioners could not perform their duties with no staff, the Governor was obliged, in view of his 'special responsibility' for the Secretary of State's Services, to 'authenticate' a supplementary grant for the staffs' salaries for 1937-8 and similarly to 'authenticate' that item in the budget for 1938-9.[3] The Congressmen registered a protest against this procedure by 'walking out' on the first occasion on which the 'authenticated' grant was formally presented and passed. In the event the Premier proposed, by way of compromise, the abolition of one Commissionership. This proposal was submitted to the Central Government and on its recommendation accepted by the Secretary of State.

Financial and political motives were similarly combined in the hostile attitude of the Congress to the upper house. Congressmen declared that a single chamber was all the Province needed or could afford, but the fact could not be overlooked that, while the Congress had obtained more seats than any other single party in the Assembly, it had none at all in the Council. In these circumstances a conflict between the two chambers was inevitable, and it began early in the first session when the Council voted a steep reduction in the amount fixed by the Assembly for the payment of its members; but the Assembly stood its ground and the Council gave in. A year later, after the Bardoloi Government had taken office, the Council again challenged the Assembly by throwing out the Agricultural Income Tax Bill by 11 votes to 9, though no one questioned the Government's dire need of any extra revenue it could obtain. Again the Assembly stood firm, but so, this time, did the Council, and the deadlock

[1] Under S. 126 (5) of the Act of 1935. [2] Act of 1935, S. 246. [3] Act of 1935, S. 80.

was only resolved by a joint session of the two houses in which the bill was carried by 65 votes to 56. The fact that the Assembly had got its way on both occasions did little to soften its antagonism; but in any case the abolition of the Council was not 'practical politics'. The Act of 1935 provided, indeed, that a Provincial legislature might submit a recommendation for the amendment of the Provincial constitution on this very question of the number of chambers, but only after ten years had elapsed from the date when the constitution came into force.[1]

III. Law and Order

For two reasons the maintenance of law and order in Assam is an easier task than in almost any other Province. The first is the result of its geographical position. Tucked away in the north-east corner of India Assam escaped the full tide of the nationalist movement from 1920 onwards. Political agitation was never very militant or tumultuous. 'Civil disobedience' was not practised widely enough to undermine the traditional authority of government. Secondly, Assam is less troubled by religious strife than any other northern Province. Communal riots are relatively rare. Broadly speaking, it is not so much politics or religion that threatens to disturb the peace as labour trouble. Though Assam is not highly industrialised, several important companies, most but not all of which are under British management, are engaged in working the Digboi oil-field, in growing tea, and in running the railways.

When the new constitution came into force, discontent with wages and other conditions of labour had been increasing for some time, but it did not come to a head till the summer of 1938, when the first Saadulla Government was about to fall. In August a strike was called by the Labour Union at the refineries of the Assam Oil Company at Digboi. It was settled in October largely through the intervention of the new Congress Premier. Another strike broke out on the Dibru-Sadiya railway in December, and an attempt was made to prevent passengers using it. Again the Premier intervened and secured a settlement. In the following April there was more trouble at Digboi, and this time on a much more serious scale. Some 10,000 of the Company's employees went on strike. There was widespread agitation, also, among the workers on the tea-gardens. In both cases the attitude of the malcontents was embittered by appeals to anti-British sentiment. Tradesmen and domestics were intimidated from serving British households. At Digboi the situation seemed at one time so dangerous that a number of British women and children, and the wives and families also of some Indians on the Company's staff, were evacuated. As a measure of protection, some 300 men of the Assam Rifles were brought in, and on one occasion a detachment of them was surrounded and stoned by a mob. They opened fire, killing three persons.

[1] S. 308.

In these alarming and persistent disturbances—the Digboi strike was not finally settled till after the outbreak of war—the Congress played a double and contradictory part. On the one hand the dispute was exacerbated and anti-British feeling stimulated by left-wing Congressmen, including members of the Assembly, who, it was thought, were largely influenced by resentment at the attempt of the European members in alliance with the Moslem groups to prevent a Congress Government. On the other hand, the more moderate Congressmen, though their sympathies were evidently more on the strikers' side than the employers', seem to have done their best to bring about a settlement or at least to discourage disorder. Mr. Bardoloi fully accepted the report of the inquiry committee, which examined and approved the conduct of the civil and military authorities at the crisis of the strike. He refused to withdraw the troops from the Digboi district when strongly pressed to do so by a group of his supporters. The terms of settlement he himself proposed, while they prohibited the Company from engaging 'blackleg' labour, prohibited the strikers also from meeting, picketing or organising disturbance.[1] And, when his efforts to make peace had failed, he declared that his Government would be strictly neutral. The Congress 'high command', which intervened in the dispute in June, was less impartial, at any rate in what it said. The All-India Congress Committee, meeting at Bombay, adopted a resolution calling on the Company to submit to the decision of a conciliation board appointed by the Government and recommending the Government to make the reference of disputes to such conciliation boards obligatory by law and to threaten in the last resort to refuse to renew the Company's lease of the oil-field at its termination.[2] The resolution also affirmed the principle that key-industries, of which oil was one, should be owned and controlled by the State. This somewhat militant language was scarcely balanced by a brief appeal to the Labour Union to accept the Committee's advice if it wished to retain the sympathy of the Congress and the public. But deeds are more important than words, and it was observed that the main result of the visit which Dr. Rajendra Prasad paid to the Province before the Committee met was to discredit the most powerful and aggressive of the strikers' leaders, who bitterly complained of Dr. Prasad's lack of sympathy. The 'high command', in fact, though clearly favouring the strikers' case, was no less clearly opposed to 'direct action' as a normal means of settling industrial disputes.

Thenceforward there was little disturbance of the peace. Labour settled down. There was not another strike till the spring of 1941, when there was a short and rather truculent one on a single tea-garden: it was settled by the full concession of the workers' claims. Nor was there any violent political agitation or communal disorder. The only incident

[1] In this connexion the conduct of the Finance Minister (the Moslem Congressman) was sharply criticised. He went to Digboi to try to carry out the Government's proposals and instructed the Deputy Commissioner to prevent the Company from engaging 'blacklegs', but did nothing to restrain the strikers' agitation.

[2] *Indian Annual Register*, 1939, i, 357.

worth mention was a rowdy performance by some students at Gauhati College early in December 1941. Affected perhaps by the wave of unrest which had been passing through the Indian student world at large, they picketed some functions organised in aid of the war fund, pelted a Deputy Commissioner, and broke the windows of his car. Their procession was broken up by the police, and Mr. Bardoloi and other Congressmen at once brought charges of excessive violence. This affair played no small part in precipitating the political crisis which began a few days later.

This brief record of administration would be incomplete without mention of an incident which showed that one of the fundamental principles of British constitutional government—the subjection of the executive to the rule of law—had not yet been fully understood in ministerial circles. In the summer of 1937 several persons, including a sub-registrar, were charged in a magistrate's court with fabrication of evidence and perjury. In August the Government obtained the records of the case and kept them for six months. In March 1938 the Government Pleader asked for the withdrawal of the case on the ground of insufficient evidence, though all of it had not yet been produced in court, and the magistrate allowed the accused to be discharged. It became known a little later that one of them was nearly, and two others more distantly, related to a Minister. On review of the case the High Court returned it to the magistrate for re-trial and commented severely on the illegality and impropriety of the Government's attempt to obstruct the course of justice.

CHAPTER VII

THE NON-CONGRESS GOVERNMENTS: IV. SIND

WHILE Sind shares the backwardness and poverty of Assam, it suffers far more severely from the worst disease of Indian society—communal dissension. The overwhelming majority of the Moslems of Sind over the Hindus—71 per cent. to 27 per cent —might seem at first sight to make for peace; but the Hindus' inferiority in numbers is largely compensated by their economic strength. While the agriculturalists, landlords as well as cultivators, are mostly Moslems, the business of the Province is almost exclusively in Hindu hands. The Karachi firms, with their old-established overseas trade, the bankers and shopkeepers, above all the moneylenders, are, except for a few Parsis, almost all Hindus, who thus possess, like similar monied minorities in other lands, a hold on the economic life of the community out of all proportion to their numbers. Thus religious schism in Sind, as in other Moslem-majority Provinces, is deepened by a conflict of material interest.

In these circumstances it might have been expected that the Moslems of Sind would close their ranks and oppose a single political front to the wealth and influence of the Hindus. Nor was that the only reason for Moslem solidarity. The separation of Sind from Bombay had been a concession to communalism. Its Moslems had been raised from a minority status to that of a majority. It was clearly up to them to make a success of the new 'Moslem Province'. But they betrayed from the outset an even more desperate incapacity to unite for the purpose of forming a strong and stable administration than the Moslems of Bengal or of Assam. The one group, indeed, in the Assembly with any coherence and solidity was the small Congress group. The conduct of the other Hindus was only less capricious than that of the Moslems. Elsewhere, as has been seen, Governments were deprived of security and self-confidence by this lack of a steady and coherent party system, but nowhere was their hold on office more hazardous than in Sind.

I. THE GOVERNMENT

The result of the elections gave 18 out of the 60 seats in the Assembly to the Sind United Party, the chief Moslem group, 11 to the Sind Hindu Sabha, 9 to the Independent Moslems, 8 to the Congress, 4 to the Sind Moslem Party, 3 to the Sind Azad Party (another Moslem group, associated with the Congress), 2 to the Independent Hindus, 1 to a Labour Independent, and 4 to candidates who had adopted no party labels.

The strongest member of this variegated company, the United Party, had lost its leader at the polls, but Sir Ghulam Hussain Hidayatullah, a

Moslem landowner who had been a member of the Bombay legislature, undertook to form a Ministry. It proved to be a kind of intercommunal coalition, since his attempts to consolidate the Moslem group proved futile—even some members of the United Party broke away from him—and he was obliged to call in Hindu aid. One Hindu Minister was appointed to serve with himself and a Moslem colleague in a Cabinet of three. In the course of the first few months it managed to carry its budget and one or two bills; but it had to abandon other measures in the face of hostile combinations of Hindu and Moslem groups and individuals with the Congress Opposition. In October it suffered a serious blow. It became known that Mr. Govind Ram, the Hindu Minister of Public Works, had been acting, while in office, as a partner and manager in a business firm. His dealings in cotton, it appeared, had proved unfortunate; and, having become involved in losses amounting to six or seven lakhs (about £50,000), he applied to the Revenue Commissioner for protection from his creditors under the Sind Encumbered Estates Act. At this point his resignation became inevitable, and he was succeeded by another Hindu. It seemed at the time that the Government would weather this little storm, but in fact it had raised personal issues which soon drove it on the rocks. Some of its Hindu supporters went over to join the dissident Moslems and the Congress in opposition. A few Moslems followed them. In March 1938 an adverse vote on the budget was taken as a vote of no-confidence and the Ministers resigned.

The sequel showed the strength which the Congressmen, though there were only eight of them in a house of sixty, derived from their consistent policy and rigid party discipline. They were advised by the 'high command' not to join in a coalition; but, when the leader of the dissident Moslems, Khan Bahadur Allah Baksh, another big landowner and ex-member of the Bombay legislature, accepted office and formed a Cabinet with one other member of the United Party and one Hindu Independent, he could only count on twenty-two supporters, and in order to ensure at least the benevolent neutrality of the Congress group, he framed his Government's policy more or less on Congress lines. Some minor items of the official Congress programme were at once adopted. Ministerial salaries were reduced to the Congress level. Honorary magistracies were abolished. Ministers were requested to boycott social functions. The single 'political prisoner' confined in the Province, a Punjabi terrorist, was released. And in the next session the standard resolution condemning the federal scheme of the Act of 1935 was carried, and the nominated seats on various local government bodies were abolished. It seemed, indeed, that in Sind, as in Assam, the Government had become something like a Congress Government; yet, whereas in Assam there were at any rate two Congress Ministers, in Sind there were none.

In the summer of 1938 the Congressmen gave a turn to the screw. It was part of the arrangement by which Sind had become a separate Province

that the debt-charges on the great Lloyd barrage and canal scheme should be met by a gradual increase of revenue from the newly irrigated lands. But, owing to the low prices of the chief crops grown on those lands, any increase in the land-dues was bound to be highly unpopular and not easy to enforce. Yet the Government was obliged somehow to meet the charges. If it did not, the Governor on his part would be obliged to intervene, since, together with the 'special responsibilities' imposed on all the other Governors, he was charged under the Act of 1935 with an additional and peculiar 'special responsibility' for 'securing the proper administration' of the Lloyd scheme.[1] Nevertheless, the Congress group attacked the ministerial plan as inflicting too great a hardship on the cultivators, and, though Mr. Vallabhbhai Patel, one of the most influential members of the Congress hierarchy, visited the Province and counselled moderation—he was thought to have considered the plan to be not unreasonable—the local Congressmen refused to withdraw their opposition. They would not support the Government, they said, on the next vote of no-confidence unless it agreed to suspend the plan for a year.

A few months later the Government was assailed from without. The Moslem League, as will be seen, had greatly enhanced its strength in the autumn of 1937 by securing the formal adherence of the Premiers of the Punjab and Bengal. So far no such pressure had been brought to bear on Sind, but in October 1938 Mr. Jinnah came to Karachi to preside over the annual League Conference, and set himself not only to stiffen the loyalty of the local Moslems to the League, but also to convert the Government into a League Government. The negotiations broke down, and Mr. Jinnah publicly accused the Premier of treachery. Thus Khan Bahadur Allah Baksh was now under fire from both the Congress and the League: yet, for that very reason, he seemed to have gained strength rather than lost it. For the moment at any rate, Provincial patriotism was reacting against those two all-India bodies. 'Sind for the Sindis' was the cry. In January 1939 the long-awaited motion of no-confidence was defeated by 32 votes to 7, and a Congress resolution on the Lloyd assessment, backed by the League, was rejected by 30 votes to 20. In February the Government secured a valuable recruit. Sir G. H. Hidayatullah, the ex-Premier, resigned his leadership of the Provincial branch of the League in order to join it. As part of the arrangement, two additional Ministers were appointed, one Moslem and one Hindu.

At this stage the Government seemed to have obtained a substantial measure of independence. It had defied the League and, if it was still bound to consider the opinions of the Congress group, it was no longer dominated by them. But it was not destined to enjoy a quiet or safe life. Almost at once it was involved in an unpleasant dispute which greatly impaired its unity and stability.

A new religious movement, known as Om Mandli, professedly non-

[1] S. 52 (2).

communal but mainly Hindu and associated with modern ideas about the emancipation of women, had excited the hostility of the dominantly conservative Hindu community, and it suddenly became the object of an almost passionate attack. It was denounced as a hot-bed of immorality There were rowdy demonstrations in the streets of Karachi, and even talk of launching a campaign of 'civil disobedience'. The two Hindu Ministers succumbed to this violent agitation and resigned, and their colleagues were threatened by the prospect of the Independent Hindu members of the Assembly going over in a body to the Opposition. A crisis was averted by the appointment of a tribunal to investigate the conduct of the Om Mandli. Pending its report, the Hindu Ministers resumed office, and a few weeks later the tribunal pronounced the charges of immorality to be true. The Government was thereupon induced to declare the Om Mandli to be an 'unlawful association' under the Indian Criminal Law Amendment Act of 1908, and under further Hindu pressure in the Assembly it compelled it to close and vacate its premises.

This sordid little affair was soon overshadowed by greater events. The war stirred all India more deeply at its outbreak than at any of its later stages except those of the Battle of Britain and the Japanese occupation of Malaya and Burma; and public opinion in Sind responded promptly to the Nazi challenge. The Ministry unanimously requested the Governor 'to place the entire resources of the Province unconditionally at the service of the Viceroy'[1] as the representative of the Crown. But the catastrophe in Europe was thrust quite into the background of public interest in Sind by the savage communal conflict within its own borders which came to a head a few weeks later. One of its incidents was the fall of the Baksh Government early in 1940.

II. Communal Strife

On the river-front at Sukkur are two domed buildings known as the Manzilgah which had been for a century past in the possession of the Government. Like the Shahidganj mosque in the Punjab, these buildings had long been a matter of dispute, since, though it was not so designated on any map, the Moslems claimed that at least one of them had once been a mosque, and should therefore be surrendered to Moslem occupation. In August 1939 the smouldering quarrel burst into flame. The old demand was fiercely pressed with the connivance, it was believed, of the Moslem League, which was willing, so its enemies asserted, to use any means of embarrassing and discrediting Khan Bahadur Allah Baksh. His Cabinet was sharply divided—the Moslem Ministers stoutly asserting, their Hindu colleagues as stoutly denying, that the Manzilgah contained a mosque Negotiations with such a Government not unnaturally broke down, and on October 1 the Moslems started a 'civil disobedience' movement and

[1] *Times of India*, September 11, 1939.

hundreds of volunteers courted arrest. On October 3 a mob of them swept aside the police guard at the Manzilgah and occupied it. At once the so-called 'Restoration Committee', which was in touch with the Moslem League, demanded that the *fait accompli* should be recognised as lawful, and picketed the houses of the Moslem Ministers to enforce the demand. The situation was now so grave—the 'volunteers' could only be ejected from the Manzilgah by the use of considerable force—that the Governor, in discharge of his 'special responsibility' for 'the peace and tranquillity' of the Province, issued an ordinance permitting arrest and detention on suspicion and strengthening the powers of the courts.[1] The Government, meantime, was trying to bring about a settlement in which moderate Moslems and Hindus might concur. But it proved a hopeless task. Mr. Gandhi, indeed, declared that responsible Governments were helpless in the face of a popular upheaval. The only remedy, he said, for those who lived in perpetual fear was to migrate. But the traders of the local Hindu community, apart from the fact that Sindi was the only language they could speak, were by no means prepared to abandon their dominant position in the business life of the Province. They preferred to listen to the Mahasabha, whose fire-eating spokesmen insisted on the rigorous repression of the Moslem peace-breakers, declared that their previous opposition to the separation of Sind from Bombay had been more than justified, and proposed that, failing re-annexation to Bombay, the control of law and order should be resumed by the Governor. The local members of the Moslem League, for their part, were apparently less bent on the restoration of peace and order than on the pursuit of their feud with the Premier. The only group, in fact, that seems to have been influenced by any cool consideration of the public interest was the small Congress group, which continued its policy of supporting the Government as long as it conformed to some extent with Congress principles.

While the politicians were thus mostly engaged in barren recrimination and intrigue, the situation in the north of the Province grew steadily worse. On November 1 the murder of a venerated Hindu poet added fuel to the communal fire, and oil was poured on it about a fortnight later by a provocative meeting of the Mahasabha held at Sukkur itself, with Dr. Moonje, one of its most uncompromising leaders, in the chair. At last the Government decided to take strong action. Police, with Indian troops held in reserve, attacked the Manzilgah with *lathis* and tear-gas, drove out the 'volunteers', and put the building once more under guard. But that did not end the trouble. Rioting broke out that evening in the town of Sukkur, aided by the fugitives from the Manzilgah. It lasted for more than two days, and 19 Hindus and 15 Moslems were killed. The troops were promptly reinforced from Hyderabad and later from Quetta; but disorder was now spreading beyond Sukkur. At Shikarpur there was panic among Hindus, but no actual outbreak. At Rohri a riot was

[1] The Sind Special Powers Ordinance, No. I of 1939, under Section 89 of the Act of 1935.

quickly suppressed, but not before several Hindus had lost their lives. Nor was the trouble confined to the towns. The countryside was now alight, and Moslem peasants fell upon their Hindu neighbours, murdering and looting. At the end of December a provisional and conservative estimate of the number of people killed during that month was 115 Hindus and 17 Moslems.

In January 1940 the two Hindu Ministers, no longer able to withstand the fierce attacks of their fellow Hindus for failing to protect their community, resigned, and in February the rest of the Baksh Government collapsed. Its fall was due not only to Hindu hostility, but also, and more so, to the persistent intrigues of the Moslem League; and it is significant that after the change of Government the communal agitation began gradually to subside. There were still occasional outrages. The most alarming was the murder of a Hindu member of the Assembly in July, which prompted a renewal of the demand in Hindu circles that the Governor should be made responsible for law and order. But there was nothing like the upheaval of the previous autumn, nor was the tension noticeably increased by the publication in September of the results of the inquiry into the Sukkur riots which Mr. Justice Weston had undertaken at the Baksh Government's request. He fixed the final figures for the casualties in Sukkur town and district as 151 Hindus and 14 Moslems killed and 58 Hindus and 18 Moslems injured. While offering his sympathy to the community which had suffered most, he commented on the narrow communal spirit of the Hindus in Sukkur town, where they were actually in a majority. But, if he ascribed the fierceness of the agitation partly to the stiffness of Hindu opposition to Moslem claims, he ascribed it also to the political manoeuvres of the Moslem League who took up the quarrel in order to strengthen their own position and to force the Baksh Government out of office. The Government itself, however, had also been at fault. It had failed in decision and prompt action, and its interference with the executive officers on the spot had been one of the causes of the general lowering of respect for law and order.

Mr. Justice Weston had also been asked to report on the Manzilgah dispute, and in January 1941 he pronounced that the western building had been originally constructed for use as a mosque. Wisely accepting this decision, the Government entrusted the whole site to a board of management on the understanding that the western building would be used as a mosque, but that the existing processional and other religious rights of the Hindus in the vicinity should be maintained. Thus, for the time at any rate, the old quarrel was set at rest. The Moslems had won, and the only fault the League could find with the settlement was that the site had been handed over to a board rather than to it.

III. Political and Constitutional Controversy

While the worst of the communal trouble was thus being overcome, the politics of the Province had continued on their devious course. Khan Bahadur Allah Baksh's successor in March 1940 was Mir Bandeh Ali Khan, the Revenue Minister in the previous Government and now the leader of a new 'Nationalist Party', a strange combination of the Moslem League and the Hindu Independents. It had been decided by their 'high command' that Congressmen, despite the resignation of the Congress Governments elsewhere, should continue to 'co-operate' in Sind; and they gave the new Government the same kind of support which they had given to its predecessor. The late Government had carried an Act[1] to prohibit the consumption of intoxicants in public places and their consumption everywhere by or sale to persons under twenty—a first step, it was declared, towards total Prohibition—and had sponsored a bill to provide for the introduction of 'joint electorates' in municipalities with allotment of seats to Moslems and non-Moslems. The latter was in clear violation of the League's old-established principle of separate electorates, and, when it was followed by a bill to establish 'joint electorates' in local boards also, Mr. Jinnah and Sir Abdulla Haroon, one of the Sindi representatives in the Central Assembly and a member of the landed oligarchy like all the Moslem politicians in Sind, intervened on the League's behalf. Ministers were told that communal strife would be rekindled by the enactment of the bills, but in April 1940 the first was enacted.[2] The second bill, however, was allowed to lapse.

Meanwhile public opinion had been preoccupied by a personal dispute. In November 1940 Khan Bahadur Allah Baksh had accepted a seat in the Bandeh Ali Cabinet on the secret understanding—promptly published—that the Premier would resign in the middle of February. The appointed day came and nothing happened. A long and unedifying controversy ensued, and, since it was regarded as involving the question of the number of Moslems in the Cabinet, it took on the inevitable communal hue. It lasted for several weeks. Both Mr. Jinnah and Mr. Gandhi joined in the combat. The Government itself was split in two, and finally, on March 6, Khan Bahadur Allah Baksh and the two Hindu Ministers resigned in the middle of a debate, whereupon Mir Bandeh Ali Khan and his two surviving Moslem colleagues, finding themselves in a minority, also resigned.

Khan Bahadur Allah Baksh was now recalled to the Premiership, and he chose as his colleagues another ex-Premier, Sir Ghulam Hussain Hidayatullah, the two Hindu ex-Ministers and another Moslem. None of the three Moslems belonged to the League, which was thus for the first time without a single representative in the Cabinet, nor was its resentment softened when, after a month's delay, the sixth place was filled by another Moslem who owed no allegiance to the League. As usual, therefore, the Government

[1] IV of 1940. [2] X of 1940.

needed those eight steady Congress votes, and as usual its policy was one for which they could be cast. It announced a three-point programme: the fixing of a communal ratio for the recruitment of the Provincial Services; the gradual separation of the judicial from the executive branch of the administration, and a Tenancy Reform Bill. Meantime a Debt Conciliation Bill was passed;[1] and, while an increase of ministerial salaries was carried, a similar increase in the payment of members of the Assembly, vehemently attacked by the Congressmen, was dropped. With these proceedings it was difficult for the League to quarrel on grounds of public interest; but its old feud with the Premier had not been tempered by time, and, as before, the weapon it used against him was the two-edged weapon of communalism. This was strikingly demonstrated when the Premier, following the lead given in the Punjab, carried a vote of one lakh (£7,500) for the promotion of communal harmony. The vote was hotly opposed by the League members of the Assembly on the frankly partisan ground that it would weaken Moslem support for the recently launched Pakistan campaign.[2] They asserted, moreover, that the Ministry would use the money merely to strengthen its own position.

Meantime the relations between the Premier and the Governor (Sir Hugh Dow) were becoming strained. Differences of opinion as to appointments to the higher posts were liable to occur in all Provinces under the new *régime*, with inexperienced Ministers on the one hand, subjected to personal and communal pressure, and Governors, on the other hand, charged with 'special responsibilities' to protect the interests of minorities and the lawful rights of civil servants. In most Provinces such differences must have occurred from time to time, but it was only in Sind that they reached the point of public controversy. In several cases the Governor felt himself obliged to impose his decision on his Premier, especially in view of the disturbed conditions in the northern part of the Province, and finally he refused to sanction the appointment of a certain Indian official to succeed a British official as Revenue Officer for the Lloyd barrage. He is understood to have regarded the official in question as unsuited to so responsible a post, and in exercise of his extra 'special responsibility' for the administration of the barrage he appointed another British official as in his opinion the best man available. Khan Bahadur Allah Baksh, unable to get his way in private discussion with the Governor, appealed to public opinion. In the course of December 1941, he declared in the Assembly that the Governor's conduct was not only in conflict with the undertaking given by the Viceroy in 1937 as to the Governors' use of their 'special responsibilities'[3]—a point which he failed to make good—but was inspired by race prejudice. He disclosed the fact that he had lodged a complaint with the Viceroy, and it was understood that he and his colleagues were contemplating a formal representation to the Secretary of State. No such representation was in fact made.

[1] IX of 1941. [2] See p. 206 below. [3] See p. 19 above.

Another constitutional question of quite a different kind deserves attention. In the winter of 1940-1 a so-called 'Council of Sixteen' was established as a means of informal conference between Ministers and the leaders of other party groups at which the former could explain and secure support for such major legislation as they contemplated. When the League Ministry fell in March 1941, the League members refused to attend the Council, and it fell into abeyance. But Khan Bahadur Allah Baksh presently revived it, filling the vacant places with non-League nominees. In the spring of 1942 it contained eighteen members, of whom only seven, including the four Moslem Ministers, were Moslems: the rest, including the two Hindu Ministers, were all Hindus except Mr. Sidhwa, the Parsi leader of the Congress group. Thus the Council by no means reflected the communal composition of the Assembly, in which the Moslem ratio was still well over 50 per cent. Nevertheless its importance steadily increased. It became, in fact, a sort of Assembly within the Assembly. It could make certain, on the one hand, that the action it favoured would be taken by the Assembly proper—and with less than the usual discussion and delay. Mr. Sidhwa publicly boasted in April 1942 that practically all recent Government measures had been due to his forcing them through the Council. On the other hand, the Council could practically veto measures it disliked and preclude their submission to the Assembly. The operations of this *junta* were clearly a perversion of constitutional government, at any rate as conceived by the authors of the existing constitution; and it was not surprising if the Moslem League regarded it as a conclusive proof that the Government of Sind was virtually a Congress Government.

The close *liaison* between the Premier and the Congress was made still clearer in the course of the next six months. The sharpening of antagonism between the Congress 'high command' and the Central Government, which (as will be recorded in Chapter XXII) followed the breakdown of the Cripps Mission and culminated in Mr. Gandhi's declaration of 'rebellion', in the arrest of all the Congress leaders, and in the outbreak of serious disorder in several Provinces, put Khan Bahadur Allah Baksh in a difficult position. He had never concealed his sympathy with the Congress and its policy, but, as Premier of Sind, it was his duty to combat all agitation conducted in the Congress name—there was little trouble, as it happened, in Sind—and to that end, like the other non-Congress Provincial Governments, to co-operate with the Centre. It was now more irksome, too, for the Congress group in Sind to see their friendly Premier sitting, so to speak, in the enemy's camp. In those circumstances it might have been expected that, whether in accordance with his own inclinations or under pressure from his Congress allies or for both reasons together, Khan Bahadur Allah Baksh would have resigned, just as the Congress Ministers resigned in 1939. But he took another course. On September 26 he communicated to the press a letter he had written to the Viceroy renouncing his title of 'Khan Bahadur' and his O.B.E. as 'tokens of British imperialism'.

The policy of the British Government [he wrote] has been to continue their imperialistic hold on India and to persist in keeping her under subjection, to use political and communal differences for propaganda purposes, and to crush national forces to serve their own imperialistic aims and intentions.[1]

On October 8 Mr. Allah Baksh followed this up with a still more outspoken attack on British policy. 'The responsibility for plunging the country into chaos must lie with the British Government. . . . Instead of winning the friendship and alliance of India, the Government has launched a campaign of repression and terror.'[2]

The Premier's critics took the view that his renunciation of honours was out of harmony with the oath of allegiance which he had taken on assuming office, and that the natural outcome of his conduct was resignation But Mr. Allah Baksh refused to resign. Thereupon the Governor dismissed him as no longer 'possessing his confidence'.[3] 'A Premier remains a Premier', Mr. Allah Baksh remarked, 'only if he has the confidence of the Governor and not merely if he has the confidence of the legislature.'[4] But the Congress Ministers were backed by majorities in all their legislatures when they resigned in 1939, and, unusual though some aspects of current Indian politics may be, it was somewhat paradoxical on Mr. Allah Baksh's part to assert a right to remain in office in accordance with constitutional usage and at the same time to express agreement with a body in 'open rebellion' against the constitution. Nor can it be forgotten that India was at war and that, not long before these developments in Sind, the Governor of Assam (as stated in the last chapter) had required of his new Premier an undertaking that he would support the war-effort.

The Governor invited Sir Ghulam Hussain Hidayatullah, Premier in 1937-8 and Home Minister in Mr. Allah Baksh's last Ministry, to take the latter's place, and by October 22 Sir Ghulam succeeded in forming a 'Coalition Government', consisting of two members of the Moslem League, one Independent Moslem, and two Hindus. One of the latter had been a member of the Baksh Cabinet. Both of them now resigned from the Hindu Independent Party. Opinion in Karachi was excited and inflammable. It was reported on the one hand that a body of Moslem divines had commended Mr. Allah Baksh for his courage and truthfulness, and on the other hand that thirty thousand Moslems, assembled at prayer, had congratulated the Governor on the dismissal of Mr. Allah Baksh and affirmed their confidence in Mr. Jinnah and the policy of Pakistan.[5] Congress sympathisers for their part were picketing the houses of the new Hindu Ministers, and on October 26 a bomb exploded near one of them. But the Hindu Ministers stood firm despite Mr. Jinnah's unequivocal declaration that he would not tolerate a coalition. Nor did they change their minds when on October 23 the new Premier, who had been a Moslem Independent since 1939, announced[6] that

[1] *Hindustan Times*, Sept. 27, 1942. [2] *Ibid.*, Oct. 9, 1942.
[3] Official *communiqué*, Oct. 10, 1942: *Times of India*, Oct. 12.
[4] *Ibid.*, Oct. 12, 1942. [5] *Ibid.*, Oct. 13, 1942. For Pakistan, see Chapter XVII.
[6] *The Times*, Oct. 24, 1942.

in view of Congress hostility and in the interests of his own community he had decided to join the League. The other independent Moslem Minister also joined the League by the end of the year. Whether the new Ministry could now be fairly described as a 'League Ministry'[1] or not, it was evidently free from the hold which the Congress had exercised over its predecessor. It was said to have the backing of 29 out of the 34 Moslem members of the Assembly, but at the end of the year the Assembly had not met, and it was impossible, therefore, to say for certain whether the stability of the new Ministry rested on a more or less united Moslem front.

IV. Legislation

The output of legislation in Sind during the period was not so meagre as in Assam, but much of it dealt with minor matters. Seven Acts, for instance, were concerned with the salaries of Ministers and members of the Assembly. A number of useful measures were carried, however, besides the Acts mentioned above to restrict the consumption of intoxicants and to establish joint electorates in the municipalities. (1) A Primary Education Act,[2] establishing a Provincial Board and elected local schoolboards, with administrative officers and inspectors appointed by Government, and an Act[3] making a start with compulsory primary education by applying it to the male children of the better class of *zamindars*. (2) An Act[4] to relieve debtors by cancelling the interest outstanding on debts incurred before 1932, cancelling the debts themselves if the interest already paid amounted to twice the principal, and limiting interest on debts after 1932 to 6 per cent.; and an Act[5] providing for conciliation boards for the settlement of debts. (3) An Act[6] to establish markets and market-committees for the sale of agricultural produce on the lines of the Punjab Act. (4) A Shop Employees Act,[7] limited in the first instance to Karachi and its neighbourhood, on the lines of the Bombay Acts. (5) An Act[8] to establish a register of nurses, midwives, health visitors, etc. (6) A Famine Relief Fund Act,[9] providing a capital of 12 lakhs (£90,000).

V. The Revolt of the Hurs

There is a certain unreality about politics in Sind because of their concentration at Karachi. It is at that busy city at the mouth of the Indus—its importance as a sea-port and air-port greatly enhanced by the war—that the political discussions and manoeuvres are mainly carried on. But Karachi is not really Sind: it is more like a projection of Bombay; and, except as the point of exit and entry to and from the outer world, its life has little contact with the sandy, thinly peopled, still largely uncivilised *hinterland* which is Sind. No provincial capital is so detached from its Province as a whole.

The contrast between civilisation on the coast and barbarism in the

[1] See p. 184 below.
[2] XXIV of 1939.
[3] VII of 1940.
[4] VIII of 1940.
[5] IX of 1941.
[6] XI of 1940.
[7] XVIII of 1940.
[8] XIII of 1939.
[9] IV of 1937.

interior was well illustrated in the period under review by the trouble with a body of fanatical tribesmen known as the Hurs. They owe allegiance to local notables, called Pirs, whose disregard of lawful authority was a constant difficulty long before Sind became a separate Province; and about a year before the inauguration of the new *régime*, as it happened, the most formidable of them, Pir Pagaro, had been released from a term of imprisonment. His conduct was watched by Ministers with anxiety, if not alarm. Not only did he persuade his utterly devoted followers to strip themselves of almost all their belongings for his use, a sacrifice that could only be made good by looting their neighbours: he was also known to be the instigator of a mounting list of crimes from ordinary theft to murder and to be enrolling and arming bands with a view, it was believed, to a rebellion against British rule. In the summer of 1941 it seemed dangerous to leave the Pir at large, and he was ordered to reside in Karachi. In the autumn a cousin whom he hated was murdered with two of his attendants, undoubtedly at the Pir's orders. He was therefore again arrested and imprisoned, not in Sind this time, but in the Central Provinces. There followed something like a reign of terror in the north. Murderous outrages were frequent. Twenty-six people were killed in the month of February 1942. Telegraph and railway lines were sabotaged. In consultation with the Central Government, plans were made by the Provincial Government to cope with these disorders. Special police forces were organised, and in the course of April over 800 Hurs were rounded up and jailed.

But in May the situation rapidly worsened. The Karachi-Lahore mail train was derailed on the 16th, and some twenty of the passengers murdered, including the son of Sir G. H. Hidayatullah, the Home Minister. Apart from this outrage there were 33 cases of murder—among the victims was a Congress member of the Provincial Assembly—or gang-robbery in this period; canals were breached, crops destroyed, and tribute exacted from landlords. It was clearly time for the Centre to take a hand. Drastic action on a larger scale than the Provincial Government could undertake was needed both to re-establish public security and to restore a vital strategic line of communications. Accordingly a brigade of infantry was ordered to the scene, and on June 1 martial law was proclaimed and the normal civil administration suspended over the area north of Hyderabad and east of the Indus, including the whole of the State of Khairpur. The Provincial Ministry raised no objection to these proceedings and the Governments of the four States affected fully co-operated with the military authorities. The only note of disagreement came from Mr. Gandhi. 'The Government machinery', he wrote in *Harijan* on May 24, 'has evidently broken down. The real remedy is for Congress members to withdraw from the Assembly and Khan Bahadur Allah Baksh to resign. These should form a peace-brigade and fearlessly settle down among the Hurs and risk their lives in persuading their erring countrymen to desist from their crimes.' There was no response to this proposal.

The subsequent campaign, carried out on difficult *terrain* and in extreme heat, achieved its purpose By the end of July some 2,000 Hurs and dacoits had been arrested and tried by special tribunals and 45 hanged. But isolated crimes were still occurring and some months elapsed before public peace and safety were in the main restored The affair had been a grim demonstration of the gravity which the problem of maintaining law and order can suddenly assume in parts of India.

CHAPTER VIII

THE NON-CONGRESS GOVERNMENTS: V. ORISSA

TOWARDS the end of the period covered in this Report, the transference of Assam from ministerial to official control was balanced, so to speak, by the reverse event in Orissa.

Orissa, like Sind, was a new Province in 1937, made up of the southern part of the previous Province of Bihar and Orissa and a slice of Madras to provide an autonomous unit for the Oriya-speaking people. Like the Sindis, if not more so, the Oriyas have a strong national or racial feeling, and in their case popular sentiment is not weakened in politics, as it is in Sind, by the dominance of a capital of mixed population. The Province is relatively small and poor: it has less than nine million inhabitants; but its people were proud of its new status under their own Ministers, and they felt more quickly than the peoples of other Provinces the general reaction against the control of ministerial policy by the Congress 'high command'. In Orissa, therefore, the enforced resignation of the Government in 1939 was more resented than in any other 'pure' Congress Province, and throughout the period of 'Governor's rule' there was constant talk of a possible breach in the ranks of the local Congressmen.

At last, in the autumn of 1941, seven Congress members of the Assembly, headed by Pandit Godavaris Misra, declared themselves tired of the inactivity imposed by the 'high command', and ready to form a coalition with the anti-Congress group with a view to taking office. A leader was found in the Maharajah of Parlakimedi, a descendant of the Gajapati dynasty, who were the country's last Oriya rulers four hundred years ago. At the end of October the Parlakimedi-Misra alliance was announced, and the programme of the Coalition was defined at a party meeting. Its first item was 'the attainment of *Swaraj* for India as an integral part of the British Empire by constitutional means'—an echo from the more tranquil days of Congress agitation.[1] Other items were the development of the unexplored resources of the Province, the betterment of relations between landlords and tenants, the consolidation of the co-operative movement, and the establishment of a High Court and a residential university. In pursuance of this programme the two Coalition leaders claimed that they could command 22 and 10 votes respectively in the Assembly. They believed they could also count on the votes of its four Moslem members.

This was a small enough presumptive majority in a house of 60; but the Governor (Sir Hawthorne Lewis), being satisfied as to the attitude of the Moslems and as to the Coalition's genuine support of the war-effort, agreed to the restoration of responsible government. On November 23,

[1] See Part I, 37.

accordingly, the application of Section 93 of the Act was revoked by proclamation, and the Maharajah, the Pandit and a Moslem were sworn in as Ministers.

Naturally the Congress 'high command' remonstrated. The Parliamentary Sub-Committee called on the recalcitrant Congress members of the Assembly to resign their seats, and the Working Committee, meeting at Bardoli at the end of December, confirmed this injunction and denounced the rebels' conduct as 'a betrayal of their constituencies and contrary to ordinary constitutional usage and integrity'.[1] But Pandit Misra and his colleagues refused to bow to the storm, and, when the Assembly met for its budget session in February 1942, they just succeeded in weathering it. They were aided by the absence of three or four Congressmen who had been arrested for violent anti-war speeches or statements[2]—a proceeding described by Mr. Gandhi and the Congress press as 'mean'—but their majority was still so unsafe that on one occasion a supporter was brought to the House in an ambulance. (He died a little later.) They were only defeated once, however, and that only by the Speaker's casting vote on a minor bill. The Opposition did not feel quite strong enough to join issue on a direct motion of no-confidence. They won, however, a by-election in a backward district of the Province by an overwhelming majority.

In May the Ministry's position was weakened by the defection of the Rajah of Khallikote and one supporter from the Coalition; and during the next few months the Congress seemed to be steadily recovering its strength. It was doubtful, indeed, whether a responsible government could be maintained much longer when the whole political situation was changed by the outbreak in August and the arrest of the Congress leaders.[3]

The principal importance of what has happened in Orissa for the purposes of this Report is the evidence it furnishes of the strong 'provincialism' of Orissa and the reaction of a substantial section of its people against interference by the all-India Congress executive.

[1] *Times of India*, Dec. 27, 1941.
[2] One was arrested for stating in the press that the Ministry contained 'fifth columnists'.
[3] See Chapter XXII.

CHAPTER IX

THE NON-CONGRESS GOVERNMENTS: REVIEW

AN attempt may now be made to review the operation of Provincial self-government under the Act of 1935 in the non-Congress Provinces.

(1) The new constitution has worked for five years and is still working in Bengal, the Punjab and Sind. It broke down in Assam after four years but was restored after seven months of 'Governor's rule', and it has been recently revived in Orissa. If it has not worked everywhere in the way its authors hoped it would, at any rate it has worked. The legislatures, nearly all their members now elected by popular vote,[1] have legislated. They have debated and divided according to rule, with only occasional breaches of parliamentary decorum; and they have enacted a substantial number of measures, most of which were of real benefit to the people. The capacity already shown by Indian politicians to make an orderly and effective use of the traditional deliberative and legislative machinery of representative government has been confirmed.

(2) The Governments likewise have governed. They have been genuinely responsible Governments, depending on majorities in their Assemblies and resigning on the loss of them. Nor has their responsibility been undermined or blurred by the operation of the 'safeguards'. Though it is safe to assume that in all these Provinces the existence of the 'safeguards' has been constantly borne in mind, only twice—once in Assam and once in Sind—has a Governor been in insuperable disagreement with Ministers. The only other direct intervention by a Governor—the stopping of the mosque bill in the Punjab—was on Ministers' advice. Every bill that passes the legislature has, of course, to be submitted to the Governor for assent, and several of these have been reserved by the Governor for consideration by the Governor-General; but only one of them was vetoed,[2] and such amendments as were proposed were accepted by the legislatures. There have been instances of hasty or inexpert drafting, but reservation for the consideration of the Governor-General has been mainly on the technical ground of the 'repugnancy' of provisions in the bill to provisions of an earlier law in the field covered by the Concurrent Legislative list,[3] and thus for the protection of the new measure against invalidity. Only once—again in Sind—has a Governor been obliged to legislate by ordinance or Governor's Act over the head of the legislature.[4]

(3) The severest test which these responsible Governments have had to stand has been the maintenance of law and order, and in Bengal and the Punjab they have stood it. The danger of violent disturbance, especially com-

[1] See p. 22 note 1 above.

[2] The Code of Civil Procedure (Sind Amendment) Bill of 1938 was refused assent by the Governor-General in order to preserve as far as possible the uniformity of law in British India.

[3] See Part I, 138.

[4] See p. 69 above.

munal strife, has been at least as constant and acute as under the old *régime*.[1] The outbreaks at Dacca, the conflict over the Shahidganj mosque, the trouble with the Khaksars—all these were serious matters, and they were all dealt with firmly, though not all with the same degree of firmness. Generally speaking, Ministers have not been afraid to use their powers, nor reluctant to defend the administrative officers and police in the execution of their duty against the charges of anti-Government politicians. Even at the worst periods of communal tension Ministers got little support from the press or from the more vocal elements of public opinion; but most of them would probably be ready to admit how much they have been assisted in the field of law and order at large by the advice they obtained from their Governors and from the senior officers of the I.C.S. and the Indian Police and by the loyalty and efficiency of those Secretary of State's Services as a whole. Those Services for their part have had happier relations with their ministerial chiefs in the Punjab and Bengal than in the Congress Provinces. The strain which the introduction of full responsible government put on them has been much less severe. The record of Assam and Sind is not so good. Neither the Digboi strike nor the fighting at Sukkur were firmly handled. In those two Provinces Ministers have been more dependent on the old administrative machine than anywhere else.

(4) In other departments than law and order the change made in 1937 was not so great. With one or two exceptions, such as irrigation, they had all been 'transferred' under dyarchy: the official personnel concerned with them was almost wholly Indian and under Ministers' control. This part of the administration, though it has not been altogether free from undesirable political interference, has on the whole maintained its previous standards of efficiency.

(5) As to public finance, the basis of all administration, the Provincial record since 1937 will be examined as a whole in Chapter XV. Suffice it here to say that the financial policy of the non-Congress Provinces has been more or less orthodox. In all of them expenditure has increased; the cost of the social services, for example, as estimated in the four[2] budgets of 1942-3 was 38 per cent. higher than the cost in 1936-7; but such increases in expenditure have mostly been met by increases in revenue, resulting partly from the tapping of new sources of taxation. As to loans, which the Provincial Governments are now free to raise on their own account, Bengal and Sind have raised none, Assam only one small one. The Punjab has borrowed more freely, to finance two large irrigation schemes, but this, of course, is 'productive' debt. The terms obtained in the market showed that the financial stability of the Punjab was unquestioned: its credit, indeed, has stood higher than that of any other Province except Madras.

(6) Though the Governments have governed, their capacity has been

[1] For the number of communal riots and casualties, see p. 131, note 3 below.

[2] Including Assam, where the only substantial increase of expenditure during the suspension of ministerial government was on education.

uneven. Some of the Ministers in Bengal and the Punjab have been men of first-rate ability, but the same cannot be said of all their colleagues In Assam and Sind the level has been markedly lower, and the burden on the civil services correspondingly heavier. Even more serious than the lack of first-rate men has been the lack of stability, both internal and external. Except in the Punjab, the Ministries have been disunited among themselves and exposed to constant risk of defeat in their legislatures Such Governments cannot be strong Governments.

(7) This grave drawback was the direct result of two interconnected factors—the lack, already apparent under dyarchy, of an effective party system, and the habit, likewise inherited from the past, of determining political allegiance on communal grounds. It was not expected that the nineteenth-century tradition of British parliamentary government, based on two great parties, could be transplanted to India: it had already broken down, indeed, in Britain. Something like the French *bloc* system seemed far more likely. And, with all its faults, the French system was not so bad as British critics sometimes made it out to be; its failings were due to men more than to methods; and, if the Governments it produced were usually unstable, at least they were combinations drawn from a genuine right, left and centre and furnished, therefore, with distinctive policies and principles. But in India no real division of political or economic principle has yet shown itself, except again in the Punjab. There has been a plethora of parties: 14 contested the elections in Assam, 11 in Bengal, 15 in the Punjab, 8 in Sind; but there was little to choose in principle between their electoral manifestoes; and, just as the legislative programme of the non-Congress Ministries has followed the same main lines as that of the Congress Ministries, so in three out of four non-Congress Provinces—it is too soon to pronounce on the fifth—there has been no real conflict of principle between Government and Opposition. Apart from communal considerations it has been merely a battle of 'ins' and 'outs', with constant changes in the balance of the opposition as groups or individuals shifted and re-shifted their allegiance under pressure of perpetual intrigue And within the ministerial camp—the Punjab is once more the exception—there has been no binding tie of party or even of personal loyalty The Premier of Bengal has kept his place, but at the price of an alliance with some of his bitterest opponents. In the course of the five changes of Government in Sind Ministers frequently accepted office under a leader who had brought or helped to bring their former leader down. In Assam politicians so frequently and easily changed their opinions and reversed their votes as to make it quite incredible that they were trying to serve the public interest. A cynic might say that cabinet-making at Shillong was sometimes not very different from a sophisticated game of 'musical chairs'. In neither of those backward Provinces has the conduct of members of the legislatures been governed solely by the wishes or the welfare of the constituencies they represented.

(8) Without party principles and policies to unite Governments and Oppositions in themselves or to divide them from one another, the uniting and dividing force has inevitably tended to be communal. It is significant that the Government in Bengal has never been so coherent or so stable as when it rested on a more or less united Moslem front. Moslem unity in Sind before 1942 would presumably have had similar results. The Punjab Government, too, has owed a good deal of its solidity to the fact that the great majority of the Moslems have supported it, and, though in the Punjab the communal issue has been cut across by an economic issue, the latter has had its communal side, for the urban interest is predominantly Hindu. Such efforts, moreover, as Governments have made to represent themselves as non-communal have been usually frustrated by their opponents and by the press. No Government in Bengal, however composed, has had much chance of being regarded by the public as really intercommunal. It was bound to be charged with trying to establish either a Moslem or a Hindu ascendancy. Though the Punjab Government could claim at least to be something like an intercommunal coalition, it was denounced by its non-Moslem enemies as an unmitigated Moslem tyranny.

(9) The evils of this communal schism, which, as has been explained in Part I of this Report, has always been the chief obstacle to the development of parliamentary government or indeed of any form of popular or representative government in India, might have been tempered if the major communal organisations in all the Provinces had combined to form coalition Governments. But the 'high command' of the Congress, which, though non-communal in theory, is in fact a predominantly Hindu body, has consistently refused, except for a short period in Assam, to permit its members to take part in any coalition.[1] The Government formed in 1941 in Bengal was not a genuine coalition since the Moslem League was excluded from it and its Congress members belonged to the dissident section of Bengali Congressmen who are not controlled by the 'high command' The Government of the Punjab, similarly, is not a fully effective communal coalition as long as it contains no Congressmen.

(10) In all four Provinces, with that brief exception in Assam and that partial exception in Bengal, the Congress has thus remained part of the Opposition and, owing to its energy and discipline, always the most formidable part. Even when its members were directed to withdraw from the legislature and even where, as in the Punjab and Sind, it is numerically weak, it has made its power felt by its capacity for organising agitation and its command of most of the Hindu press. But it has not been a normal Opposition in the parliamentary sense. It has combined with other anti-Government groups in the hope of defeating the Government but not with the intention of taking its place. It is officially pledged to combat the constitution itself and try to destroy it. And its efforts to that end have not been unsuccessful. It brought about the suspension of the constitution

[1] This is more fully discussed on pp. 101 and 110-12 below.

for a period in Assam;[1] and, though not strong enough to do the same in Sind, it perverted the constitution for a time in so far as it obtained a hold on the politics of the Province by extra-constitutional means. Its conduct in the Punjab and Bengal has been similarly unconstitutional. Its attacks on Government have frequently displayed the violence and irresponsibility which was so marked and so natural a feature of Provincial politics when government was only representative and not also responsible government. If the operation of Provincial autonomy in the non-Congress Provinces has suffered most from communalism, it has suffered next from this absence of a normal or constitutional Opposition. And the two vices have intensified each other. The easiest and most grievous form that political irresponsibility takes in India is the provocation or aggravation of communal strife.

(11) The impact of the Moslem League on the working of Provincial autonomy has been similar to that of the Congress but not the same. The League is a wholly communal organisation, more like the Hindu Mahasabha[2] than the Congress. It was not till after 1939 that the League developed the same sort of power in Provincial politics as the Congress had wielded from the outset. And its purpose was not, like that of the Congress, destructive: it wanted to maintain constitutional government in the four Provinces provided it was Moslem government. Nor has its interference with the domestic politics of the Provinces been so constant or effective as that of the Congress. Its principal achievement has been to secure the adherence of the Moslem Ministers and their Moslem supporters in the Punjab. Its principal set-back has been the loss of its control over the Government of Bengal. In Sind it failed to dominate Moslem politics till the autumn of 1942. Nevertheless, like the Congress, it has been in each Province a disturbing force, seeking to bring Provincial policy into line with that of an all-India organisation.

(12) This invasion of Provincial politics by super-Provincial bodies is of the highest constitutional significance. It raises the basic issue of Unitarianism *versus* Provincialism. In so far as it succeeds it saps the very foundations of Provincial autonomy. It has been more successful, as will be seen, in the Congress than in the non-Congress Provinces, and it has provoked in the latter a stronger reaction of Provincial patriotism. 'Bengal for the Bengalis', 'Hands off the Punjab', 'Sind for the Sindis'—these cries have been raised against the Congress or the League as the case might be. Nevertheless the non-Congress Provinces have been steadily drawn into the vortex of all-India politics. Once again the cause is communalism. All the more fiercely in these Provinces than elsewhere because the odds are more even, the Congress and the League are striving, the one to impose, the other to reject, the doctrine of a strong unitary Centre,

[1] Strictly speaking, the constitution was not suspended, since it provides for 'Governor's rule' in such circumstances as those which came about in Assam.

[2] See p. 193 below.

reflecting the great Hindu majority of India. And, in adopting in the heat of the battle the policy of Pakistan, the League has adopted with it something of Congress unitarianism: for Pakistan must presumably be as closely united, as determined to subordinate Provincial patriotism to the strength and coherence of the State, as the Hindustan it would have to face across the frontier. Thus in the non-Congress Provinces as in their neighbours the constitutional issue has become inseparably interwoven with the communal issue. There can be no final settlement of the one without a final settlement of the other.

(13) Nevertheless, despite the disturbing, perverting influence of communalism within and the pressure of all-India forces from without, the twin pillars of the new constitution—Provincial Autonomy and Responsible Government—have so far not been broken down. They stand firmly in the Punjab. They stand somewhat less firmly in Bengal. They have been twisted but they have not fallen in Sind. They fell but were shored up again in Assam. They have recently been erected, rather shakily, in Orissa. And in all the circumstances this is a notable achievement. Whatever the future may have in store, students of politics must needs be impressed by the fact that a parliamentary type of democracy has now been tried out for the first time in great Asiatic countries, peopled all together by many millions, and that, in the two more prosperous and advanced of them at any rate, it has for nearly six years successfully survived the trial.

CHAPTER X

THE CHARACTER AND POLICY OF THE CONGRESS

THE operation of the Act of 1935 in the seven Provinces in which the Congress obtained a majority in the legislature at the elections of 1937—Madras, Bombay, the Central Provinces, the United Provinces, Bihar, Orissa and the North-West Frontier Province—was different from its operation in the other four. At first sight it might seem to have been in closer accord with the ideas of those who framed the Act. The conduct of the Congress majorities in the legislatures, for example, was more like that of a coherent well-disciplined party, and the Governments consequently were more stable. But in reality the government of the Congress Provinces was not at all the kind of parliamentary government envisaged in 1935. It was responsible government of a kind but not of the British kind. Nor were the Congress Provinces autonomous in the way in which the Act intended them to be. And this difference between the two groups of Provinces, this distortion of the Act in the Congress group, was not accidental. It was at once the natural outcome of the character of the Congress and the deliberate result of its policy. Before dealing, therefore, with the work of the Congress Governments, an attempt must be made to describe, as briefly as may be, the nature and purpose of the Congress system.

I. THE CONGRESS CONSTITUTION[1]

The Indian National Congress is sometimes called the 'Congress Party', but it is not a party in the sense in which that word is normally used in democratic countries. It claims to be national, not partisan. Its membership is not confined to one community or class. It contains Moslems and members of other minorities as well as Hindus. It has been financed from time to time by wealthy Indian capitalists; and there are many landowners and other men of property in its ranks; yet it has a vigorous socialist wing, headed by Pandit Nehru.[2] Though, as will be seen, it is deeply interested in the social and economic advancement of the Indian people, its primary objective is national independence—an objective in the pursuit of which, its leaders claim, all differences, communal or social, should be forgotten. When it was founded in 1885[3] and for many years thereafter, it was the only organised embodiment of Indian aspirations for national self-government. But now there are several other bodies—the Moslem League, the Hindu Mahasabha and the Liberals in the forefront—who are also pledged to the attainment of Indian freedom, though in different ways. The Congress, moreover, though intercommunal in principle, has always in fact been predominantly Hindu; and, though it admits no social distinctions, it is mainly led and managed

[1] The full text of the Congress Constitution is given in Appendix I, p. 314 below.
[2] See p. 11 above.
[3] See Part I, 23.

by caste Hindus of the professional class—lawyers, teachers, journalists and so forth. But, if it cannot truly claim that all Indians who desire their freedom are fully represented in its ranks, it is far the strongest political organisation in India. Through the newspapers it controls or influences, still more through its army of local agents scattered through the length and breadth of India, and most of all through the prestige of Mr. Gandhi, it has a firm and widespread hold on Indian or at any rate Hindu opinion. It has been rightly described as 'the most powerful propagandist machine in Asia'. To some extent, moreover, it enlists the sympathy of those who differ from it. Its name and record appeal to the sentiment of Indian patriotism; and, while many moderate-minded Indians, Hindus as well as Moslems, are vehemently opposed to it, there are many also—members of other parties or of no party—who, however much they may disapprove its conduct and criticise its leadership, remember how long the Congress has fought for India's freedom and what hardships Congressmen from time to time have suffered for that cause.

The Congress claims to be the largest political organisation in the world. Precise figures to support this claim have not been published, but the following estimates of the number of primary members have appeared in the Indian press without contradiction and are believed to be approximately correct—in 1938-9 4½ millions, in 1939-40 3 millions, in 1941-2 1½ millions. The steep fall may be attributed partly to more careful enumeration, but it reflects a real loss of strength after the resignation of the Congress Governments in the Provinces in the autumn of 1939. It is impossible to say whether this has been due to reaction against the negative attitude of the 'high command' towards the war or to lessening interest in a party which had relinquished power or to dislike of being identified with a policy of open disobedience to the law or to some other cause. There has always been a hard core of Congressmen whose allegiance has never wavered, and the number of active adherents who have gathered round it has always fluctuated with the successes and the failures of the movement. Nor, in any case, should the strength of the Congress be measured only by the numbers of its registered members. There are many people who sympathise with the Congress and would vote for its candidates at an election without becoming formal members of it—the people whom Mr. Gandhi once described as 'the millions of unregistered Congressmen'.

Primary membership is open to any person over 18 who pays an annual subscription of 4 annas (4½*d.*) and declares in writing that he or she accepts the first article of the constitution as reframed under Mr. Gandhi's guidance in 1921—*viz.*, 'The object of the Indian National Congress is the attainment of *Swarajya* . . . by all legitimate and peaceful means'.[1] These primary members are grouped territorially in twenty Provinces, some of which correspond with the existing Provinces of British India, while others are new and smaller areas based on language. Among the former are Bengal, the

[1] See Part I, 67.

Punjab, the United Provinces, Bihar, Assam, the North-West Frontier Province and Sind. Among the latter are Maratha, Gujerati, Telugu and Tamil Provinces. The primary members in a given area—a town or a ward a district or a village, and so forth—elect the local committee which is the centre of Congress activity, especially for purposes of propaganda and electioneering. But their most important function is the annual election of the delegates in each Province who, together with the President and ex Presidents of the Congress, constitute its supreme body, the representative assembly or Session. To this end the Provinces are divided into rural and urban constituencies, each of which is entitled to elect one delegate for every 250 primary members, provided (1) that the total number of delegates in any Province does not exceed the ratio of one in every 100,000 of its population, and (2) that not more than 25 per cent. of the delegates in any Province are from urban constituencies.

The Session of the Congress, which is attended by upwards of 2,000 delegates, is usually held in February or March at a place fixed at the preceding Session or subsequently by the Working Committee.[1] It is the custom to choose a place in a different Province each year. The Session lasts as a rule for about six days, and its business is to determine the policy of the Congress for the coming year by voting on resolutions submitted by the All-India Congress Committee (A.I.C.C.) sitting as the Subjects Committee.[2] Though much, no doubt, is discussed and decided behind the scenes, the debates on the resolutions are all that happens at the open Session. These are normally concerned with questions of policy and not with the conduct of the executive.

The delegates who attend the Session, however, are directly concerned with the executive. They elect the chief office-bearer of the Congress and one of the two chief administrative bodies. But they do not do this at the Session as a single popular assembly. They have done it beforehand in their Provinces, voting in separate Provincial groups. At a date fixed by the Working Committee some weeks before the Session, the delegates in each Province are required to meet and perform the following three duties. (1) They record their votes on the candidate or candidates proposed for the Presidency of the Congress for the coming year. Any delegate may be nominated as a candidate on the joint proposal of any ten delegates. The aggregate of the votes cast in all the Provinces determines the election provided that the leading candidate has obtained more than half the total votes.[3] (2) The delegates elect one-eighth of their number as their representatives on the All-India Congress Committee (A.I.C.C.)

[1] No Session has been held since the Ramgarh Session in March, 1940.

[2] Other motions can be put forward at the request of 25 delegates provided that they have been approved by at least one-third of the members of the Subjects Committee.

[3] The list of Presidents since 1923 is as follows: 1923 Mr. Muhammad Ali and Maulana A. K. Azad, 1924 Mr. Gandhi, 1925 Mrs. S. Naidu, 1926 Mr. Srinivasa Iyengar, 1927 Dr M. A. Ansari, 1928 Pandit Motilal Nehru, 1929-30 Pandit Jawaharlal Nehru, 1931 Mr Vallabhbhai Patel, 1932 Mr. Seth Kanchhodlal, 1933 Pandit M. M. Malaviya, 1934-5 Dr Rajendra Prasad, 1936-7 Pandit J. Nehru, 1938 Mr. S. C. Bose, 1939 Mr. S. C. Bose and Dr. Rajendra Prasad, 1940-2 Maulana A. K. Azad.

(3) The delegates constitute themselves the Provincial Congress Committee. If they number less than 30, they make up that number by election.[1]

The Provincial Committees have both executive and quasi-legislative functions. They are 'in charge of the affairs of the Congress' within their Provinces, and they are empowered to make rules, 'not inconsistent with this constitution', binding on all Congressmen in their Provinces.

The A.I.C.C., which numbered 389 in 1942, and consists of the Provincial representatives together with the President, the Treasurer, and all ex-Presidents who have continued to be members of the Congress and obeyed its constitution, has a similar twofold function. It has to 'carry out the programme of work laid down by the Congress from session to session and deal with all new matters that may arise during its term of office', and it has a corresponding rule-making power to that of the Provincial Committees. It meets at irregular intervals, sometimes two or three months, sometimes much longer.

Since the Session only meets for a few days every year and is only concerned with the general lines of policy, the activities of the Congress are mainly carried on by these Committees which, by the process of indirect election described above, are chosen every year by the delegates chosen by the primary members. But this democratic method does not apply to the most powerful of all the Congress organs, the Working Committee. This Committee consists of the President and fourteen members of the A.I.C.C., who till 1934 had been elected by the A.I.C.C., but by an amendment of the constitution carried in that year are now chosen by the President as soon as he enters office. 'The position of the President today', it has been said, 'is no longer analogous to that of the chairman of a meeting. The President is like a Prime Minister or the President of the United States of America who nominates his own Cabinet.'[2] Small in numbers and meeting frequently, this Committee constitutes the Cabinet or 'high command' of the whole Congress system. Its members are often re-elected from year to year, and most of them are men who have played a leading part in the nationalist campaign since 1920. One of them is the Treasurer of the Congress who supervises the finances of all Congress bodies, big and small. Another is the General Secretary, through whose hands all the business passes: since 1939 this key-post has been held by Mr. J. B. Kripalani. The Committee's powers are very wide. It is defined in the constitution as '*the* executive authority', whose duty it is to carry out the policy determined by the Session and the A.I.C.C. It can 'frame rules and issue instructions for the proper working of the constitution *and in all matters not otherwise provided for*'. It is empowered 'to superintend,

[1] Elections for the A.I.C.C. and many other Committees have not been held since the spring of 1940. This has been partly due to the fact that during 1941 and after August 8, 1942, many Congressmen were in jail or under detention for taking or threatening to take part in 'civil disobedience'. But presumably elections could have been held during the first seven months of 1942.

[2] Mr. Subhas Chandra Bose, who was himself President of the Congress in 1938-9.

direct and control *all* Congress Committees'. The Provincial Committees in particular are subject to its authority: the rules they make cannot operate till they have received its sanction, and they must obey the rules it makes. If a Provincial Committee fails 'to function in terms of the constitution'—in the judgment apparently of the Working Committee—the Working Committee can replace it with a Committee of its own choosing. Finally, it is entitled 'to take such disciplinary action as it may deem fit against a committee or individual for misconduct, wilful neglect or default'.

Constitutionally the Working Committee is only a committee of the A.I.C.C., to which and to the Congress in Session it 'shall remain responsible'. It must report all its doings to the A.I.C.C. which can undo anything it has done. But so far there has been no serious conflict between the two bodies. On every important issue the Working Committee has taken the initiative and made its decisions, and these decisions have normally been re-affirmed by the A.I.C.C., almost, it has seemed, as a matter of course, and finally approved with the same celerity at the next Congress Session.

During the period of Congress government in the Provinces an important part was played by the Parliamentary Sub-Committee which was formed by the Working Committee in March 1937. It consisted of Maulana Abul Kalam Azad, Dr. Rajendra Prasad and Mr. Vallabhbhai Patel. Its duties were 'to be in close and constant touch with the work of the Congress parties in all the legislatures in the Provinces, to advise them in all their activities, and to take necessary action in any case of emergency'. Maulana Azad was assigned the special care of Bengal, the United Provinces, the Punjab and the North-West Frontier Province; Dr. Rajendra Prasad was given Bihar, Orissa and Assam; and the remaining four Provinces—Bombay, Madras, the Central Provinces and Sind—fell to Mr. Patel. In October 1938 the Working Committee specifically ruled that the Parliamentary Sub-Committee was entitled to perform its duties *suo motu* without any reference from the Provincial Parliamentary Party or Congress Committee. It was the Parliamentary Sub-Committee which, 'with the approval of the Working Committee', issued instructions in October 1939 for the resignation of the Congress Ministries.

There remains one vital feature in the operation of the Congress constitution which might be described as unconstitutional, but better, perhaps, as superconstitutional. That feature is the virtual sovereignty of Mr. Gandhi. No one knows the working of the Congress system better than Pandit Nehru, and, though he has not always agreed with Mr. Gandhi, he has never wavered in his personal allegiance, and more than once in his writings he has described him as a kind of 'permanent super-President'.[1] Mr. Gandhi was a normal President in 1924-5 and for some years a member of the Working Committee. But, since 1934, he has held no office in the

[1] *Autobiography*, 139, 167, 194.

Congress. In October that year he announced that he had ceased to be even a primary member. Yet he has often attended meetings of the Working Committee, he has sometimes taken a leading part in the discussions of the A.I.C.C , and the will of the Congress is almost always in the last resort his will. No vital decision is taken without consulting him, and, at any rate so far as the public is aware, his opinion, when firmly held and clearly expressed, has only been over-ruled so far on four occasions.

The first of these occurred when Mr. Subhas Chandra Bose, the leader of the younger Bengali revolutionaries, after serving a year as President, was proposed for re-election in January 1939. This was regarded as a challenge by the Left to the 'moderate' policy pursued by Mr. Gandhi and his circle, and first Maulana Abul Kalam Azad and then, after his withdrawal, Mr Sitaramayya, was declared to be the 'official' candidate. Nevertheless Mr. Bose was elected by a majority of 199 out of a total vote of 2,951. But the matter did not rest there. Mr. Gandhi at once intimated that he and those who thought as he did might withdraw from the Congress, and in February all the members of the Working Committee except Mr. Bose's brother and Pandit Nehru resigned. Early in March a motion approving the past policy of the Congress under Mr. Gandhi's leadership, expressing confidence in the ex-members of the Working Committee, and requesting the President to follow Mr. Gandhi's wishes in his choice of new members was moved by Pandit Pant in the A.I.C.C. and carried. Mr. Bose was ill at this time, but at the Congress Session on March 11, the suggestion that the matter be postponed till Mr. Bose had recovered his health was greeted with an uproar of disapproval, and the A.I.C.C. resolution was carried without a division.[1] A correspondence between Mr. Gandhi and Mr. Bose ensued which closed with the former's refusal to name the members of the Working Committee. That was the end. At the next meeting of the A.I.C.C. on April 29 Mr. Bose resigned. On April 30 Dr. Rajendra Prasad, the leading Congressman in Bihar, was elected President[2] and on May 1 he re-appointed the twelve ex-members of the Working Committee. Mr. Bose's brother and Pandit Nehru—whose sympathies, as has been seen, have long been more leftward than Mr. Gandhi's—declined to serve.[3] Thereupon Mr. Bose announced the formation of a new party within the Congress to be known as the 'Forward Bloc'. After a further period of hot dispute between Right and Left, a resolution, drafted by Mr. Gandhi, was carried by the Working Committee in August, declaring that Mr. Bose was disqualified for grave indiscipline from continuing to be President of the Bengal Provincial Committee for three years.[4]

This incident has been treated in some detail because it illustrates so clearly Mr. Gandhi's superconstitutional authority. The three other occa-

[1] *Indian Annual Register*, 1939, i, 327-30, where the stormy proceedings are fully described.

[2] The election was made under the emergency provisions in Article XVI.

[3] Pandit Nehru continued, however, to attend all meetings of the Working Committee till the outbreak of war, when he formally rejoined it.

[4] *Ibid.*, ii, 212-13.

sions on which his wishes were rejected will be described in Chapters XVIII and XX.

It is not only in matters of policy that Mr. Gandhi uses his power. When the Congress forces the issue with the Government to the point of 'non-violent' rebellion in the form of a 'civil disobedience' movement, the executive control of it is vested in Mr. Gandhi alone. This has happened twice in the period under review. In the spring of 1940 the Congress Session at Ramgarh, confirming as usual the previous resolutions of the Working Committee and the A.I.C.C., agreed by an overwhelming majority to the initiation of a 'civil disobedience' campaign at such time as Mr Gandhi should choose and under his sole direction.[1] In his closing address to the Session he accepted the post of 'General' in the coming fight and claimed complete obedience to his orders from the rank and file.[2]

> When we march as an army, we are no longer a democracy. As soldiers we have got to take orders from the General and obey him implicitly. His word must be law. I am your General.

When Mr. Gandhi launched the campaign a few months later, he named the individual Congressmen, members of the Working Committee and ex-Ministers of Provinces among them, whose duty it was to break the law and go to prison.[3] The second occasion was the abortive rebellion of August 1942. In the event of the Government's rejection of the Congress demands, the Congress—to quote the resolution passed by the Working Committee on July 14—would utilise all its 'non-violent strength' and 'such a widespread struggle would inevitably be under the leadership of Mr. Gandhi'. In its confirmatory resolution of August 8 the A.I.C.C. formally 'requested' Mr. Gandhi 'to take the lead and guide the Nation in the steps to be taken' and appealed to 'the people of India' to 'hold together under the leadership of Mr. Gandhi, and carry out his instructions as disciplined soldiers of Indian freedom'. In his conversations with journalists Mr. Gandhi talked freely of his control of the coming campaign. 'My intention', he is reported to have said, 'is to make the movement as short and as swift as possible. . . . This will be the biggest struggle of my life.'[4]

Thus Mr. Gandhi is, to put it plainly, a dictator who supervises and, with rare exceptions, imposes his will on the operation of the Congress machine, and at a crisis takes sole command of it. And the explanation of his power is clear. Mr. Gandhi is not merely the most famous Indian of modern times: he is the maker of the Congress as it is to-day. For what gave the Congress its present strength was its conversion from a movement of the intelligentsia into a movement of the people: and that was Mr. Gandhi's doing, almost singlehanded. No other Congressman could have won more than a fraction of the Mahatma's hold on the popular imagination. If, then, he 'dominates to some extent the Congress'—to quote Pandit Nehru's words—it is because he 'dominates the masses. . . .

[1] *Indian Annual Register*, 1940, i, 230.
[2] *Ibid.*, 1940, i, 233.
[3] See p. 248 below.
[4] *Reuter*, Chungking, July 20, 1942

and he will retain that dominating place in the hearts of the people so long as he lives, and afterwards'.[1] Mr. Gandhi's personality is unique, and it is generally held that the superconstitutional element which he contributes to the organisation of the Congress is not likely to outlive him. But that apparently is not Mr. Gandhi's own opinion. In January 1942 he nominated Pandit Nehru as his successor. 'Pandit Nehru', he said in the course of a characteristic speech to the A.I.C.C., 'is my legal heir. I am sure when I pass he will take up all the work I do.'[2] And that Mr. Gandhi contemplates his successor wielding the same sort of supreme authority as he does is evident from the appeal he made to the Indian Princes in the course of the crisis in 1942. He advised them to come to terms with him because they would be more rigorously treated after his death. By whom? Not the Congress as a whole, nor even the Working Committee. 'When I am gone', he is reported to have said, 'Pandit Jawaharlal Nehru will have no patience with you.'[3]

II. Unitarianism

This brief account of its organisation is enough to make it clear that the character of the Congress will be misunderstood if it is regarded as a political party in the usual Western sense of the words. Congressmen, it is true, fought elections under the Act of 1919 with the label of Swarajists, but not on the same footing as their opponents: they were bent not on working the constitution but on breaking it.[4] The Congress, in fact, since 1920, has been a revolutionary organisation, pledged to 'peaceful' methods, but none the less revolutionary. It not only repudiates the Government by law established. It sets up, as other nationalist movements have done, a kind of rival Government, a sort of *imperium in imperio*, which commands the allegiance of a multitude of Indians and controls their political activities.

Its leaders profess the democratic faith. They hold that in national politics the will of the people, or, more strictly, the majority of the people must prevail. And they assert the right of individuals and groups within the nation to the liberties enjoyed in the free societies of the Western world. But, till the national struggle is over, till India is wholly free, these rights must be subordinated to the national need. History is strewn with the wreckage of liberal causes betrayed by the dissensions of their champions. And in a country so vast and so variegated as India any popular movement is more than usually liable to disruption on sectional or local grounds. The Congress system, consequently, is essentially a unitary system. Though the Provinces have been accepted as a territorial basis for popular representation, and though their individuality has been recognised and even emphasised by the redrawing of their boundaries on linguistic lines, their status has been strictly subordinated to that of the central authority and

[1] *The Unity of India*, 122.
[2] Meeting of the A.I.C.C. at Wardha, January 15, 1942. *Hindu*, Jan. 16, 1942.
[3] *Leader*, Aug. 10, 1942.
[4] See Part I, 69.

their political activities rigidly controlled by it. The part taken, for example, by Congressmen in the legislatures after 1922, in the Provinces as much as at the Centre, was dictated by decisions at the Session which at one time allowed them to enter the legislatures and at another time, in 1929 for instance, called them out. And the more militant and successful the nationalist movement became, the stiffer this central control. Thus, just at the time when, as described in Part I of this Report, the old unitary constitution of British India was in course of rapid decentralisation, when the Provinces were being released from the 'superintendence, direction and control' of the Central Government, the new rival constitution was becoming as highly centralised as the old had ever been and maintaining quite as firmly the Centre's 'superintendence, direction and control'—the very words are the same—of the Provinces.

If the revolutionary character of the Congress is clearly recognised, it is easy to understand the dilemma in which its leaders were put by the inauguration of the new Provincial constitution and the controversy it provoked about 'office-acceptance'.[1] Those leaders who ultimately prevailed were no less patriotic than Pandit Nehru and his school; but they did not believe that by accepting office they would retard the advance to the Congress' goal of full national freedom. From the revolutionary standpoint, however, there were two dangers in this policy. In the first place it implied at least a measure of acquiescence in the Act of 1935: acquiescence in the infringements of full self-government in the Provinces—in the existence of the 'safeguards', in the predetermined allocation of financial resources, in the retention of the Secretary of State's Services—not to mention the ultimate British control of the whole of the Central Government. And acquiescence, however deliberate and reserved to start with, might insensibly merge into something like acceptance of the British policy of gradual enfranchisement. Before they knew where they were, Congress Ministers might even find themselves in the same camp as the Liberals—those fainthearted friends of freedom for whom Pandit Nehru in his writings reserves his bitterest sarcasms. And the more successful Ministers were, the greater this danger would be. The more good they were able to do the Indian people, the more they would want to go on doing it.

The second danger was Provincialism. The full self-government now accorded to the Provinces was calculated to stimulate the civic sense of their electorates. They could take a new pride in Governments that were their own. But, since the Provincial Governments were the only popular Indian Governments—the Central Government being still undemocratic and unnational—might not this quickening of Provincial patriotism mean a dulling of the consciousness of Indian nationhood? And here again success would enhance the danger. A good record in legislation or administration in one Province would excite the emulation of its neighbours; in the zest of inter-Provincial rivalry the greater goal of national freedom might be

[1] See pp. 16-21 above.

forgotten. 'Independence itself will fade away', said Pandit Nehru, 'and the narrowest provincialism raise its ugly head.'[1]

Those were obvious dangers, but there was a simple way of guarding against them—the rigid maintenance of Congress unity. Hence the policy adopted by the 'high command', a dictatorial policy, but a logical policy for men who were still revolutionaries, still denied the validity of any constitution made by Act of Parliament, still demanded the right to make one of their own. The new Provincial system, they held, must be absorbed into the old Congress system. The new Provincial Governments must be deprived of the freedom with which the constitution endowed them and fitted firmly into the unitary organisation of the Congress.

The manner in which this policy was carried out will be described in the next chapter. It was signally successful, so successful that before the end it had begun to provoke a reaction. There were occasional signs that Ministers were growing restive under the Working Committee's control: their submission, indeed, might not have been so complete as it was if they had not known that the wishes of the 'high command' were in the last analysis the wishes of Mr. Gandhi. The same applies to the rank and file of Congressmen. It is doubtful if allegiance to any other Congress 'sovereign' could have checked the growing impulse to resent the interference of outsiders in the domestic affairs of Provinces now governed by their own provincials. As it was, Pandit Nehru was constantly lecturing Ministers and their local followers on the supreme necessity of unity as the means to national freedom. There was 'a grave risk', he told them at the outset, 'of our getting involved in petty reformist activities and forgetting the main issue. . . . We are apt to be misled by the illusion that we possess power . . . . It is manifest that the Congress is more important than any Ministry. Ministries may come or go, but the Congress goes on till it fulfils its historic mission of achieving national independence for India.'[2] In the spring of 1938 he wrote to Mr. Gandhi expressing his uneasiness at the conduct of the Ministries. 'They are trying to adapt business far too much to the old order and trying to justify it.'[3] And his opinion was reflected in a passage of a resolution passed at the Tripuri Session in March 1939, declaring that Provincial autonomy affords no scope for the 'self-government and growth which independence alone can give, and its capacity for good is being rapidly exhausted'.[4] It seems probable that to such a wholehearted revolutionary as Pandit Nehru the final resignation of the Ministries came as a great relief. It was obviously easier to maintain a united front in opposition to the British Government than in co-operation with it, however partial or reserved.

Yet the Provincialist reaction, such as it was, had not gone far enough by the autumn of 1939 to endanger the success of the unitary policy.

[1] See p. 12 above.
[2] *The Unity of India*, 60, 65, 75.
[3] *Ibid.*, 106.
[4] *Indian Annual Register*, 1939, i, 340.

Broadly speaking, the Congress leaders had achieved their purpose. They *had* absorbed the new Provincial constitution into the Congress system, and thus to a great extent perverted it. It had been framed on the basis of Provincial Autonomy and Responsible Government, the first being conceded in the first instance in order to facilitate the second. But neither of those two principles was allowed to operate as it was meant to operate. Freed from the control of the legitimate Centre, the Provinces were subjected to far closer and stricter control by the Congress Centre, and responsible government, as intended by the Act, so far from being facilitated, was thereby made impossible. For Ministers were only *in form* responsible to the majorities of the legislatures elected by the people: in fact they—and the majorities too—were responsible to the Working Committee and the Parliamentary Sub-Committee. No secret was made of it. Pandit Nehru publicly stated it when the Congress Governments had been only a few months in office. Writing in November 1937, he said:

> What is the responsibility of the electorate? That electorate plumped for the Congress candidates, not because of their individual merits, but because they represented the Congress and its programme. Nothing could be clearer than this. The vote was for the Congress. . . . It is to the Congress as a whole that the electorate gave allegiance, and it is the Congress that is responsible to the electorate. The Ministers and the Congress Parties in the legislatures are *responsible to the Congress and only through it to the electorate*.[1]

It might, perhaps, have been foreseen that this kind of twist would be given to the constitution. It was not unnatural, nor indeed unprecedented. In all democracies parties organised on a national basis are likely to be connected to some extent with local politics. In Britain parties working in the field of local government have become more and more closely associated with national parties. In all federations but one the national parties are concerned to a greater or less degree with the government of the federal units. Ever since the creation of the American Commonwealth, the elections to the State legislatures have been fought almost exclusively by the two great national parties and mainly on national issues. 'The whole machinery is worked', wrote Bryce, 'exactly as if the State were merely a subdivision of the Union for electoral purposes.'[2] The situation in Canada was roughly the same as long as the two old parties monopolised the field, and, when new parties came into being, they too were constituted as national, not Provincial parties. In Australia, similarly, State elections are fought by national parties; but it is worth noting that, while in each State the Labour 'caucus' imposes on Labour Ministers and members of the legislature the same sort

[1] *The Unity of India*, 82. Italics not in the original. The Ministers in the Central Provinces who refused to resign when the Premier and two other Ministers resigned (see p. 124 below) took the view 'that resignation of a Minister in a Congress Government was not an individual matter and, *whatever the constitutional position might be, their allegiance was to the Congress*'. (*Ibid.*, 100, footnote: italics not in the original.)

[2] *The American Commonwealth* (London and New York, 1928), i, 574.

of control as that exercised by the Congress 'high command' in the Congress Provinces, it is a State, not a Commonwealth, 'caucus'. it is, indeed, a remarkable feature of Australian politics that, though its interests in each State are broadly the same, the Labour Party has not so far succeeded in exercising its united national power within the States. Switzerland is an exception. There only are federal politics disassociated from those of the units. Politics in the Cantons and at the Centre are conducted on different issues by different parties.

It is clearer now than it was in 1937 that the precedents set by most other democracies were bound to be followed in India. The circumstances, indeed, were more conducive in India than anywhere else to the domination of local by national politics. In other federations State parties preceded national parties: the latter were the result of federation. But in India, as has often been observed, the process, still incomplete, of establishing a federation has been the reverse of the process as it has operated elsewhere. It has been a matter of dissolving a unitary system into a number of autonomous units, not of bringing units already autonomous into a federal combination. Naturally, therefore, Indian parties have grown up on a unitary or national basis. Nor was it a question of national parties absorbing Provincial parties. The Unionist Party in the Punjab and the Justice Party in Madras were the only substantial Provincial parties in existence in 1937. In all the non-Congress Provinces there were many rival groups whose interests were dominantly or exclusively local, some of them so small as scarcely to deserve the name of party; but in the Congress Provinces such groups were very few and counted for little: the Congress and, at a long distance behind it, the Moslem League occupied the field. And it should be observed that the League is as unitarian in purpose as the Congress. If its 'high command' has not succeeded in controlling the non-Congress Governments to the same extent as the Congress 'high command' has controlled the Congress Governments, it has not been for lack of trying. It will be seen in forthcoming chapters that the growth of the League's power in India at large has meant a corresponding increase in its interference and influence in Provincial affairs.

There is another thing which has fostered the supremacy of national parties in India—the fact that the overwhelming majority of the population in every Province consists of poor and uneducated peasantry. There are 'interests' in the United States, notably the farmers', which cover more than one State, but none of them is nation-wide, and, broadly speaking, 'nearly all the questions which come before State legislatures have nothing whatever to do with the tenets of the national parties'.[1] But in India the advancement of the peasantry is not only the most urgent need; it is the universal need. Two results have followed. First, though the Congress has been primarily interested in the attainment of national independence and in questions such as defence and tariff policy which can only be dealt with nationally, it has been scarcely less interested in social reform, a subject

[1] *Ibid.*

allotted from the outset to the Provincial authorities. Secondly, since the need for reform and for roughly the same kind of reform was universal, it was simple and logical for the Congress leaders, in such matters as tenancy, indebtedness and education, to lay down lines of policy for all their Provincial Ministries and legislatures to follow.

Unitarian control, then, was natural, inevitable, and relatively easy for the Congress to exercise. Nor was it undesirable *a priori* or in itself. But, exercised, as it was, so stringently and potently, it had certain undesirable results. In the first place, by making the Provincial Governments and legislatures directly responsible to the 'high command' and only indirectly to the people, it weakened to some extent—or would have done so if it had lasted longer—the power of responsible government to fulfil its primary purpose. From the time when the policy of 'the progressive realisation of responsible government in British India' was first announced in Parliament, its purpose had always been that which the authors of the Announcement ascribed to it—the political education of the people.[1] That the people should understand that the character and conduct of their Government can be determined in the last resort by their votes and on that understanding learn to cast them wisely—that is the British democratic faith. In a Congress Province the elections to the legislature determined a good deal: they determined that the majority should be a Congress majority, pledged to the execution of the Congress programme. But thenceforward the dominating factor was not the Provincial electorate but the super-Provincial 'high command'. British responsible Governments are under no control save that of Parliament and public opinion. In all they do they need consider only their existing majority in the House of Commons and the electorate which in due course will call them to account. The Congress Governments, on the other hand, and the Congress members of the legislatures likewise, were required in all they did to answer to the 'high command' and 'only through it to the electorate'. Even the supreme act of resignation was imposed on Ministries and their supporters from outside and above: it was not prompted by the pressure of public opinion in any Province. It thus became clear that the threads which had linked the Congress politicians with the electorate at the time of the elections had been cut. Ministers and legislatures had become not the 'servants of the public', but the servants of the Working Committee. Nor does it meet the case to argue that the ultimate authority was the same. It is one thing for Ministers to be responsible to the Congress operating through the Working Committee and quite another thing for them to be responsible to the Congress operating through the votes of its members at Provincial elections. The basis of popular power had been shifted and the educative force of its exercise had been weakened. In so far as popular control existed at all, it was now vested in the primary Congress members of each Province, who elect the Provincial delegates who share with the delegates of all the other Provinces

[1] See Part I, 55.

in electing the President who nominates the members of the Working Committee. The elections of the delegates are often hotly contested, but they can scarcely be compared as a means of political education with the parliamentary elections. The issues at the former are at once too narrow and too broad. Congressmen only fight with Congressmen: non-Congress arguments cannot be heard. And the functions of the delegates go so far beyond the local matters which most nearly interest the mass of voters that any real sense of control on their part must necessarily be blurred. If the new constitution were to work as it was meant to work, the Provincial electors might learn in time that it rests with them in the long run how well or ill the laws of the Province are framed and executed; but would they be likely to learn it, politically backward and inexperienced as they are, from the indirect and complicated Congress system of ministerial responsibility?

There was another drawback to Congress unitarianism, a much more serious drawback and of more immediate practical importance. The control established by the Congress 'high command' virtually nullified Provincial autonomy and so completely undermined the federal principle on which the Act of 1935 was based. Yet it was the federal principle which most students of Indian politics, outside the ranks of Congress at any rate, had come to regard as the only key to the solution of the two major problems of Indian nationhood—the communal problem and the problem of the States. The theory that a sort of balance might be established between Moslem-majority and Hindu-majority Provinces was implicit in the Nehru Report of 1928. While its authors repudiated the 'novel suggestion' that the Moslems 'should at least dominate in some parts of India', they recommended that the almost wholly Moslem North-West Frontier Province should be given full Provincial status and that overwhelmingly Moslem Sind should be detached from Bombay and become a separate Province.[1] In the course of the subsequent constitutional discussions from which the Act of 1935 emerged, the idea that federation would to some extent relieve the Moslem minority from the weight of the Hindu majority in India as a whole became explicit. But to that end it was obviously necessary for the Provinces to be conceded as much autonomy as possible, and at each stage of the debate the Moslems, backed by the other minorities, demanded the maximum application of the federal principle as against the unitary principle favoured by the Hindus.[2] The Act was a compromise, but on the whole it was more federal than unitary, and it provided a very substantial measure of Provincial autonomy. But the 'parallel' Congress Centre had gone behind the Act and destroyed this autonomy. The effect on Moslem opinion was profound. Even with full Provincial autonomy, it had never been easy for the Moslems to reconcile themselves to a 'balance' of four Moslem-majority Provinces to seven Hindu: and it made it no easier if those seven were to be welded into a solid Hindu block—and to most Moslems that is what Congress control

[1] Part I, 89-90.

[2] Part I, 116, 129, 138.

implied. Nor was it only the autonomy of the Congress Provinces that was violated. The control of the Congress 'high command' extended to Congressmen in the non-Congress Provinces. Moslem-majority Governments, therefore, would be unable to come to terms with their minorities on a Provincial footing: the Hindus could rely on the intervention and moral support of an all-India organisation. And, finally, the prospect of any kind of federation seemed darker now to Moslems than it had before. For the Congress 'high command' had shown that, however loose the federal tie might be, however wide the autonomy of the Provinces in law, the intentions of the constitution could in fact be contravened and a federal system converted, by unconstitutional but none the less effective means, into something like a unitary system. The same arguments applied *a fortiori* to the States. Provincial autonomy was the corollary of State autonomy. Only on a fully federal basis, only with the minimum of Central control, could the Princes be expected to combine of their own free will with British India to constitute one Indian nation.

III. Totalitarianism

The Congress system is not only highly unitarian: it is also, to use a word with which the world has become grievously familiar, totalitarian. In many ways, of course, this Indian form of one-party dictatorship is very different from the forms it has taken in Europe, but the principle is the same. Since 1920 the Congress has claimed to be the sole authentic champion of Indian freedom. It professes to represent, and alone to represent truly, all the nationalists of British India whatever their community or faith. It also backs the cause of the peoples of the States, and it has even asserted a kind of right to represent their Rulers.[1] As its leaders' abuse of their Liberal fellow-countrymen shows, no Indian is regarded as a patriot whose opinions differ from the Congress creed.[2] India can only be freed by the Congress and only in the Congress way.

Nor did it seem difficult to Congressmen—in 1937 at any rate—to secure the acquiescence of the varied elements of Indian society in this totalitarian doctrine. The claim that there could be only one authentic national movement seemed in their view to reflect the underlying unity of India which had shown itself, they argued, throughout her long history and would be given a new reality and force by the withdrawal of British rule. Pandit Nehru expounded this thesis in a remarkable article on 'The Unity of India' which was published in an American journal at the beginning of 1938[3] and gave its name to a volume of the Pandit's

[1] See Mr. Gandhi's declaration at the Round Table Conference: Part I, 124.

[2] A striking example of this was afforded by the fate of Mr. C. Rajagopalachari (Congress Premier of Madras from 1937-9) in 1942. In February of that year, as it happened, he had publicly defended the Congress against the charge of totalitarianism and of aiming at a Congress Raj. 'The Congress', he said, 'is open to people of all sorts of opinion ranging from the nationalist moderate up to the Communist' (*Hindu*, Feb. 12, 1942). But, when in the course of the following summer, he himself differed from the policy of Mr. Gandhi and the Working Committee, he was condemned for disobedience and only escaped 'disciplinary action' by resigning his membership of the Congress. (See pp. 289-90 below.)

[3] *Foreign Affairs*, Jan. 1938, pp. 231-43.

essays in which it was reprinted later in that year. India, he admits at the outset, is a vast country, and its problems, therefore, are 'continental'. There is variety and diversity, but 'the tremendous and fundamental fact of India is her essential unity throughout the ages'. Foreigners have invaded India and influenced her life, yet 'always they have been absorbed and assimilated'. With this cultural unity the idea of political unity persisted from the earliest times, and, as soon as the requisite means were available, namely a modern system of transport and communication, it was realised. These developments 'synchronised' with the coming of the British to India and enabled them to make India a political unit. 'It was a unity of common subjection', and it 'gave rise to the unity of common nationalism', demonstrated by the success of the Congress movement. Today 'the forces working for Indian unity are formidable and overwhelming, and it is difficult to conceive of any separatist tendency which can break up this unity'. And this applies not only to local or sectional, but also to communal, interests. 'There is no religious or cultural problem in India. What is called the religious or communal problem is really a dispute among upper-class people for a division of the spoils of office or of representation in a legislature. This will surely be settled amicably wherever it arises. . . . In India to-day no one, whatever his political views or religious persuasions, thinks in terms other than those of national unity.'[1]

If Pandit Nehru, who expounds the political philosophy of the Congress with almost as much authority and influence as Mr. Gandhi expounds its ethics, could publish such opinions in 1938 in the face of what was then happening in India, it is not surprising that the totalitarian doctrine was enforced with unflinching confidence in 1937. Hence the most striking difference in the working of the new constitution in the two groups of Provinces. In all the non-Congress Provinces the Governments were coalitions of a sort, and in most of them the basis of power was constantly shifting. Minority opinion counted. A Moslem-Congress coalition was canvassed in Bengal. In Assam the influence of the Congress minority became so strong that presently there was a Congress Premier and something like a Congress Government. Even in Sind, where Congressmen are relatively only a handful, successive Governments had to shape their policy largely on Congress lines. Only in the Punjab has the Congress failed to make its weight felt. But it was a different story in the Congress Provinces. Their Governments were all pure Congress Governments. There was no question of coalitions. Minorities were out of the picture. And this, as has been said before, was logical. The constitution was being appropriated by the Congress system. The Governments were being regimented with the revolutionary 'Congress Government'. Necessarily, therefore, their complexion was pure Congress.[2]

It is true that pure party Governments are the rule in the United States

[1] *The Unity of India*, 11-26.

[2] On this question see pp 110-12 below.

and were, till recently, the rule in Britain. But the essential difference is that they have varied. Democrats have succeeded Republicans, Liberals Conservatives. Even 'National' Governments have not ventured to claim immortality. But after the triumph of 1937, at any rate, it seemed that the Governments of the Provinces in which the Congress had a safe majority would always be Congress Governments. And, when the revolution was complete, when that rival Government of all India mounted its predecessor's throne, that too would be a Congress Government. Pandit Nehru has suggested that, when the Congress has fulfilled 'its historic mission of achieving national independence for India', it 'might well cease to exist. Its task will be done.'[1] But revolutionaries have always found it difficult to relinquish the power they have won; and on another occasion Pandit Nehru frankly identified self-government with Congress government. 'The power to mould our country's destiny is not ours yet', he wrote. 'There is no *Swaraj* or Congress Raj.'[2] The same assumption was implicit in Mr. Gandhi's warning to the Princes in 1938 that the Congress was likely in the near future 'to replace the Paramount Power'.[3]

That Congress Governments, unlike those of the Western democracies, regard themselves as 'national' in a full, exclusive and permanent sense was illustrated by two small matters which otherwise would have had little significance. The first was the hoisting of the Congress tricolor on buildings under the management of local authorities when the Congress Governments came in. No doubt that novelty was mainly introduced as a challenge to the old *régime*, a repudiation of the Union Jack. But it was also a challenge to all minority parties; and the Moslem League replied by hoisting the Star and Crescent above it. On one occasion four flags were flying on the same building in the United Provinces; on another occasion in the Central Provinces there were five. The second matter was the opening of proceedings in the legislatures by singing *Bande Mataram*, a patriotic song which the Congress had adopted as its and therefore *the* national anthem. Again, no doubt, though no one had suggested the singing of 'God Save The King', the impulse was revolutionary. The song had been banned from time to time under the old *régime*. To sing it was a symbol of emancipation. But again it challenged the minorities, and this time more provocatively, since some of the verses of *Bande Mataram* can be taken to exalt Hinduism at the expense of Islam. Moslem members accordingly walked out. The song was then cut down by order of the Working Committee to its first two verses which contained nothing that could offend Moslem sentiment.[4] But the Moslem members still walked out. Finally the song was dropped, and so also was the flying of the tricolor on public buildings. Both demonstrations had been too hastily conceived. The reaction to them had shown that the Congress monopoly of nationalism was at any rate disputed.

[1] *The Unity of India*, 75. [2] *Ibid*, 63 [3] See p. 173 below.

[4] An English translation of *Bande Mataram* is given in Appendix II, p. 322 below. An account of the song and explanation of its use will be found in *Indian National Congress, 1936-7* (Allahabad, 1938), 75-7.

Another provocative phenomenon was the number of triumphant ovations accorded to the Congress leaders. Occasional party exuberance of this kind is a common and natural feature of democratic politics—there are still Englishmen living who can remember Mr. Gladstone's Midlothian campaign—but, for some time at any rate, it seemed to be becoming an habitual recreation in the Congress Provinces. 'Special trains,' writes a thoughtful Hindu student of politics, '"profuse" garlanding, unhorsed carriages, beflagged cars, mass receptions, civic addresses and tumultuous processions may be alright on rare occasions such as can scarcely arise more than once in a decade. But when they become frequent, they are clearly out of accord with democratic principles.'[1] And he goes on to point out the latent moral danger both to the leaders and to their followers. But what of those many members of the public who belonged to neither of those classes? The minority parties, it seemed, were not to be allowed to forget the harsh fact of their defeat.

Significant, too, and of much greater practical importance was the question of Hindi, the Hindu form of that Hindustani language which the Congress wants to be used instead of English as the *lingua franca* of all educated Indians. The Congress Governments refrained from making this a major issue in northern India where it would have excited the fierce opposition of the Moslem champions of Urdu, the other form of Hindustani. As it was, there was much resentment among Moslems at the official preference accorded to Hindi,[2] and the association of the *Vidya Mandir* educational scheme with the teaching of Hindi was one of the reasons for the Moslem attack on it.[3] Only in Madras was Hindi set in the front of the Congress programme; and, when Mr. Rajagopalachari issued an order making Hindi teaching compulsory in some classes of secondary schools in which the mother-tongue was mainly Tamil or Telugu, it was stormily and obstinately opposed. Though more than 900 persons had been arrested and convicted for disorder, the agitation was still afoot when the Ministry resigned. In this case, however, the opposition was not Moslem. It was a revolt against the Congress by the non-Brahmin Justice Party who used the dispute to rally their forces from their disaster at the polls.

But the most striking exhibition of totalitarian mentality was afforded by the attitude of Congressmen to the public and to the public services. Everywhere they made it clear that they were now the ruling class. Young Congressmen in the villages lorded it over their neighbours. Many Congressmen nursing a grievance or wanting a job seem to have regarded themselves as entitled to the Government's assistance and pestered Ministers or members of the legislature accordingly. All the committees of primary party-members, great and small, became quasi-official organs overnight. The 'shadow' Government had materialised. It was the same with the

[1] Beni Prasad, *The Hindu-Muslim Questions* (Allahabad, 1941), 160-1. This book by the Professor of Politics at Allahabad University is one of the most penetrating and objective studies of the communal problem so far made by Indian writers.

[2] See p. 186 below.

[3] See p. 190 below.

civil services, especially with the police. The Congress had long made a practice of recruiting a police force for special purposes such as keeping order at the annual Session and at other mass meetings, and during the 'civil disobedience' movement it had in some places established its own courts. When the Congress Ministers took office, attempts were made here and there to divert the administration of justice from the regular channels. Congress police-stations were set up in some districts, and Congress police tried to anticipate the regulars in the investigation of crime. In general administration, too, the leading Congressmen in the countryside conducted themselves as if they were the official delegates of the Provincial Government. 'Nothing was too petty', reports a Governor in a sympathetic account of the difficulties his Ministers experienced in their early days of office, 'nothing was too petty, too local, too palpably groundless not to justify, in the eyes of the small local leaders, a reference direct to the centre over the head of the district administration.'[1] These activities again were partly inspired by the spirit of revolt against the old *régime*—the Congress distrust of the Secretary of State's Services in particular will be discussed in the next chapter—but there was more than that in it. It took time, to begin with, for Congressmen to realise the extent to which the British Government was surrendering its power, and even when it was clear that all the Services were in fact as much at the command of Congress Ministers as at that of their predecessors, they were still suspect, and their Indian members at least as much as their British, for the simple reason that they were not Congress Services composed entirely of Congressmen. The Congress, in other words, was unwilling to admit the difference between servants of a party and servants of the Crown.

Another example of this attitude of mind was the expansion of the rural development scheme—for promoting sanitation, education and better methods of cultivation among the peasantry—taken over from the old *régime* in the United Provinces. The Province was organised in divisions under superintendents and in districts under local committees, and training camps were set up for minor officials. It was entirely a public enterprise, financed by Government: yet the head of the organisation, the Rural Development Officer, and most of the other officials appointed were Congressmen, and the training camps, it was reported, were schools of politics rather than of agriculture. Not unnaturally the scheme was hotly attacked by Moslem members of the legislature as a misuse of public funds for what—in their view at any rate—were party purposes.

Lastly, and most disquieting, a beginning was made with the creation of a Congress army. The idea seems to have been first publicly mooted by Mr. Bose in his presidential address at the Session in February 1938; and there can be little doubt that he, at any rate, was thinking of a Congress army mainly as a weapon against 'British imperialism'. Little response was accorded to the proposal except in the United Provinces, but there

[1] Sir Harry Haig, *Asiatic Review*, July 1940, p. 426.

it was keenly taken up. The Provincial Committee, the most 'leftward' and self-assertive of all the Provincial Committees, set up a 'Military Department' which boasted a plan of raising by 1940 a Provincial force 500,000 strong (including 10,000 women) and of encouraging similar action in other Provinces with a view to the enrolment of a great 'National Army'. An Officers' Training Camp was opened, and invitations to attend it sent to other Provinces. Bodies of men were soon to be seen in quasi-military guise, marching and drilling, armed with *lathis*, wearing their uniform, flying their flag. But the operation of the scheme did not keep pace with its authors' design. Only some 25,000 volunteers had been enrolled when the Congress Ministry resigned. The movement made no progress in most of the other Congress Provinces.

All these activities were the natural outcome of the Congress creed—the creed of revolutionary one-party nationalism. But many of them were 'unofficial' and not initiated by the 'high command'. When, indeed, they aimed at 'parallel government' by means of parallel services, civil and military, they were embarrassing. For they clashed with the policy of absorbing the Provincial Governments into the Congress system. In so far as that policy worked, 'parallelism' lost its meaning. What was the use of 'shadow' institutions to those who now controlled the substance of them? What was the point of the Provincial Congress Committee in the United Provinces declaring itself to be a 'Parallel Government' when the Government it paralleled was a pure Congress Government? To anyone, moreover, who knew what had happened in Italy and Germany, there were obvious dangers in the emergence of half-baked 'paramilitary' formations, armed or at least half-armed, drilled but not well disciplined, and without any effective centralised control.

Mr. Gandhi and the Working Committee set themselves, therefore, to check or to regularise the 'parallel' movement. In September 1938 the Working Committee passed the following resolution.

> It has come to the notice of the Congress that Congress Committees interfere with the ordinary administration . . . by seeking to influence officers and other members of the Services. The Congress advises Congressmen not to interfere with the new course of administration.[1]

In June 1939 another resolution, framed by the Working Committee and carried by the A.I.C.C., was aimed at a bigger target—in particular, it may be guessed, at the United Provinces Provincial Committee.

> In administrative matters the Provincial Congress Committee should not interfere with the discretion of the Ministry. . . . In matters of policy, if there is a difference between the Ministry and the Provincial Congress Committee, reference should be made to the Parliamentary Sub-Committee. Public discussion in such matters should be avoided.[2]

[1] *Indian Annual Register*, 1938, ii, 282. [2] *Ibid.*, 1939, ii, 357.

A similar attempt was made to bring 'unofficial' activities under the control of the 'ordinary' administration. The official character of the Rural Development Scheme in the United Provinces was reaffirmed. The original Rural Development Officer was replaced by a member of the Forest Service; an advisory board was set up with the Minister of Justice in the chair; and the district committees were reconstituted to include all the local officials concerned with rural development as well as laymen. Unofficial police activities were likewise discouraged. If additional police were needed to cope with the growing tension, they should, it was said, be Government men. The United Provinces Assembly suggested for this purpose the establishment of a 'Civic Guard'. The military movement was more difficult to handle, especially as it accorded with the younger generation's desire, which in itself could only be commended, to undergo some form of military service. The Government of Bihar declared its intention of establishing a training school for military teachers, under a retired regular officer, with a course of instruction based on the Sandhurst syllabus. Mr. Gandhi's proposal was more far-reaching and original. He appropriated the idea of a great voluntary army and transmuted it. He appealed for a 'Peace Army', pledged to combat communal disorders and all other forms of lawless violence by 'non-violent' methods. But the response was disappointing. A few 'brigades' were enlisted here and there, but not an army, not even as many thousands as joined the more militant organisation in the United Provinces.

On the whole, the 'high command' may be said to have done what it could to temper the exuberance of its followers and subject their activities to unitary control. But the harm had been done. Congress policemen might fade out, Congress soldiers might be regularised, but their existence could not be forgotten by Indians who were not Congressmen. It was the same with those ceremonial gestures. The 'national' flag was furled, but it had flown. The 'national' anthem was hushed, but it had been sung. And there was no means of undoing the worst harm that had been done by the monopolistic Congress creed—the worst because it was its simplest, most natural and most widespread manifestation. No non-Congress villager in a Congress Province is likely to forget the way those young Congressmen walked down the street.

The reaction to Congress totalitarianism was not felt only in the Congress Provinces. Behind the present fact of Congress government therein lay the further prospect of Congress government all over India—a government which in matters affecting the country as a whole would control not only the Provinces in which the Congress was in a majority but also those in which it was in a minority. For, just as the Congress claimed to be the sole authentic representative of the revolt against British rule, so the Congress, it seemed, was to be its sole inheritor. When Pandit Nehru spoke of a 'Congress Raj', those were by no means idle words. If the Congress

had its way, the new constitution, on which the all-India Government of the future would rest, was to be framed on the principle of 'majority rule'. The summoning of a Constituent Assembly for that purpose had long been one of Pandit Nehru's main ideas. It had figured in the Congress programme for some years past; it was mentioned in the election manifesto in 1937; and Pandit Nehru frequently asserted that it was the ultimate objective of the Congress Ministries. It was not 'to work the constitution in the normal way', he said, that Congressmen had taken office: it was 'to stultify the constitution and prepare the ground for the Constituent Assembly and independence'.[1] The project was formally expounded by the Working Committee at the end of 1939 and adopted at the ensuing Session in March 1940. The Assembly should be elected 'on the basis of adult suffrage', the minorities being represented in accordance with their numerical strength and by separate electorates if so desired. 'This Assembly can frame a constitution in which the rights of accepted minorities would be protected to their satisfaction, and in the event of some matters relating to minority rights not being mutually agreed to, they can be referred to arbitration.' This method of a Constituent Assembly, said the Working Committee, is 'the only democratic method of determining the constitution of a free country, and no one who believes in democracy and freedom can possibly take exception to it'. The Assembly, too, 'alone is the adequate instrument for solving the communal and other difficulties'.[2]

This was a straightforward scheme, in strict accordance, as Congressmen persistently explained, with the 'logic of democracy'. But non-Congressmen were more concerned with the practical results of the scheme than with its logic; and, considering the ignorance and inexperience of the vast majority of voters under adult suffrage, considering the unequalled canvassing power exercised by the network of the Congress organisation all over India, and considering its triumph at the elections of 1937, it seemed probable that the Congress would obtain a clear majority in the Assembly, and certain that it would constitute by far the strongest party in it. No doubt, the offer of arbitration was a valuable concession to the minorities: it would certainly help them to obtain their rights on minor issues. But the major issues would not be arbitrable. No court could be asked to determine, for example, whether the Moslems were a 'nation' or a 'community' or to weigh the merits of Pakistan.[3] In face of arithmetic, in the country at large and in the Assembly, could anything prevent the new constitution being framed mainly on Congress principles, and the preponderant share of power in the legislature and executive organs established by the constitution falling into Congress hands? To the minorities, at any rate, the 'logic of democracy' meant something very like a 'Congress Raj'. The government of all India—so it seemed to them—would be run on the same lines and

[1] *The Unity of India*, 61.

[2] *Indian Annual Register*, 1939, ii, 238; 1940, i, 229. *Constituent Assembly for India* (London, 1942) of Mr. N. Gangulee, a wholehearted supporter of the project, contains a useful description of past Constituent Assemblies in Europe and overseas.

[3] See Chapter XVII.

controlled in the last resort by the same little group of people as the present government of the Congress Provinces.

In one respect it is more understandable and excusable that totalitarianism should have grown up in India than elsewhere. For the Congress in 1937 was incomparably the largest political organisation in the country. The Moslem League was then a relatively small body with only a limited influence even among Moslems. The Hindu Liberals, always a small, if select, society, had scarcely any influence at all. Only in Congress circles were politics well-organised, vitalised, constructive. Both in weight of numbers and in strength of purpose the Congress movement was unquestionably the dominant political movement in India at that time. But in another respect totalitarianism seems even less excusable in India than in Germany or Italy. For to set a party above the people, to identify its organisation with the State, is to override the minority problem. And, as the political development of India has borne witness at each of its successive stages, the minority problem is far more difficult in India than in any European country. It cannot be overridden, and it has been the nemesis of Congress totalitarianism that the attempt to override it has made it a greater obstacle than it has ever yet been to attaining the Congress goal of a free and united Indian nationhood.

CHAPTER XI

THE CONGRESS GOVERNMENTS: I. THE CONSTITUTIONAL MACHINE

For the purposes of this Report it is unnecessary to examine separately the political record of each of the Provinces in which the Congress was in a majority. Since their Governments and legislatures were not only inspired by the same party principles, but were more or less effectively controlled by the Congress 'high command', executive and legislative policy in the various Provinces followed the same main lines. The *régime*, therefore, though there were differences, of course, in the character and conduct of the Governments, can best be described as a single and more or less uniform *régime*, illustrated by events in this or that Province.

I. The Ministries

In the course of the discussions from which the Act of 1935 was evolved it was generally agreed that the main minority communities, particularly the Moslems, ought to be and in fact would be represented in the Provincial Ministries. The authors of the Simon Report believed it would prove to be inevitable in some Provinces and dictated by expediency in the others.[1] When the question was debated at the Round Table Conference, several minority spokesmen urged that the representation of minorities in the Ministries was so essential that it would not be sufficient to instruct the Governors to do their best to bring it about: it should be a statutory obligation. 'Minorities', said Mr. Muhammad Ali, 'should feel that the Government is their Government and that they have a part in the administration of the country. Therefore this provision . . . should be part of the constitution itself.'[2] Hindu speakers took the same line as the Simon Report. 'No wise Chief Minister', said Sir C. P. Ramaswami Aiyar, 'will forget an important minority community, because, unless he gets the minorities to support him, he may not find it possible to run the Government.' But to impose minority representation by a clause of the Act might endanger the accepted principle of the joint responsibility of Ministers; for it would be difficult, if not impossible, for them to feel jointly responsible unless their association were voluntary and wholehearted.[3] There was a similar discussion in the Minorities sub-committee. It was agreed that 'the representation on the Provincial Executives of important minority communities was a matter of the greatest practical importance for the successful working of the new constitution', but there was the same dispute as to how it could be achieved.[4] In the upshot the opinion of the Simon Report and the Hindus prevailed. Nothing was said on the subject in the Act, but the Governors

[1] See Part I, 104.
[2] *Indian Round Table Conference*, Nov. 12, 1930—Jan. 19, 1931 [Cmd. 3778], 313-14.
[3] *Ibid.*, 318. [4] *Ibid.*, 334.

were told in their Instructions on the one hand that their Ministries should include 'so far as practicable members of important minority communities' and on the other hand that they must 'bear constantly in mind the need for fostering a sense of joint responsibility' among their Ministers.[1]

The view expressed in the Simon Report and at the Conference that minority representation in the Ministries would come about almost as a matter of course was clearly based on the belief that no single party would be strong enough to do without minority support. But this was belied by the result of the elections. In five Provinces the Congress obtained clear majorities. In two others they only needed the support of one or two sympathetic groups. Broadly speaking, therefore, there was no necessity for the Congress to come to terms with minority parties, not even with the strongest of them, the Moslem League. There was no bar to the application of the totalitarian doctrine that the best representatives of the minorities were to be found in the Congress ranks. The 'high command' accordingly decided that there should be no Congress-League coalitions. In the non-Congress Provinces no offers to join a Ministry should be accepted by Congressmen. In the Congress Provinces the Ministries were to consist entirely of Congressmen. Thus, when the leaders whom the Governors invited to form Ministries in the Congress Provinces submitted their list of names, there was at least one Moslem in every list save one,[2] but, except two, who were persuaded to change their allegiance, none of those Moslems was a member of the League. The Governors were in a difficult position. Except in the case of a few individuals and constituencies, it was clear that Moslem Congressmen were not supported by the majority of Moslem electors. But the Governors had not been instructed to secure the inclusion in their Ministries of *representatives* of minority communities, but only *members* thereof. Their Instructions, moreover, had not been concerned with minority representation only. The Ministries were 'collectively to command the confidence of the legislatures'; and since the Ministries submitted to them were the only Ministries available which satisfied that test, apart from the further question of joint responsibility, the Governors could do nothing but acquiesce.

The effect of the 'high command's' decision to form pure Congress Ministries was most clearly seen and most severely felt in the United Provinces. Of all the Provinces in which the Moslems are in a minority, that is the one in which they are strongest. They only number about 16 per cent. of the population of the Province as a whole, but in the urban areas the proportion is considerably higher, and the communal loyalty of the intelligentsia, nourished at the Moslem University at Aligarh, is stiffened by the local traditions of the Mogul age. Out of the 228 seats in the Provincial Assembly 64 are reserved for Moslems chosen by separate Moslem electorates. At the polls in 1937, 26 of those seats were won by the Moslem League, 28 by the Independent Moslems, 9 by the National Agricultural

[1] Full text, Part I, 136.
[2] The exception was Orissa, where the number of Moslems is negligible

Party, and only one by a Congress Moslem. Only one of the seats won by the League was uncontested. In at least 20 of the 25 contests the League's majority was substantial and in several cases overwhelming.[1]

There was no great difference, as has been seen,[2] between the electoral programmes of the Congress and the League, and the leaders of the latter had agreed to fight the elections in the United Provinces on a more or less common platform. It was understood that they expected, in the event of a joint victory, to be allotted two places in the Ministry.[3] But, when the results were known, there was a hitch. The League, it appeared, would be admitted to the Ministry only on terms, and, after lengthy discussion behind the scenes and in the Press, these terms were communicated to the Provincial League leader, Mr. Khaliq-uz-zaman, not by the presumptive Premier, Pandit Pant, but by Maulana A. K. Azad, a Bengali Moslem member of the Congress Parliamentary Sub-Committee. They were as follows.

The Moslem League group in the United Provinces Legislature shall cease to function as a separate group.

The existing members of the Moslem League Party in the United Provinces Assembly shall become part of the Congress Party, and will fully share with other members of the Party their privileges and obligations as members of the Congress Party. They will similarly be empowered to participate in the deliberations of the Party. They will likewise be subject to the control and discipline of the Congress Party in an equal measure with other members, and the decisions of the Congress Party as regards work in the legislature and general behaviour of its members shall be binding on them. All matters shall be decided by a majority vote of the Party; each individual member having one vote.

The policy laid down by the Congress Working Committee for their members in the legislatures along with the instructions issued by the competent Congress bodies pertaining to their work in such legislatures shall be faithfully carried out by all members of the Congress Party including these members.

The Moslem League Parliamentary Board in the United Provinces will be dissolved, and no candidates will thereafter be set up by the said Board at any by-election. All members of the Party shall actively support any candidate that may be nominated by the Congress to fill up a vacancy occurring hereafter.

All members of the Congress Party shall abide by the rules of the Congress Party and offer their full and genuine co-operation with a view to promoting the interests and prestige of the Congress.

In the event of the Congress Party deciding on resignation from the Ministry or from the legislature the members of the above-mentioned group will also be bound by that decision.[4]

To the published statement of these terms Maulana Azad appended a short note.

It was hoped that, if these terms were agreed to and the Moslem League group of members joined the Congress Party as full members, that group would cease to exist as a separate group. In the formation of the Provincial Cabinet it was considered proper that they should have representatives.

[1] *Return showing the Results of the Elections in India, 1937*. Cmd 5589, pp. 62-5. For subsequent by-elections, see Appendix VI, p. 333 below.

[2] See pp. 13-14 above. [3] *Leader*, July 18, 1937. [4] *Pioneer*, July 30, 1937.

These documents speak for themselves. They show that in the first action taken by the Congress leaders under the new constitution, in their first move in the field of parliamentary politics, there was nothing of that spirit of compromise without which parliamentary government cannot be expected to work successfully or long. The logic of 'majority rule' was to be strictly enforced. The Congress would form no coalition with a minority party. If League politicians wanted a share in government, they must join the Congress and submit to the control of Congress bodies in all of which the Moslem members would be in a minority. If this ultimatum were accepted, it was frankly hoped, and with good reason, that the League would cease to exist. It is not surprising that Mr. Khaliq-uz-zaman, backed by Mr. Jinnah, rejected it.

When the United Provinces Ministry was ultimately formed, it contained two Moslem members out of six. One of them was the Congress Moslem who had won a seat. The other had been elected as a supporter of the League, and, his acceptance of office being criticised, he resigned his seat and was re-elected by a large majority over a League opponent. In the Central Provinces the single Moslem Minister similarly abandoned the League in order to hold office, but in that case there was no new election. In Bombay, no Congress Moslem having won a seat in the Assembly, a Moslem Independent subscribed to the Congress programme and became a Minister. But very few Moslem politicians thus surrendered to the Congress. On the contrary the refusal of its 'high command' to share their power with the League marked the beginning of a reaction among the bulk of politically-minded Moslems against the idea of a 'Congress Raj' which was presently to make the League a more powerful force throughout Moslem India than it had ever been before.[1]

With one exception—that of the Central Provinces—to be recorded presently, the Congress Ministries maintained their internal stability and their hold on the legislatures during the twenty-seven months they were in office. The quality of their personnel was uneven. Of the Premiers one was outstanding in ability and strength of character—Mr. C. Rajagopalachari of Madras. Next to him ranked Pandit G. B. Pant of the United Provinces. With one or two notable exceptions the calibre of the somewhat elderly ministerial rank and file was not high, the Moslems being, as a general rule, the weaker brethren. It would have been higher if the Congress had put all its weight into the new Provincial Governments, but leading politicians in several Provinces, such as Dr. Rajendra Prasad in Bihar, Mr. Vallabhbhai Patel in Bombay, and Pandit Jawaharlal Nehru in the United Provinces, preferred to keep their places in the super-Provincial 'high command'.[2]

In the early days of their career most of the new Ministers—and their

[1] See Chapter XVII.

[2] There was one woman Minister, Mrs. Pandit, a sister of Pandit Nehru. She had charge of the Department of Local Self-government and Health in the United Provinces.

official subordinates—were working under peculiarly arduous conditions. In the first place, Ministers had committed themselves to a heavy programme of reform both by legislation and in the conduct of the executive machine, and they were naturally anxious to press on with it as quickly as possible. For many months the lights in their various departments were burning well into the night. Secondly, they were not only embarrassed by the impulsive attempts of the party organisations all over the Provinces to share in the task of government; they were also beleaguered by individual Congressmen who likewise thought themselves entitled to a share of power, however small, or imagined it to be a Minister's duty to remedy the personal grievances or advance the personal prospects of any loyal Congressman. Lastly, and more excusably, the country folk in some Provinces showed at the outset of the new *régime* a naive and rather tiresome curiosity. They had been told that the Government was now at last *their* Government, and they wanted to have a look at it. At Lucknow, the capital of the United Provinces, they thronged the streets, gazed with a dubious sense of ownership at the public buildings, scrutinised the lobbies and lavatories of the Assembly house, and even penetrated the sacred precincts of the Secretariat to see what *their* Ministers were doing. Under all these circumstances it is remarkable that Ministers—and the officials again must not be forgotten—endured the strain as well as they did.

The procedure of the 'Councils of Ministers', to give them their legal title, was broadly in accordance with British Cabinet practice except in one respect. The King, of course, has long ceased to attend Cabinet meetings in Britain; so have his representatives in the Dominions. But both in Britain and in the Dominions responsible government has been long established, and, when it was first introduced in the Colonies, the Governors continued for some time to preside over their Executive Councils. Similarly, in all the Indian Provinces, though Ministers frequently met alone, at practically all meetings of the Councils as such, *i.e.* for all their official work, the Governors presided. There was some difference of opinion at the outset as to whether this procedure was desirable on principle, but in practice it was soon proved to be of no small use, for it enabled Ministers to draw on the Governor's experience of administration, and it also made it possible for matters which might involve the Governor's 'special responsibilities' to be discussed and adjusted at an early stage.

II. The Legislatures

In the Congress Provinces as in the others there was never any doubt as to the aptitude of the members of the legislatures for the conduct of business on the British parliamentary model. But it was usually a duller affair than in Bengal, for example, or the Punjab. The Ministries were in no danger of defeat; they were backed in all their Provinces by substantial and in some by overwhelming majorities, and rifts were not permitted in

the ranks thereof. On some issues, on agrarian reform for instance, Congressmen were by no means agreed; but such controversy and compromise as this involved went on behind the scenes. Congressmen only moved such amendments to Government bills as Government had previously accepted.

In most of the Congress Provinces the Congress members of the legislatures loyally submitted to their Ministers' leadership in accordance with the usual operation of Cabinet government. In Bombay, however, the Congress members asserted their independence and succeeded in imposing on the Government a measure of control only less effective than that imposed by the 'high command'. This development was unwelcome to the minorities, since the Congress members of the Assembly were not as a whole so intelligent or reasonable as most of the Bombay Ministers. The same sort of thing might have happened in the United Provinces if the left wing of the Congress party in the legislature had had its way, and it needed all the pressure the 'high command' could exert behind the scenes to keep those radicals in order.

A good illustration of party discipline was afforded by the self-denying ordinance adopted in the United Provinces. In order to get their bills through as quickly as possible, private Congress members surrendered their right to speak. This was a businesslike plan, no doubt, but it tended to make the debates somewhat more mechanical than they would otherwise have been; for it only meant that Opposition speakers took a relatively larger share in them, not that they exercised more influence on their result. Small attention was paid to minority opinions or amendments, and, though the Opposition was never muzzled, there was a growing tendency among Congress members to resent criticism and show impatience with it. In this, as in some other respects, Madras was a little different from the other Congress Provinces. Though the Congress majority there was greater than anywhere else and the small and disunited Opposition more disheartened Ministers showed more readiness to consider its opinions. It was given more seats on select committees than its numbers warranted, and several of its amendments to legislation were accepted in committee. Possibly for that reason, the debates in the Assembly attracted an unusual amount of public interest. The galleries being crowded out, loud-speakers were erected to enable people to listen outside the building.

In the legislatures as a whole, however, the weight of the Congress majorities was bound not only in some degree to rob the proceedings of the normal parliamentary interest and vigour, but also to make the minorities feel that the part they played was virtually of no account. If Ministers had been confronted with formidable Oppositions and so forced to fight hard for their bills and even to make concessions in order to carry them, it would have been different. As it was, they were not made aware of the need for compromise, nor induced to moderate their conduct by the reflection that the benches opposite were occupied by members of a 'Shadow Cabinet' who might possibly take their place in office after the next election. Hence

Congress government was not really government by discussion but simply government by 'majority rule', and the meaning of that was driven home in all its rigour. If the Congressmen made full use of their opportunity, if they put through a remarkable number of measures in a remarkably short time, they did it at a price. The mere fact of their strength and their success widened the gulf between them and the minorities.[1]

III. The 'Safeguards'

Cabinets and legislatures functioned. The machine revolved and did its work. But there was still in the background the cardinal question as to the intentions of those who were in charge of it—a question which had remained unresolved in the Congress election manifesto. Was it possible to work the constitution for the execution of the programme of social reform to which the Congress had pledged itself at the polls and at the same time to 'combat' that constitution and 'seek to end it'? Ministers had been ordered to do both. Of their eagerness to do the first there was no question, and the measure of their success was bound to influence their opinion on the second, and conceivably the opinion of the 'high command' as well. If they discovered that, after all, the responsible government ostensibly provided by the constitution was genuine, that in fact they were the rulers of their Provinces, might they not come to the conclusion that the Provincial part of the Act at any rate was not so intolerable as it had seemed?

The first signs were not unfavourable. All the Congress legislatures sooner or later passed resolutions against the Act of 1935; but they did not condemn it root and branch. They only denounced the scheme of federation. Nor was there much practical importance in the repudiation of titles or in the hoisting of the Congress flag on municipal buildings or in the singing of the Congress 'national anthem' in the legislatures. The practical questions were the relations of the Ministries first with the Governors and secondly with the members of the Indian Civil Service and the Indian Police. If the constitution was to be 'combated', these were the obvious points of attack. For those Governors, still responsible in general to the Secretary of State and equipped in particular with overriding powers, and those all-India Services, still under the ultimate control of the Secretary of State, personified, so to speak, the surviving elements of the British Raj.

As regards the Governors the attitude of the Congress 'high command' was soon made clear. Though they presided over their Cabinet meetings, Ministers were not to regard them as friendly collaborators but as political opponents. To mark the gulf and keep it open all Ministers were forbidden

[1] Twenty-seven months, in only a fraction of which the legislatures were in session, is too short a time for any valid judgment to be passed on the utility of the second chambers. Most of the Congress Provinces (not Orissa, the Central Provinces and the N.W.F.P.) possessed them. A well-argued justification of the second chamber in Bengal will be found in the *Triennial Report on the Working of the Bengal Legislative Council and the Administration of the Council Department* (*1937-40*) by the then President of the Legislative Council, Mr. Satyendra Chandra Mitra (Bengal Government Press, Alipore, 1940).

to attend ceremonies at which their Governors were present or to have any social intercourse with them. But these gestures of hostility proved ineffective. In some Provinces the orders were disobeyed despite the protests of more rigid Congressmen, and Ministers who did obey them were known to have done so with reluctance. As time went on, the relations of Ministers and Governors in all or almost all the Congress Provinces became steadily easier and friendlier. When finally they parted, it was certainly not as enemies.

Meantime, and at an early stage, the issue of the 'safeguards' had come to a test. One of the first objectives listed in the Congress electoral manifesto had been the removal of all the restrictions on civil liberty which British 'imperialism' had imposed and the release of its victims, the 'political prisoners', then in jail. How these questions were handled by the non-Congress Ministries has been recorded in previous chapters. As was to be expected, the Congress Ministries were more thorough-going. Orders under the existing restrictive legislation were cancelled, bans on Communist and other associations lifted, securities deposited by newspapers refunded, prosecutions stayed and withdrawn. In most of the Provinces, however, the old powers of 'repression' were kept in being, and, as will be seen in the next chapter, Ministers were presently obliged to use them. But in Bombay the special Emergency Powers Act of 1932 and in Bihar and in Orissa the Public Safety Act of 1930 were repealed.[1] In the North-West Frontier Province the Public Tranquillity Act of 1932 was allowed to expire at the end of its five-year life. The release of 'political prisoners' seemed also an easy enough matter in most of the Provinces, if only because there were relatively few of them. In Madras the last was freed in February 1938, and in Bombay in June. But in February 1938 there were still fifteen in jail in the United Provinces and twenty-three in Bihar, and some of them were on 'hunger-strike'. The left wing of the Congress had pressed from the first for the immediate release of all the 'political prisoners' whatever their record; but, since such a drastic measure might involve the Governors' 'special responsibility' for preventing 'any grave menace to the peace or tranquillity of the Province or any part thereof', the two Governors had come to a working agreement with their Premiers under which each case was considered on its merits. Most of the prisoners had already been released under this arrangement, but now Pandit Pant, apparently under pressure from the 'high command', advised the immediate and wholesale release of the fifteen still in jail, and similar action was taken by his colleague in Bihar. This raised an issue which concerned other Provinces, and more gravely. For the most numerous 'political prisoners' and those of the most violent character were not in the United Provinces or Bihar or in any Congress Province, but, as has been seen, in Bengal and in the Punjab. In both those Provinces, one of them contiguous with Bihar and the other with the United Provinces

[1] Bombay Act XVI of 1938. Bihar Act IV of 1939. Orissa Act I of 1938

there was persistent agitation for release. In both some of the prisoners were 'hunger-striking'. Convinced that a wholesale release in the two neighbouring Congress Provinces would seriously affect the situation, the Governor-General held that it was more than a Provincial question and that he must use the power given him by the Act of 1935 for 'preventing any grave menace to the peace or tranquillity of India or any part thereof'.[1] Accordingly he instructed the two Governors not to concur in their Premiers' recommendation, and thereupon the Ministries resigned.

It was probably no accident that the 'safeguards' issue had thus been brought to a head on the Congress side on the eve of its annual Session which opened in the latter part of February at Haripura. Thither the ex-Ministers at once proceeded, and for some days it was debated whether the area of dispute should be widened by 'calling out' all the Congress Ministries. This was clearly what the left wing wanted, but it was confronted by the unmistakable desire of most Congressmen that the experiment of 'office acceptance' should not be abandoned. Those who had always favoured it had been confirmed in their opinion by the experience of the last six months. Madras, Bombay and the Central Provinces were evidently not anxious to share the fate of the United Provinces and Bihar. Moderate counsels therefore prevailed. Mr. Gandhi, who had himself at an earlier stage taken part in negotiations with the Governor of Bengal on the basis of 'progressive release', declared that all that was needed was an assurance that the Governors were not attempting to usurp the powers of their Ministers. The Governor-General, for his part, explained that the Governors still desired to carry on the 'progressive' policy. Thereupon the ex-Ministers withdrew their resignations. The crisis was over.

These events were variously interpreted; but the truth seems to be that, in so far as it was a trial of strength between the critics and the champions of the constitution, neither side was wholly victorious. The Governor-General had upheld the validity of the 'safeguards' and maintained the principle of 'progressive release'—which was, in fact, of much greater importance in Bengal than in any other Province.[2] The Congress on its side had forced its general policy of release to the front, and, to judge by the sequel, had secured an acceleration of the 'progressive' process. In the United Provinces twelve of the fifteen prisoners were freed within a month and the other three by the end of March. In Bihar ten were released immediately and all but one by the middle of March. But the outstanding lesson of the crisis was the defeat of the Congress left. Could it now be said that the majority of Congressmen—and the Congress Ministers in particular—were really trying to combat the Provincial constitution and seeking to end it?

There is no other case on public record of the formal use of the overriding powers in the Congress Provinces; but it may be taken for granted that the fact that Governors possessed them was of major importance in

[1] S. 126 (5).

[2] See pp. 31-4 above.

discussions between them and their Ministers. There must have been several occasions, particularly in the earlier months of the new *régime*, when Ministers, not as a deliberate policy, but owing to lack of administrative experience or under pressure from their supporters, wanted to do things which involved the Governors' 'special responsibilities'. Sometimes, no doubt, they were overruled, but more often, it may be assumed, they were convinced that their proposals were unwise or persuaded to acquiesce in the Governor's opinion without bringing the dispute to the point of a formal recommendation and a formal overruling. The 'safeguards', in fact, seem to have operated in the sort of way it had been hoped they would when the new constitution was being framed.[1] The minorities, however, and particularly the Moslem minority were by no means satisfied. The latter's claim that the 'safeguard' which chiefly affected them failed to achieve its purpose will be discussed in Chapter XVII.

Little use was made of the overriding power in legislation. The vast majority of the dozens of bills submitted to them were signed by the Governors without demur. Several were reserved for consideration by the Governor or the Governor-General, but only four were ultimately vetoed, two of them in the North-West Frontier Province. The rest were returned with proposed amendments which the legislatures accepted.[2]

The Governor's power to legislate by ordinance in his discretion was never used in the Congress Provinces. The case in Sind in 1939 is the only one on record.[3]

IV. The Services

The relations of Ministers with the Secretary of State's Services may be said to have followed, broadly speaking, the same course as their relations with the Governors. It has sometimes been asserted in England that the real rulers of the country are not the politicians but the permanent officials in Whitehall; and in view of the wider powers exercised by officials, especially those of the I.C.S., in India it was not perhaps unnatural that Indian nationalists should have imagined when the transfer of power began in 1919 that it would be hampered and its reality undermined by an unsympathetic and reactionary attitude in official quarters. But in 1937 the situation was by no means the same. In the first place the fears of 1919 had been proved to be unfounded. The loyalty of the Superior Services to their Ministers under dyarchy, the genuine efforts they made to make the system work, were generally acknowledged. Secondly, the process of Indianisation had been greatly accelerated since 1919 as the result of the recommendations of the Lee Commission.[4] In 1938, of the members of the I.C.S. serving in the Provinces 490 were British and 529

[1] See Part I, 144-6, and p. 21 above.

[2] Assent was refused by the Governor-General to the United Provinces Employment Tax Bill of 1939 and the Madras Estates (Orissa Amendment) Bill of 1938. The Madras Agency Rules (Amendment) Regulation was also vetoed by the Governor-General. The two N.W.F.P. bills were vetoed by the Governor.

[3] See p. 69 above.

[4] See Part I, 82.

were Indian.[1] On the other hand the gulf between the Congress politicians and the official corps was wider now. For the Congress had been in violent opposition to the Government since the great revolt in 1921; from time to time, indeed, it had been at open war with it in the form of 'civil disobedience'; and in the course of the conflict some Congressmen who were now Ministers and many of their supporters had been denounced, arrested and imprisoned by the very men on whom they must now mainly depend for the good administration of their Provinces. Nor did Indianisation help in this respect. It might well be more difficult, indeed, in some ways for Indian officials to work with Congress Ministers than for British officials.

The position at first was distinctly uneasy. In some Provinces Ministers seem to have found it hard to conquer their distrust of the police. Public vituperation of them at Congress meetings, which had been common form when the Congress had been in opposition, was still for a time permitted to continue, though the Congress was now in power. Another disquieting factor was the Ministers' desire that the pay and allowances of the all-India Services, admittedly a heavy charge on Provincial revenues, should be reduced to harmonise with the reductions planned for the Provincial Services. But, when it was known that the Secretary of State would not favour such proposals, they were not pressed. Relations improved as time went on. As will be seen in the next chapter, the maintenance of law and order proved by no means an easy task, and the need of Ministers, on the one hand, for all the help and advice they could get, and the firmness they ultimately showed, on the other hand, in dealing with lawlessness, made possible the growth of mutual confidence between them and the police. It was the same with the I.C.S. Ministers seemed increasingly to recognise the value of the British members of the Service particularly in districts where communal tension was high.

The official corps for its part was subjected to a considerable strain at the outset. Its work was greatly increased by the inexperience of its new political chiefs and their parliamentary secretaries. They constantly interfered in the details of administration, and sometimes tried to 'short-circuit' departmental procedure by issuing executive orders direct to individual officers. The preparation and passage of new social measures added to the burden of work, and the release of the 'political prisoners' did not lighten it. Officials were also harassed in the earlier days of the new *régime* by the claims of private members of the Congress and by the revival of some of the forms of 'parallel government' which had been a marked feature of the 'civil disobedience' movements. It was disconcerting to find Congress politicians in the country districts assuming that they were as real and as important a part of the administrative system as the District Officers themselves. As has been recorded in the preceding chapter, a genuine attempt was made to check these irregular tendencies;

[1] The higher officials in the Secretariats with whom Ministers were in closest contact were still mostly British.

and by the time the Ministries resigned most members of the Services had come to feel that, though the character of administration under their new political chiefs could not be the same as under their old official ones, the Ministers needed them and for the most part trusted them, and that the work they had tried to do for India was still worth doing.[1]

It may be said, then, that neither in their relations with the Governors nor in their relations with the Secretary of State's Services did Ministers really 'combat' the constitution or 'seek to end it'. In neither case did they try, as they could have tried, to make the position impossible. For the time being they acquiesced in the survival of that residue of responsibility for Indian government which was still vested in Parliament, though it was precisely that residue which the Congress spokesmen had previously denounced as rendering the constitution intolerable.

V. Unitary Control

It might be assumed from what has so far been said that, apart from the lack of real coalition Governments, the new constitutional machine was working in the Congress Provinces more or less as the authors of the Act of 1935 had intended. But in fact this was by no means the case. As has been explained in the preceding chapter, the operation of the whole political machine was directed by a super-Provincial authority—the all-India Congress 'high command'. The election programme was framed by the Working Committee and presented in identical form in every Province. Congress electors were bound to vote for the approved Congress candidates. Congress members of the legislatures were required to follow their leaders, and with rare exceptions they did so. And their leaders, the Ministers, were subjected to an equally strict control. Premiers were not free to settle the composition of their Cabinets as they chose. At the time when the 'high command' agreed to the acceptance of office, it established a Central Control Board which was to take part in the distribution of ministerial appointments, each member of it being given a group of Provinces to supervise. Similarly, after the Ministries had been formed, a Premier could not dismiss an old colleague or choose a new one without consulting the superior authorities. It was the same with the conduct of Government business. Important declarations of policy were drafted, like the electoral programme, by the Working Committee, and usually took the form of identical resolutions. Legislation in fulfilment of the programme was made as uniform as different conditions in different Provinces allowed. Both in the management of these measures

[1] The Provincial Services have not been dealt with in this chapter since, being recruited and controlled by the Provincial Governments, their position does not raise the constitutional issue so directly as that of the Secretary of State's Services. After some controversy the Congress Ministries recognised that the reductions of pay, etc., which they imposed could not apply to existing members of the Services but only to future entrants. The morale of those Services has probably been affected in some degree by political pressure, but this trouble would presumably right itself in course of time provided that the same political party were not permanently in office.

in the legislatures and on all important administrative questions Ministers were expected to consult the Working Committee or its Parliamentary Sub-Committee, and usually did so. If they did not, a representative of the 'high command' intervened and decided what should be done. Even their departmental appointments were sometimes subject to the arbitral authority of the Central Control Board. The whole system, in fact, was a remarkable example of political unitarianism.

There was one Congress Province in which this control by the 'high command' was less firmly exercised than in the others. The North-West Frontier Province is in several respects unique. It is, to begin with, overwhelmingly Moslem: Hindus and Sikhs together number only 7·6 per cent. of the population: over 92 per cent. are Moslems, intensely conscious of the fact and contemptuous of other creeds and ways of life. It is, next, politically the least experienced of the Provinces, less even than Sind, since, while the Sindis shared, as far as they were able, in the constitutional progress of Bombay, the Frontiersmen did not even enjoy the dyarchy system of 1919 till 1932.[1] Not many years ago their 'politics' were confined to the traditional rivalries and quarrels of the khans or *quasi*-feudal landowners whose influence has only lately been contested by the growth of an educated middle class. Lastly, like Assam at the other end of Northern India, but more so, the North-West Frontier Province stands aloof from the main stream of Indian life. The Frontier is a thing by itself, its Pathans are a singular people, and they resent the intrusion of outsiders into their affairs. Hence, while many of them were ready to join in the nationalist movement, they were not really nationalists. They were not thinking of the freedom of India: they were mainly out to pick a quarrel with their own Frontier Government.

It was their common challenge to the established order which brought the Pathan agitators and the Congress into alliance. The 'civil disobedience' movement in other parts of India was paralleled on the Frontier by the 'Red Shirt' movement, and the two movements were deliberately woven together. The Red Shirt leader, Abdul Ghaffar Khan, kept in close touch with Mr. Gandhi and became one of his most devoted followers. Red Shirts thus shared with Congressmen in the conflict with the Government and in the stern repression it involved in the days of the Simon Commission,[2] and at the time of the Round Table Conference they found in the Congress the warmest sympathy with their claim for the constitutional advancement of their Province. Finally, when the new Act came into force, they fought and won the elections in the name of the Congress: their parliamentary leader, Dr. Khan Sahib, brother of Abdul Ghaffar, became one of the Congress Premiers, and his Ministry, in which there were three Moslems and one Hindu, one of the Congress Ministries. The title of Red Shirt fell out of use. Congress became the watchword.

[1] See Part I, 102 and 119, note 2.

[2] See Part I, 111.

The Ministry adopted the Congress programme of agrarian reform, as indeed did the non-Congress Ministries in a greater or less degree, and the Province was represented on the Working Committee by Abdul Ghaffar Khan.[1] But, if the association with the Congress organisation was thus more than nominal, it was less close than in the other Congress Provinces. It had been founded only on the revolutionary principle, and it was not connected by common doctrines or ideas. Very few Pathans could be called 'Congress-minded'. The gulf, indeed, between Mr. Gandhi's philosophy and the outlook of the average Pathan could scarcely be wider. The principle of 'non-violence' is almost unintelligible on the Frontier where most men carry firearms and the maintenance of the blood-feud is still regarded as a sacred duty.[2] When Mr. Gandhi visited the Province, he protested against being escorted wherever he went by armed guards. As for the *charka* or spindle, the use of which is second only to 'non-violence' in Mr. Gandhi's creed, the Pathans regard it with contempt. Spinning, they say, is women's work, and Abdul Ghaffar Khan's attempts to run camps for spinning and other forms of manual labour were practically laughed out of court. While red shirts began to go out of fashion after 1937, their place was not taken by the white 'Gandhi cap' which is worn by multitudes of Congressmen all over the rest of India, but is regarded by Pathans as an alien and unseemly headgear. Lastly, the Congress party on the Frontier differs from its followers in other Provinces in its communal make-up. It is almost wholly Moslem. The Red Shirt movement was started by Abdul Ghaffar Khan for religious as well as social reform; the Red Shirts called themselves *khudai khidmatgaran* or 'Servants of God'; and by becoming Congressmen they did not become less zealous Moslems.[3]

That last fact is the reason, though at first sight it may seem paradoxical, for the weakness of the Moslem League in the Province. Its name was unknown on the Frontier not many years ago. After the 1937 elections it succeeded in combining some of the little Opposition groups into a Moslem League Party and in course of time it won one or two by-elections. But it remained relatively weak, and, apart from the lack of funds and leadership and the custom of the khans to determine their political allegiance simply by antagonism to their traditional rivals, this weakness was due to the fact that, as a communal organisation, it was not needed. The League is essentially on the defensive—it is strongest in the Provinces in which Moslems are in a minority—and on the Frontier Islam needs no defence. The idea that Hindu politicians might control the destiny of the Pathans would be greeted not so much with anxiety as with derision.

In all these circumstances the Congress 'high command' could not apply to the North-West Frontier Province the dictatorial methods it freely

[1] He resigned in 1942 and Dr. Khan Sahib took his place.

[2] In 1939 a Red Shirt leader was murdered by some other Red Shirts in pursuance of a blood-feud. The murdered man's brothers at once went and shot an old relative of the murderer's in broad daylight.

[3] The relative weakness of the Congress 'high command's' authority in the N.W.F.P. was shown by the almost complete lack of response to its call in August 1942. See p. 301 below.

used elsewhere. It was naturally proud of its hold on the Province and naturally made the most of it as a proof of the Congress' non-communal character; but, just because of the communal factor, it was none too safe a hold. Mr. Gandhi visited the Province twice in 1938. On the first occasion he received a great popular welcome, but mainly, it was noticed, from Hindus. Little interest was taken in his second visit. Pandit Nehru also toured the Province in 1937 and again in 1938. He, too, was given a great reception on his first public appearance at Peshawar, but the result of both his visits was to give a fillip to the Moslem League. It was easy enough to arouse suspicions that the distinguished visitors were interfering in local politics, and they were not only outsiders, they were Hindus. Though, therefore, Dr. Khan Sahib was certainly subjected to pressure by the 'high command' from time to time, he was able to resist it, and there was no such close and constant interference in administration as in other Congress Provinces. But, though he had consistently maintained a greater measure of independence than any other Congress Premier, he bowed with the rest—very reluctantly, it is believed—to the final order to resign.

The conduct of the 'high command' in the Central Provinces may be set beside its conduct in the North-West Frontier Province by way of contrast. Interference in the latter was kept to a minimum: in the former the most drastic interference seemed imperative for the simple reason that that particular Province was the one Congress Province whose political record was unquestionably discreditable.

Of all the great territorial units of British India the Central Provinces, with its appendix, Berar, is the most artificial from a racial or linguistic standpoint; for it yokes together a Hindi-speaking area in the north and east, known as Mahakoshal, with a Marathi-speaking area in the south and west, known as Maharashtra. The existence of this division is in itself a compelling reason for unity within the Government; yet from the outset Dr. Khare's Cabinet of six was rent by internal disputes The Premier's two ablest Congress colleagues, Mr. Shukla and Mr. Misra, both came from Mahakoshal, the Congress stronghold. The Premier himself came from Maharashtra, and, veteran Congressman though he was, he was not fully trusted by the 'high command'. He had been willing, indeed, to take office when the new constitution was introduced and had had to be firmly called to order. He was kept, therefore, under close surveillance from Wardha, the chief centre of the Congress organisation, only some 40 miles away from the Provincial capital, Nagpur, and from Mr. Gandhi's *ashram* at Sevagram a few miles farther off Naturally the fact that his opponents in the Cabinet could count on external support did not make its proceedings more harmonious.

More serious, perhaps, than the lack of solidarity was the public disrepute the Cabinet soon acquired. The personal character of the Premier, who had abandoned a lucrative medical practice to take office, was never suspect, but the same could not be said of all his colleagues. Charges of

nepotism and corruption, of creating posts for the sake of filling them with partisans, and of even worse offences were freely bandied about Finally the conduct of Mr. M. Y. Sharif, Minister of Law, a convert from the Moslem League, produced an open scandal. He ordered the premature release from jail of a Moslem inspector of schools who had been convicted of the rape of a young Hindu girl. The release provoked a storm of indignation, intensified by communal feeling; and, when it appeared that Dr. Khare and the local Congress Committee were inclined to try to hush the matter up, the Working Committee intervened. Though there was no doubt about the case—the conviction had been upheld by the High Court of the Province on appeal—they asked an ex-judge of the Calcutta High Court for an opinion on Mr. Sharif's act of 'clemency'. It was unfavourable, and then at last (May 1938) the discredited Minister resigned.

Meantime the dissensions in the Cabinet had worsened. Neither orders from the Working Committee nor the personal intervention of Mr. Vallabhbhai Patel availed to make peace; and finally, about the time of the Sharif scandal, the Working Committee decided to impose a settlement of its own. But Dr. Khare was not minded to leave his fate in other people's hands, and he anticipated the Committee by resigning with two of his colleagues a few days before it met (July 1938). Crisis and confusion ensued. The three other Ministers refused to resign, and, since no Premier was forthcoming, they were dismissed by the Governor (Sir Francis Wylie). Dr. Khare was then persuaded to withdraw his resignation, but, after obeying a summons to Wardha, he renewed it. Next morning he was induced to 'carry on' until the meeting of the Provincial Congress party which was to be held a few days later. At that meeting, at which the Congress President, Mr. Subhas Bose, from Bengal, was in the chair, and Mr. Patel from Bombay and other Congress leaders from outside were also present, the leadership was voted to Mr. Shukla by a great majority. Dr. Khare's name was not even submitted, and indeed, on the previous day, the Working Committee had condemned him for 'grave errors of judgment and gross indiscipline'. (He was subsequently expelled from the Congress Party for two years.) Thereupon, on Dr. Khare's formal recommendation, the Governor invited Mr. Shukla to form a Ministry.

The Working Committee denounced the Governor's part in this feverish affair as unconstitutional, but the charge was not backed by the more sober Congress newspapers, and it was soon dropped. In any case it scarcely lay with the Congress 'high command' to insist on exact obedience to a constitution the main purposes of which it was openly defying and subverting. Dr. Khare still nominally commanded a majority in the legislature. No vote of 'no confidence' was moved against his Government. He was forced out of office not by any decision in the Provincial Assembly, still less by any pressure of the Provincial electorate on its representatives, but by a decision of the Congress Working Committee adopted by the Provincial Congress party under pressure from some of the Committee's

foremost members. Was anything left, it might be asked, of Responsible Government or Provincial Autonomy?

Many instances might be given of the interference of the 'high command' in other Provinces in big matters and in small. The crisis in the United Provinces and Bihar in 1938[1] was forced on by the Working Committee, and, if a settlement had not been reached, there can be little doubt that the Ministers in all the other Congress Provinces would have been ordered to resign. The same all-India pressure was brought to bear on a local question in Orissa in the spring of 1938. When it was proposed that a senior British official should be appointed to act as Governor during the latter's absence on leave, the Provincial Ministry was ordered to resign, and both Mr. Gandhi and Mr. Subhas Bose, then President of the Congress, threatened action in all the Congress Provinces unless the proposal was dropped.[2] Another major question which was virtually taken out of the hands of Provincial Ministers was that of the restoration of the lands in Gujerat of which their owners had been deprived because of their refusal to pay the land-revenue in the course of the Congress agitation under the pre-1937 *régime*. It is common knowledge that the proceedings of the Bombay Ministry in this matter in 1938 were closely watched and regulated by Mr. Gandhi and Mr. Patel. On the outstanding communal issue the Working Committee was reported early in 1939 to have sent to Congress Ministries an 'Instrument of Instructions' as to the manner in which Moslem minorities in their Provinces should be treated. At the end of the year Mr. Patel made it known that at his instance every Congress Premier had invited his Governor to intervene without hesitation if he thought that his Ministers were not dealing correctly with minorities, and that, when Moslem complaints were renewed, he had again instructed every Premier to call his Governor's attention to the matter.[3]

Those were all important questions, but there were many minor points on which the 'high command' felt it needful to intervene. It ordered all Congress Ministers, for instance, as recorded earlier in this chapter, to abstain as far as possible from social contact with their Governors. It prescribed the procedure in all its Provinces, except the North-West Frontier Province, as to the hoisting of the Congress flag on public buildings and the use of the Congress 'national anthem' on ceremonial occasions.[4] The Working Committee even concerned itself with so small a matter as the wish of the Speaker of the Madras Assembly to go to England in the spring of 1938 to study parliamentary procedure. He was forbidden to go, though his own legislature had approved the project.[5]

The supreme example of control by the Central Congress authorities was the last—the order which brought the whole system of Congress government in the Provinces to an end in the autumn of 1939.

[1] See pp. 116-17 above.
[2] A general crisis was averted by the Governor giving up his leave.
[3] *Times of India*, Dec. 11, 1939.
[4] See p. 102 above.
[5] *Indian Annual Register*, 1938, ii, 163; *Madras Mail*, April 2, 1938.

CHAPTER XII

THE CONGRESS GOVERNMENTS: II. LAW AND ORDER

I. Agrarian and Labour Trouble

Congress electioneering had not only been far better organised than that of any other party, it had also been more full-blooded. The more enthusiastic or irresponsible of its canvassers had gone beyond the normal limits of democratic party propaganda in their appeal to the masses. Congress rule, they had said, would usher in a positive millennium of high wages and low rents.[1] There was danger in this exuberance. Practicable reforms might fail to satisfy if hopes had been raised too high. And it was natural that the peasantry should be the first to make trouble, since they had been promised most and were most disappointed at the immediate upshot. Rent, it soon appeared, was still to be collected; and tenancy reform and debt relief would have to await the lengthy process of legislation. It was natural, too, that the trouble should be worst in Bihar and the United Provinces, since 'landlordism' had long been more powerful and more oppressive there than in any other part of British India.

In Bihar the *kisans* were quickly up in arms. They staged a mass-demonstration at the first meeting of the Assembly and threatened to turn on the Congress Government the old Congress weapons of *satyagraha* and 'civil disobedience' if the promises were not redeemed at once and in full. During the autumn the agitation grew. Ringleaders' speeches became more inflammatory. Ministers were denounced as bitterly as the landlords, and moderate Congressmen, headed by the Provincial Congress Committee, broke off the alliance they had made with the *kisans* in the days before they came into power. Meantime Ministers pressed on with legislation. Their tenancy bill was carried in December 1937 and their moneylenders bill in the following June. But the emollient effect of these measures on the temper of the *kisans* was transient. By the autumn of 1938 the agitation had become still more widespread and more violent. A notorious incendiary, Swami Sahajanand, was now in control, aided by some of the released 'political prisoners' and other members of extremist groups. India, said these fire-eaters, was on the eve of a revolution like the Russian: landlords would soon be abolished and peasant councils rule the country. By the end of the year an organised campaign of lawlessness was in full swing. Riots were frequent. Crops were looted by night or destroyed as they stood and the land ploughed up. The situation was no better in 1939. Armed police were needed to protect the spring harvesting. Rent-collection was at a standstill. In the summer bands of *kisan* 'volunteers' were marching about the country, flying red flags. That was the peak of the

[1] In some districts canvassers put down in their notebooks the names of individual peasants and the amount of their rent that would be cancelled if the Congress won the elections

agitation, and in the autumn of 1939, not long before the Congress Ministers resigned, it suddenly subsided. The *kisans* of Bihar are sturdy folk, but two years' excitement seems to have been enough for them.

In the United Provinces the 'peasant revolt' was not so protracted or so disorderly as in Bihar. The chief trouble was at the outset of the new *régime*, and was mainly concerned with rent. Many of the cultivators withheld payment in expectation of the general reduction of rent which they had been given to understand in the course of the election campaign would be one of the first results of a Congress victory. So serious was the effect on the revenue that in the winter of 1937-8 Ministers were obliged to tour the country explaining the situation and insisting that current rent must be paid. If it were not, they said, they must compel its payment or resign. Discontent with tenancy conditions was also rife, and Communists, released 'political prisoners' and Congressmen on the extreme left were busy inciting tenants against landlords. Nor could the situation be quickly eased by legislation, since the Government's agrarian programme took longer to enact in this Province than in any other. Nevertheless, though violent things were said, there was little serious disorder. Payment of rent was soon resumed. A monster procession of 50,000 *kisans* invaded Lucknow on March 1, 1938, but, after listening to a speech by the Premier, it quietly dispersed. In the following autumn the temperature rose a little after Sahajanand had visited the Province. There were cases of *kisans* forcibly occupying land and of landlords forcibly ejecting them. But, when in the summer and autumn of 1939 the reform legislation was carried at last on the eve of the Ministry's resignation, there had been no upheaval as alarming as that in neighbouring Bihar. This was partly due, no doubt, to the fact that the Bihari landlords, in the south of the Province at any rate, were more rapacious and the terms of tenancy worse; but it may have been also due to the greater ability of the United Provinces Ministers and to the support publicly afforded them, in the matter of rent payment for example, by Pandit Nehru, whose influence with the mass of the people is nowhere greater than in his native Province.

In the other Congress Provinces there was a certain amount of agrarian agitation but little or no disorder. Huge mobs of peasants gathered in Bombay and Nagpur, but only to demonstrate, not to riot. It was soon evident that, in so far as the *Kisan Sabha* had become a revolutionary movement, it was not an all-India movement. It had neither the leadership, nor the resources, nor indeed, except in certain districts, a sharp enough sense of injustice to endanger the whole fabric of rural society.

Labour trouble in the Congress Provinces was, like agrarian trouble, localised. In most industrial centres the workers were discontented and restless, and often, like their compatriots in the country, with good cause. Except the North-West Frontier Province and Orissa which have no heavy industries, no Province was wholly free from strikes during those twenty-seven

months of Congress government, and in Madras and Bihar there were breaches of the peace. But the only really dangerous disturbances were in the city of Bombay and some smaller towns in the same Province and at Cawnpore, in the United Provinces. Those were all strong outposts of Communism, and on each occasion the trouble was mainly due to Communist instigation, aided again by released 'politicals' and other agitators of the Left. The conflict, therefore, was not a straight issue between labour and capital it was also a fight between extremism and democracy. For, though the sympathies of the Congress are broadly with the workers as with the peasantry, and though it has its socialist wing, it has always been anti-Communist, and just as the men who did most to stimulate the agrarian trouble were not thinking only of rent and tenure, so the men who organised and led the strikes were not only concerned with wages and conditions of work: they professed the aim and spoke the language of a violent revolution.

The first outbreak in Bombay was at Ahmadabad, where nearly 40,000 textile workers struck in November 1937. The Ahmadabad Trade Union, run by a close disciple of Mr. Gandhi and one of the parliamentary secretaries in the Provincial Government, had proved itself one of the best in India. But the Communists at once took control, and efforts were made to bring about a sympathetic general strike in Bombay city. The Congress Ministers for their part were well aware that the outbreak was as much a challenge to their authority as to the rights of the employers; and, backed by Mr. Vallabhbhai Patel, the leading Congressman of the Province, they at once took steps to strengthen the forces of law and order. Ahmadabad remained restless, but there was no rioting. Nothing serious happened in Bombay. After some weeks the Communist leaders and the millowners came to terms. Meantime a Textile Enquiry Committee had been at work, and, when it reported, recommending increased wages and other improved conditions, the Government announced its assent.

Just a year later came another crisis, and this time the attack was more directly aimed at the Congress Government. It had recently carried its Trades Disputes Bill to prevent 'lightning' strikes and lock-outs; and the Communists, declaring that the rights of labour had been violated, set themselves to organise an anti-Government demonstration which was to reach its climax in a general strike throughout the Province on November 7. Less extremist bodies, such as Dr. Ambedkar's Independent Labour Party (representing the Scheduled Castes) and the Bombay branch of the Trades Union Congress, followed the Communist lead. To all appearance this was a far more formidable threat to the Government and to the peace of the Province than anything that had happened at Ahmadabad. But on the appointed day only seventeen out of seventy-seven mills in Bombay were forced to close for lack of labour, and the response in other towns was even feebler. In the city itself there was some disorder. Mobs gathered in the streets. Traffic was dislocated. Stones were thrown at the cars in which Mr. Patel and Mr. Munshi, the Home Minister, were driving. At one point

the police opened fire, wounding eleven people, two fatally. Seventy-five other cases of injury were reported. Next day order was fully restored.

This incident had been a signal proof of the strength of the Congress Government in Bombay, and for the rest of its period of office it had little labour trouble.[1]

The disturbances at Cawnpore, though there also the Communists were active in promoting and directing them, were less political and their purely economic justification stronger. Labour in that important industrial centre had long been dissatisfied and bellicose, and its temper had been stiffened by the generally unconciliatory attitude of the employers. The trouble came to a head soon after the Congress Ministers had taken office in July 1937. A strike began in the cotton mills. Attempts at a settlement by the Minister for Industries were thwarted by the intransigence of the local Union, whose leaders were mostly Communists. In August the situation was becoming dangerous—the police were attacked on one occasion by a mob of strikers—when the Premier intervened and brought about a settlement. But it was only a truce. In September there was another strike, involving some 10,000 men. After a few weeks this too was settled, after Pandit Nehru had appealed to the strikers on the Government's behalf. But again there was no real peace. The quarrel smouldered on through the winter and flared up again in the spring. On May 16, 1938, 16,000 men struck, and the number rose next day to 42,000. Soon all the mills in Cawnpore were shut. As in Bombay, the Government had set up a Labour Enquiry Committee, and, as in Bombay, it accepted its Report or most of it. But the employers found fault with the Committee's methods of procedure and rejected its recommendations. A long discussion ensued between Ministers and employers until at last, in June, enough ground was yielded by the latter for a settlement to be reached. But the peace thus made at last was uneasy. The workers were sullen and restless. Agitators continued to preach revolution at the mill gates. Yet, when the Congress Government resigned, there had been no violent outbreak, and this was particularly fortunate, since trouble at Cawnpore, whatever its cause, has usually been the signal for a fierce communal conflict.

Though they played their part both in agrarian and in industrial unrest, the exponents of downright revolution seemed in this period to be playing a waiting game. They talked 'direct action', but they did not take it. Inflammatory speeches were made—the worst case was that of a terrorist ex-convict from the Punjab who preached murder and violence in the United Provinces—and revolutionary leaflets, *The War Bugle*, *The Echo of Revolution* and such like, were distributed—mainly again in the United Provinces—among university students and schoolboys. Whether as the result of this propaganda or not, the students, it was said, were becoming

[1] The Communists engineered a successful one-day strike on October 2, 1939, but this was an 'anti-war' demonstration and not directly aimed at the Congress Government.

increasingly restive and insubordinate, and there was a nasty incident at the Moslem University at Aligarh in January 1939, when a crowd of students, irritated (it was alleged) by the conduct of a policeman, attacked and set on fire the police camp and injured some forty constables. Nothing worse than that, however, is on record: and, while the extremists continued to attack the Right of the Congress, sparing neither Mr. Gandhi nor other members of the hierarchy, they seemed anxious to avoid a rupture with the Congress Left. The idea of a common 'popular front' was in the air

Thus neither agrarian trouble, nor labour trouble, nor revolutionary trouble proved unmanageable. In all those fields the difficulties which the Congress Ministers had to face—in part, as has been seen, the outcome of their own ideology—were overcome. Only the last and gravest of all the dangers to peace, only communalism, was worse in the autumn of 1939 than it had been in the summer of 1937.

II. Communal Strife

The first Hindu-Moslem outbreaks under the new *régime* were in the Punjab,[1] and for the first few months of their administration the Congress Governments had only one serious riot to deal with—at Jubbulpore in the Central Provinces. But during the winter of 1937-8 there were several clashes, most of them involving loss of life and military intervention. There was general tension when the Muharram and Holi festivals coincided in March, and destructive riots at Allahabad and Benares and again at Jubbulpore; and in April a quarrel over cards precipitated an ugly conflict in Bombay. There was calmer weather in the early summer and again in the late autumn, but in July and August there were disturbances at several places in Bihar and the United Provinces, and from the beginning of 1939 onwards the barometer fell steadily. Again the coincidence of Muharram and Holi proved dangerous, and again the worst storm-centres were in the United Provinces and Bihar. For nearly a week there was panic at Cawnpore: the police were forced to fire several times on the mob: and troops were needed to bring the fighting to an end. At Benares, too, and Gaya there was rioting, arson, looting and bloodshed. And now the tension and disorder were more widespread. The Central Provinces had a series of bad riots: a prominent Congressman was murdered in broad daylight by a mob of Moslems in Berar. The Baqr'Id festival caused a bloody outbreak in the North-West Frontier Province. Six people were killed and some fifty injured at Sholapur in Bombay, and there were two outbreaks in Madras, the Province which normally suffers least from communal violence. The catastrophe in Europe made no difference. During the last two months of the Congress Governments Hindus and Moslems were still killing each other at several places. In a riot at Meerut in the United

[1] See p. 47 above.

Provinces in the first week of October there were over 170 casualties, eight of them fatal.

It was in those last few months of the Congress *régime* that occurred the Khaksar invasion of the United Provinces,[1] which, though its object was not communal in the usual sense, was bound to increase the prevailing communal tension. For, though Inayatullah's declared intention was only to intervene in a dispute between two Moslem sects, the Shias and the Sunnis, at Lucknow, he and all his followers were Moslems, mostly from the Punjab and the North-West Frontier Province, and they were acting in defiance of a Government which was generally regarded as predominantly Hindu. In any case it was manifestly necessary to stop this incursion of a *quasi*-military body from outside into the heart of the Province. In August 1939 Inayatullah and several of his followers were arrested, and the further entry of Khaksars was banned. Inayatullah was then released, on assurances of peaceful conduct, and conducted over the frontier; but, establishing himself on its borders at Delhi, he repudiated his assurances, declared his intention of continuing his campaign, and in September crossed the frontier again. He was re-arrested and sentenced to one month's imprisonment. Meantime, in defiance of the ban, a regular invasion of the Province had been set on foot. Bands of Khaksars, some of them from 300 to 500 strong, marched into the western districts. Many arrests were made, and there was one ugly incident. A turbulent crowd of prisoners on their way to a country jail was fired on by the police guard and five of them were killed. The trouble was by no means over, the temper of the Khaksars was still defiant, and more of them were still making their way into the Province when the Congress Ministry resigned. The sequel, in which the Punjab was more concerned than the United Provinces, has already been described.[2]

The gravity of the communal disorder, apart from the Khaksar trouble, may be judged from the following figures. Between the beginning of October 1937 and the end of September 1939 there were 57 serious riots in the Congress Provinces as a whole—15 in Bihar, 14 in the United Provinces, 11 in the Central Provinces, 8 in Madras, 7 in Bombay, 1 in Orissa and 1 in the North-West Frontier Province. The total number of casualties was nearly 1,700, of which over 130 were fatal.[3]

This record would have been worse if the precautions taken by the police had not been considerably greater than in previous years. Great pains were taken, for example, and much public money spent in guarding against disorder at minor festivals which in earlier days had not been regarded as likely to cause trouble. But, if tension is acute, almost anything can cause trouble, and, in the United Provinces and Bihar especially, the most trivial incidents, like those in the Punjab recorded in an earlier chapter, are often the prelude to savage fighting. A rumour goes round a village

[1] See p. 49 above.

[2] See pp. 50-2 above.

[3] The figures for the non-Congress Provinces in the same period are: serious riots 28 (Punjab 17, Bengal 7, Assam 3, Sind 1), casualties about 300, deaths 36.

that beef is being cooked for a marriage feast in a Moslem's house. A Hindu boy throws some coloured water at a Moslem. A pot of stewed meat is dropped from the upper storey of a Moslem's house and slightly injures a small Hindu girl in the street below. A stray buffalo, belonging to a Hindu, tramples on a Moslem's clothes.

In all this there was unhappily no novelty. Communal strife had been all too familiar a feature of the old *régime*. But, as the period of Congress government went on, the old feud seemed, for reasons which will be discussed in Chapter XVII, to be entering on a new phase. The quarrelling was less spontaneous, more persistent, more deliberate. It was as if the two communities were lining up for a coming battle. Particularly disquieting, because of the shadow it cast on the future, was the growth of communal antagonism among the younger generation. There were fierce disputes about hoisting Congress or League flags on university buildings. Even the children became more communally self-conscious. Hindu or Moslem boys refused to attend classes at which Indian history was being taught—so they protested—with a Moslem or Hindu bias. Of the acuteness of the general tension at the time the Congress Ministries resigned there were scarcely two opinions. Indian observers agreed with British officials that Hindu-Moslem relations had never in their experience been so bad.

III. Congress Policy

The Congress Ministers who had shouldered the task of controlling the lawlessness and disorder described in the preceding pages were bound to regard it from a different standpoint from that of any previous Government. Many of them, in the first place, had been affected by the deep impression made on Hindu minds by Mr. Gandhi's doctrine of 'non-violence'. Was force much more defensible when used by those who administered the law than when used by those who broke it? All the Congress Ministers, secondly, had themselves been law-breakers. For that, of course, they felt no sense of guilt. On the contrary, they—and their electors—were proud of it. It was the Government that had been guilty. The whole system of 'coercion'—the enactment and use of so-called 'emergency' measures which violated Britain's own tradition of civil liberty, the restrictions on the freedom of the Press and of public meetings, the methods of espionage and detection, the branding of all nationalist agitation as subversive and seditious—all these were the familiar instruments employed by tyranny to hold down a people 'rightly struggling to be free'. The dislike and distrust with which Congressmen regarded the police when they first took office have already been mentioned. It was the same with the system of 'coercion' as a whole. And it was not only hateful to them personally: it seemed to be no longer wanted in the public interest. Sedition had lost half its meaning now that the sedition mongers

were Ministers. A Government rooted in Indian soil and serving the people's will could have no use for the weapons of an alien imperialism. Communal disturbances would still, no doubt, occur from time to time and have to be suppressed; but it was part of the Congress creed that communal antagonism had been intensified by British rule and that its edge would soon be blunted under a Government which put patriotism first and pressed on with a programme of social and economic welfare for the equal benefit of all communities.

Such being the Congress ideology, an attack on the coercive system by the Congress Governments was generally expected and it was soon begun. Ministers, as has been seen, at once took up the question of releasing from confinement those who in their view had been the victims of the system. Orders were issued in some Provinces that the police should no longer secure the verbatim reports of political speeches which were indispensable for a prosecution. In most Provinces the existing bans on subversive associations and activities were lifted, and the security which the editors or proprietors of newspapers had been compelled to furnish as a guarantee of good behaviour was returned. In the spring of 1938 the Government of Bombay, emboldened by the success it had so far achieved in keeping order, carried the repeal of the Bombay Special (Emergency) Powers Act of 1932. It also contemplated, but on second thoughts postponed, the repeal (in its application to the Province) of the Indian Press (Emergency Powers) Act of 1931.

Meantime the whole question of 'coercion' had become a matter of controversy in Congress circles. The agrarian disturbances had made it clear that, if the Governments were to govern at all, they might have to use force, even against their special *protégés*, the peasantry. But it was one thing to punish acts and another to punish words; and the Congress Left was up in arms when, in October 1937, the forceful Premier of Madras ordered a prosecution for seditious speeches—quite in the manner, said his critics, of the old *régime*. It was a vital issue, and Mr. Gandhi promptly put all his great influence on the Right. 'Civil liberty is not criminal liberty', he wrote. 'It has been suggested that Congress Ministers who are pledged to non-violence cannot resort to legal processes involving punishment. Such is not my view of non-violence accepted by Congress. They cannot ignore incitement to violence and manifestly violent speeches.'[1] This lead was followed by the Working Committee and the All-India Congress Committee. Pandit Nehru, at that time President, contested the decision, it was said, but loyally accepted and propounded it. He reminded Congressmen, however, that they were all 'seditionists' still.[2]

Thenceforward the Congress Governments progressively discarded any hesitation they may have felt at the outset in using the old machinery. As disorder grew, agrarian, industrial, communal, they fought it with their predecessors' weapons, and even on occasion fashioned new ones. In

[1] *Harijan*, Oct. 23, 1937.

[2] *Hindu*, Oct. 31, 1937.

Bombay, during the communal disturbances in the spring of 1938, orders were issued (under that Press Act of 1931, which had not been repealed), prohibiting newspapers from publishing inflammatory articles, and security was demanded from the editor of a vernacular paper who had indulged in scurrilous attacks on public men, including the Home Minister. This Act was also used in the course of 1938 in the Central Provinces and the North-West Frontier Province to obtain security from newspapers, and in Madras the editor and publisher of a newspaper were prosecuted for sedition. In Madras, too, a section of the Criminal Procedure Code was used to forbid the opening of a factory during a strike, and a section of the Criminal Law Amendment Act to suppress the growing agitation against the Government's language policy in the schools. A motion in the Madras legislature to repeal the latter Act was resisted by Government and defeated. We cannot afford, said Ministers in effect, to throw away such a handy weapon till our position is more secure.

Congressmen of the Left by no means acquiesced in these developments. Their clamour, indeed, became so strong that in the autumn of 1938 the 'high command' decided to strengthen the hands of their Governments by a downright declaration. The following resolution was submitted to the All-India Congress Committee and duly carried:

> Inasmuch as people, including a few Congressmen, have been found in the name of civil liberty to advocate murder, arson, looting and class war by violent means, and several newspapers are carrying on a campaign of falsehood and violence calculated to incite the readers to violence and to lead to communal conflicts, the Congress warns the public that civil liberty does not cover acts of, or incitements to, violence or promulgation of palpable falsehoods. In spite, therefore, of the Congress policy of civil liberty remaining unchanged, the Congress will, consistently with its tradition, support measures that may be undertaken by the Congress Governments for the defence of life and property.[1]

Faced as they now were with steadily increasing communal tension, Ministers made the most of this uncompromising manifesto; and during their last year of office there was little to distinguish the methods of repression in the Congress Provinces from those of the other Provinces or indeed of the old 'bureaucracy'. Madras still held the lead in firmness, but Bombay was now not far behind, and the United Provinces and Bihar, where Ministers had been most reluctant to abandon their ideals of individual freedom and where the forces of the Left were stronger, were coming into line. In dangerous districts magistrates and police officers were assured that, if they were compelled to take strong action to deal with a communal outbreak, they could count on the Government's support. The Press Act was in general use for fettering and punishing incendiary journalists. Speech reporting was again the rule. In some Provinces police were trained in the use of tear-gas. In the Central Provinces the device of 'punitive police'—*i.e.* the quartering of extra police on a particular district at the

[1] *Indian Annual Register*, 1938, ii, 278.

expense of its inhabitants—was employed as a corrective of communal disorder. Perhaps the most striking feature of the repressive policy as a whole was the frequent use in almost all the Provinces of Section 144 of the Criminal Procedure Code, which empowers a magistrate to issue orders forbidding either a named individual or the public at large to do a specified act which is likely in the magistrate's opinion to cause a breach of the peace. The use of this provision had been the particular bugbear of Congress politicians in the old days, yet it was now still so common as scarcely to be noticed except by watchful critics on the Left.

Thus the Congress Governments can be said to have stood the test imposed on them in the field of law and order. They had learned by experience that a country in which the great mass of the population is still so backward and ignorant as it is in India, so easily deluded and inflamed, so much more prone in particular to outbursts of religious hate and strife than in any part of the Western world—much more than in the Balkans, say, or Ulster—is not yet ready to enjoy the full freedoms of liberal democracy. And, learning that, they had not scrupled to infringe those freedoms as their predecessors had infringed them.

A few months before their resignation the Congress Governments gave a striking illustration of their determination to combat lawlessness and particularly communal disorder. While law and order was now a Provincial 'subject', it was obviously a matter on which the maximum of consultation and co-operation between Province and Province was desirable. Conspiracies could be hatched in one against the Government of another. A newspaper banned in one could resume publication in another. If agitators were too closely watched and circumscribed, they could cross the border and start afresh. Such things had usually been prevented under the old *régime* because law and order were still 'reserved' and therefore under the supervision and control of the Central Government. But now the Centre had no such powers. There was all the more need, therefore, for inter-Provincial consultation, and it was thought that this might be met to some extent by continuing the old custom of holding biennial conferences of the Inspectors-General of Police from all the Provinces. One of these conferences was due in the winter of 1938-9, and a similar conference of Provincial Inspectors-General of Prisons did in fact meet at Delhi in January, though the Governments of Bombay, the Central Provinces and Bihar refused to take part in proceedings so clearly out of harmony with the new constitutional system. Police was a more serious and controversial question than prisons, and Congress Governments could scarcely be expected to welcome the idea of their senior police officials conferring together apart from their Ministers and under the aegis of a Central authority which the Congress disavowed, conferring, too, and doubtless comparing notes with their colleagues in the non-Congress Provinces. Happily an alternative plan was soon devised, far more in accord

with the constitutional position. The Home Ministers themselves were invited to meet at Simla, and in May 1939, the Home Ministers of all the Provinces, Congress and non-Congress, or their Parliamentary Secretaries assembled there, except those of Madras, the Central Provinces and Assam. They were accompanied by their I.G.P.s (in one case a Deputy I.G.P.) as technical advisers. The Home Member of the Central Government, the Secretary of the Home Department and the Director of the Central Intelligence Bureau also attended.

The proceedings were naturally confidential, but it is believed that they were remarkably frank and friendly and they concluded with a unanimous resolution, which was published. The following were its more important clauses:

It is recommended to all Provincial Governments that they should undertake a concerted campaign against propaganda of a communal nature and against incitement to violence of any kind whatever.

The possibility of reciprocal help between Provinces in controlling such propaganda and incitement should be explored by the Provincial Governments and stricter control be enforced over the offending section of the press by the Provincial Governments assisting one another in suppressing such propaganda and incitement.

It is recommended that the Provincial Governments should in executive action relating to law and order explore the possibilities of mutual arrangement and co-operation.

Other clauses invited the Central Government to consider the possibility of amending the Indian Penal Code and other enactments so as to strengthen the arm of the law against subversive and provocative agitation and also to protect officials from calumny on the platform and in the Press.[1]

This conference has a twofold interest for the student of Indian politics. It showed, first, how the new constitutional system, only half-built as it was, could develop its machinery to meet a practical public need. It showed, secondly, how that need, the supreme need of trying to prevent the widening of the communal breach, had induced a body of leading Indian statesmen of different creeds and hostile parties not only to meet and consult each other, and British members of the old bureaucracy as well, but to commit themselves to cordial co-operation for the peace of India.

[1] Resolution of Conference of Provincial Home Ministers, Simla, May 1939. Text in *Hindustan Times*, May 31, 1939.

CHAPTER XIII

THE CONGRESS GOVERNMENTS: III. SOCIAL POLICY

I. Agrarian Reform

'The most important and urgent problem of the country', declared the Congress Session of 1936 at Lucknow, 'is the appalling poverty, unemployment and indebtedness of the peasantry.'[1] 'Pending the formulation of a fuller programme', ran the election manifesto of 1937, 'the Congress . . . stands for a reform of the system of land-tenure and revenue and rent, and an equitable adjustment of the burden on agricultural land, giving immediate relief to the smaller peasantry by a substantial reduction of agricultural rent and revenue now paid by them and exempting uneconomic holdings from payment of rent and revenue. The question of indebtedness requires urgent consideration and the formulation of a scheme including the declaration of a moratorium, an inquiry into and scaling down of debts, and the provision of cheap credit facilities by the State.'

A thorough-going reform of the land-revenue system in British India would be a formidable operation, and the Congress Governments can scarcely be blamed for failing in their short period of office to formulate the 'fuller programme'. Only two radical attacks were made on the existing system. One was in Madras where a committee of the legislature, with Mr. Prakasam, the Revenue Minister, as chairman, took the view that, in the areas under the Permanent Settlement,[2] the *ryot*, not the *zamindar*, was the owner of the soil, and recommended *inter alia* that the level of rents prevailing when the Settlement was made in 1802 should be restored. But this drastic proposal was only carried by a majority of five, including the chairman, to four: it appears that Mr. Prakasam's colleagues thought that he had gone too far or too fast, since, though they supported the resolutions which were carried in both chambers of the legislature early in 1939, recommending that steps should be taken without delay to implement the committee's recommendations, no bill had been drafted when the Ministry resigned at the end of October. The other 'extremist' move was made in Orissa, and also against the *zamindars*. In 1938 a bill was passed which reduced all rents in the *zamindari* areas in a part of the Province to the rates of land-revenue payable for similar lands in the nearest *ryotwari* areas *plus* two annas in the rupee as compensation to the *zamindars*. This arrangement might seem plausible enough on paper, but the Ministry apparently made no attempt to investigate agrarian conditions in the area affected or to estimate the loss involved for the *zamindars*. In some cases it would have meant a reduction of their income by 50 or even 60 per cent. For some time it seemed

[1] *Indian Annual Register*, 1936, i, 250.

[2] See p. 38 above.

possible that a compromise might be effected, since the *zamindars* were prepared to acquiesce in a substantial lowering of their rents, and a conference was held at which the then President of the Congress, Dr. Rajendra Prasad, was present. But there was no immediate result, and some months later the Premier, Mr. Biswanath Das, announced that he would accept no changes in the bill. Shortly afterwards the Ministry resigned. The bill, meantime, had been reserved by the Governor for consideration by the Governor-General under Section 299 of the Act of 1935, which deals with rights in land, and assent was ultimately withheld.

These two were the only examples of a revolutionary Congress attitude on the land question, and apart from them Congress policy might almost be called conservative. No other attempt was made to upset the existing land-revenue system. The basis of the Permanent Settlement was not questioned in other Congress Provinces,[1] nor was there any interference with proprietary rights outside the Settlement areas. But within the limits of the existing system the agrarian policy of the Congress went a long way. In the first place it dealt vigorously with tenancy-rights and rents, a question which had long been acute in Bihar and the United Provinces and, as has been seen in the preceding chapter, had created there an alarming amount of agrarian unrest.

In the United Provinces tenancy was treated in one comprehensive Act of over 300 sections.[2] Its main objects were to provide for further security of tenure, for the fixation of rents by Government agency and for the abolition of a number of abuses or vexatious restrictions on tenants. The more important provisions were as follows: (1) Tenant rights differed in Agra from those in Oudh. A good deal more than half of the tenant land in Agra was held with an hereditary occupancy right acquired by twelve years' possession only, while in Oudh only a small area was thus protected and most tenants could count only on a statutory tenure of seven years. The United Provinces Act IV of 1921 had given these statutory tenants in Oudh a life tenure with a remainder to the heirs for five years. By Act III of 1926 similar rights were bestowed on the non-occupancy tenants in Agra, and the further growth of occupancy rights was stopped. The new Act of 1939 pursued this method of safeguarding the position of the tenantry to its logical conclusion. It gave all statutory tenants, in Oudh as well as in Agra, full hereditary rights in their holdings. (2) Formerly landlords could prevent the growth of occupancy or statutory rights by cultivating land for twelve years after which it was classed as *sir* and treated as land in which tenants could acquire no rights whatever. This process had been stopped in 1901, but partly renewed in 1921. The new Act cancelled the renewals except in the case of the smaller landlords who needed land for their own cultivation. (3) By the Acts of 1921 and 1926 landlords could acquire tenants' land for many purposes including large farms, subject to orders

[1] For the abortive inquiry into the Permanent Settlement in Bengal, see p. 38 above.
[2] XVII of 1939.

of a Court. This provision was being used to prevent the hereditary right or to oppress tenants and was now limited to the acquisition of not more than five acres for a house, garden or grove, and the scale of compensation was increased. (4) The tenant was given the right to construct on his holding a residential house or any other building serving an agricultural purpose without the permission of the landlord. He was also given an unrestricted right to plant trees on his holding. (5) The rents of hereditary tenants were to be determined periodically by special officers; and, rent having once been fixed, the tenant was entitled to hold at the same rate for ten years. In fixing rents it was to be ensured that the rent did not exceed one-fifth of the value of the produce, and the cost of production was to be taken into consideration. (6) Both landlords and tenants in Oudh were given the right, hitherto confined to Agra, to claim that rents paid in kind should be commuted into cash. (7) A tenant was no longer to be liable to arrest or imprisonment for failure to pay his rent. If in execution of a decree for arrears ejectment were ordered, it could extend only to an area the rent of which did not exceed one-sixth of the arrears decreed. (8) It was provided that all receipts for rent must be on a printed form sold by Government, and the landlord was liable to fine, or even imprisonment, for habitual neglect to give receipts. (9) Limitations on the rights of holders of groves (usually fruit trees) to replace fallen or cut trees were removed, and adverse customs or contracts cancelled. The tenure of grove-holders became heritable.

In Bihar the main provisions of the new tenancy legislation were as follows: (1) All increases in rent made since 1911 were abolished; this was estimated to mean a reduction of about 25 per cent. (2) Damages up to 25 per cent. and interest at 12½ per cent. were formerly realisable on arrears of rent; damages were now abolished and the rate of interest was reduced by half. (3) The system of fixing rent by appraisement of the standing crop was done away with, and the tenant who paid rent in kind was given the right to claim its commutation into cash. (4) Existing arrears of rent were substantially reduced, and land which had been sold in execution of decrees for the payment of arrears between 1929 and 1937 was to be restored to its previous tenants if they paid half the amount for which the land had been put up for sale. (5) The landlord's power to realise rents was so greatly curtailed that he had now less rights than any other kind of creditor for exacting what was due to him. He was precluded from obtaining the arrest or imprisonment of a tenant for default or from having his movable property sold without his consent; nor could the tenant's entire holding now be sold in execution of a decree unless he were declared by a competent Court to be an habitual defaulter. (6) Special provision was made for occupancy tenants.[1] They were no longer to be ejected from their holdings for non-payment of rent or for any other reason except that they had rendered the land unfit for cultivation, and they

[1] Under previous Bihar legislation a tenant who has cultivated land for 12 years becomes a settled tenant with a right of occupancy, and an occupancy holding is heritable and transferable without payment of fee to the landlord.

were given other minor rights; the only right, indeed, which the landlord retained was the right to get his rent.[1]

The two Governments concerned were entitled to take a reasonable pride in this agrarian legislation. It was pushed on at great pressure and some of it was too hastily drafted; but that was a fault which could be remedied. The merit of the legislation was that, while it gave to the tenants rights which in some respects had long been overdue, its treatment of the landlords was not intolerably severe. A revolutionary attitude to 'landlordism' was, indeed, debarred in most of the Provinces by the number of landowners in the legislatures. There were many substantial landowners, several of them Congressmen, among the 228 members of the United Provinces Assembly, and they had a majority in the upper house. They were not quite so strong in Bihar, but in both Provinces the tenancy question could not be made a direct class issue and in both it was settled by agreement.

Though nowhere so comprehensive or far-reaching, measures of tenancy reform were also carried in Bombay,[2] the Central Provinces,[3] Orissa[4] and the North-West Frontier Province.[5] Altogether it can certainly be said that the Congress Governments did a great deal to improve and secure the status of many millions of agricultural tenants.

The relief of peasant indebtedness was linked with tenancy reform in the election manifesto, and in Bihar, Bombay, the Central Provinces, Madras, the North-West Frontier Province and Orissa a series of Moneylenders or Debtors' Relief Acts were passed which provided, in a more or less uniform manner, for the registration of moneylenders and the regulation of their business, for the cancellation or reduction of interest on debts incurred before a certain date, and for the limitation of future charges to fixed rates of simple interest, ranging from 6¼ per cent. in Madras and the N.W.F.P. to 9 per cent. in Bihar.[6] These were vigorous measures, so vigorous that they seemed likely to cripple, if not destroy, the peasant's capacity to raise any loans at all. It may well be that the Congress leaders would regard such a consummation with equanimity since so large a part of the peasants' debts have usually been incurred for wasteful expenditure on marriage ceremonies and the like; but little was done by the Congress Ministries to offset their debt-legislation by measures to provide the peasants with State credit for productive agricultural purposes or to develop the co-operative system.

So much for the primary questions of tenancy and debt. Other measures were enacted for establishing famine-relief funds, for providing better marketing facilities, and for the early closing of shops and so forth,[7] more

[1] The chief measures in Bihar were Acts VIII of 1937, II, IX and XI of 1938, and VII of 1939.

[2] Act XXIX of 1939.

[3] Acts III of 1938 and I of 1939.

[4] VIII and X of 1938.

[5] X of 1938 and XX of 1939.

[6] Bihar, Act III of 1938, amended by Act VII of 1939. Bombay, XVIII of 1939. Central Provinces, XIV, XVII to XXIII, and XXXVII of 1939. Madras, IV of 1938. N.W.F.P., IV of 1939. Orissa, III of 1939.

[7] *E g.*, Bihar, IV of 1937 and XII of 1939; Bombay, XXIV of 1939; Orissa, IX of 1938.

or less on the lines of the similar legislation in the non-Congress Provinces reviewed in earlier chapters. Special mention may be made of the Bombay Industrial Disputes Act[1] which inspired an increasing recourse to conciliation rather than direct action for the settlement of disputes, and, though this was a measure more of administrative than of social policy, the Bombay Village Panchayats Act,[2] which led to the establishment of about 1,500 elected *panchayats*, compelled to tax their villagers for local purposes and invested with petty civil and criminal jurisdiction.

II. Prohibition

The most striking social reform, and the one which only Congress Ministries attempted with genuine ardour and on a substantial scale, was Prohibition. There was not the same spontaneous popular demand for it as for agrarian reform, and it did not figure in the Congress electoral manifesto; but to make India 'dry' has long been one of Mr. Gandhi's most cherished projects, and the 'high command' as a whole was determined to use the opportunity of office to stamp out the drink-traffic as quickly and completely as it could. The main difficulty was financial. Excise duties on alcohol and drugs had hitherto been one of the mainstays of Provincial revenue. In 1936-7 they constituted 17 per cent. of the total revenues of all the Provinces together. In Bombay the proportion was 26 per cent., in Madras 25, in the United Provinces 13. New administrative charges, moreover, would be incurred for enforcing Prohibition and preventing the illicit distillation of 'country spirit' from the liquor obtained by tapping the toddy palm.

The non-Congress Governments, as has been seen, did not contest the principle of Prohibition, but they applied it on a very restricted scale; their policy was still, broadly speaking, to regulate and control the drink-traffic and tax its profits for the public purse. The Congress Governments were no less in need of money. No progressive social policy, no expansion of the social services, would be possible without it, and they were already committed to a serious loss from the reduction of land-revenue involved in their agrarian reforms. Yet, whatever the Finance Ministers in the various Provinces may have felt about it, the 'high command' was ready to face without flinching the still more serious loss involved in Prohibition. Thus, the modest beginning made in the first year of office when only certain limited areas were 'dried' was regarded as wholly insufficient, and the Ministries were ordered to extend Prohibition over the whole of their Provinces within three years whatever the financial results might be.

None of the Governments directly disputed this order, but none of them proceeded to devise the financial plans required to meet the strain its execution would involve, and only one of them responded with immediate and large-scale action. The initial measure of Prohibition introduced by the Bombay Government had only cost about 30 lakhs (£225,000) in the

[1] XXV of 1938. [2] XVIII of 1939.

year; but in 1938 it drafted a scheme to cover the whole Province in three years and applied it in 1939-40 not only to certain rural areas but to the heart of the traffic in Bombay City. This meant a further annual loss of about 1,50 lakhs (£1,125,000), and reduced the yield of excise at the outset of the new *régime* from 3 20 lakhs (£2,400,000) to 1,40 lakhs (£1,050,000) and also entailed between 10 and 15 lakhs of new expenditure on preventive staff. As a partial set-off to this loss the Government levied an urban immovable property tax, but this was widely resented in Bombay as an illegitimate invasion of a tax-field which had hitherto always been regarded as a municipal reserve, and it also intensified communal feeling since Moslems, particularly their religious foundations, invest their money in house-property rather than in stocks and shares. When announcing this scheme in his budget speech for 1939-40, the Finance Minister made it clear that his Government meant to complete the programme in the following year, although at that time he could not see any provincial source of revenue from which the requisite 1,40 lakhs might come. He indicated the intention of the Government to ask the authorities concerned to increase the Provincial share of the income-tax receipts to the amount prescribed as the ultimate share of the Province in 1947,[1] and also to agree to a reduction in the salaries of all the Services including those under the Secretary of State.

The pace was not forced so sharply elsewhere. No Congress Minister was a more zealous advocate of Prohibition than the Premier of Madras, and he led the campaign in his Province with all his earnestness and drive. But Mr. Rajagopalachari was his own Finance Minister, and he refused to extend Prohibition at a quicker rate than could be soundly financed. When he resigned Prohibition had been imposed, and efficiently imposed, in four districts only, and the excise revenue of about 4,00 lakhs (£3,000,000) in 1936-7 was reckoned to have fallen by only about 40 lakhs (£300,000).

EXCISE REVENUE

(*In lakhs*[2] *of rupees*)

Province	Revenue		Increase or Decrease over 1936–7
	1936–7 Actuals	1939–40 Budget Estimate	
Madras	3,96	3,55	−41
Bombay	3,25	2,87	−38
Bengal	1,36	1,57	+21
U.P.	1,53	1,16	−37
Punjab	1,04	1,11	+ 7
Bihar	1,16	1,03	−13
C.P.	64	58	− 6
Assam	36	31	− 5
N.W.F.P.	9	9	0
Sind	35	35	0
Orissa	33	23	−10
Total	14,07	12,85	−1,22

[1] See p. 158 below.

[2] One lakh of rupees = £7,500.

The position was much the same in the other Provinces. The United Provinces, for example, sacrificed 37 lakhs (£277,500) out of 1,53 (£1,475,000), and Bihar 13 lakhs (£97,500) out of 1,16 (£870,000). The relative independence of the North-West Frontier Province from control by the 'high command' was illustrated by the failure of its Congress Government to apply Prohibition except in a partial form in a single district.[1]

How the campaign would have developed if the Congress Governments had not resigned in the autumn of 1939 must be a matter of speculation. The three-year plan could only have been carried out if the other Governments had come into line with Bombay, and how could they have financed it? The statement of the Bombay Finance Minister mentioned above suggests that the intention was to appeal to the Centre, when the time came, as the only means of saving the Province from bankruptcy. If that appeal should fail, did Ministers mean to make it a constitutional issue and surrender office on the ground that the existing financial system precluded a progressive Provincial Government from carrying out a major social reform? Mr. Gandhi's attitude, at any rate, was not in doubt. 'Gandhiji has declared', wrote one of his closest adherents, 'that, if complete Prohibition results in loss of revenue to such an extent that Provincial Governments are unable to balance their budgets, a united demand must be made on the Central Government, and, if this demand is not accepted, deadlocks may justifiably be created for such a noble cause.'[2]

III. The Depressed Classes

The advancement of the Depressed Classes, whose members now number upwards of 50 millions, had been one of the chief items of the Congress programme since 1920. Mr. Gandhi's deep interest in the welfare of the 'Harijans' or 'Children of God', as he calls them, is unquestionable: and the very fact that he had so strenuously opposed their separate representation in the legislatures on the same footing as other minorities[3] made it the more incumbent on the caste-Hindu Ministers, now they were in power, to do something for those backward brethren whom Mr. Gandhi had insisted on keeping within the Hindu fold.

In any reforms they undertook Ministers could generally count on the support of the Harijan representatives in the legislatures, not only on principle but also because in all the Congress Provinces except Bombay those representatives were mainly Congressmen or something like it. Under the system of election contrived by Mr. Gandhi and embodied in the 'Poona Pact', four candidates are chosen for each seat by the Harijans voting by themselves, and the final choice is made by a 'general' electorate. The results, therefore, in 1937 tended to follow the flow of the main electoral

[1] Act XI of 1938.
[2] J. B. Kripalani, *The Latest Fad, Basic Education* (Wardha, 1939). This booklet is commended in a preface by Mr. Gandhi.
[3] See Part I, 128.

tide. Thus in Bihar 14 out of the 15 Harijan representatives elected were Congressmen, and in Madras 26 out of 30, if not all full members of the party, voted as its leaders wished. Only in Bombay, the home of Dr. Ambedkar, the well-known political leader of the Harijans, could they be said to constitute an Opposition party. Of their 15 representatives in the legislature 13 followed Dr. Ambedkar and not the Congress. It should also be noted that the Madras and Bihar Ministries each included a 'Scheduled Caste' member.

The first of the Harijans' claims was the removal of 'untouchability' and in particular of the traditional ban which barred them from worshipping in Hindu temples. This was a more burning question in Southern India than elsewhere, and both the Madras and the Bombay Governments did something to deal with it. In Madras the Ministry refused to accept and, with the help of its 26 Harijan supporters, voted down a bill introduced by Mr. M. C. Rajah, the Madras Harijan leader, for opening temples to Harijans; but in the course of 1938 and 1939 they carried the following measures of their own: (1) The Malabar Temple Entry Act,[1] which provided for free entry into temples in Malabar, a particularly caste-ridden area, if the majority of the caste-people in a *taluk* (sub-division of the district) agreed. (2) The Removal of Civil Disabilities Act,[2] which provided, first, that no Hindu shall, by reason of his belonging to a Harijan or 'untouchable' community, be prevented from being appointed to any public office or from having access to any public source of water, path, sanitary convenience, means of transport or secular institution to which the general Hindu public has access or which is maintained for the use of the general public or paid for out of public funds, and, secondly, that no Court or public authority shall recognise any custom or usage by which it is sought to impose any civil disability on Harijans. (3) The Madras Temple Entry Indemnity Ordinance,[3] which indemnified the officials, trustees and other persons in the Madura, Tanjore and Tinnevelly districts in which there had been a good deal of 'reformist' agitation. (4) The Madras Temple Entry Authorisation and Indemnity Act,[4] which confirmed the Ordinance and empowered the trustees of any temple in the Province, with the Provincial Government's approval, to open it to Harijans. When the Congress Ministry resigned, no action had been taken to open temples under the first of these measures, but in October 1939 one important temple in the Madura district and some minor temples connected with it had been thrown open.

In Bombay, where orthodox Hindu opinion is as powerful as in Madras, an Act[5] was passed in 1938, enabling the trustees of any Hindu temple to declare it open to Harijans for worship; but no information is available as to whether any action has been taken under it. A number of administrative measures were also adopted by the Bombay Government—orders that Harijans should be permitted to use wells, attend schools, and so

[1] XX of 1938. [2] XXI of 1938. [3] I of 1939. [4] XXII of 1939.
[5] The Bombay Harijan Temple Worship (Removal of Disabilities) Act, XI of 1938.

forth—but no steps seem to have been taken to see that they were effectively carried out; and Dr. Ambedkar continued to assert that there was little solid substance in Congress promises to the Harijans.

The feelings of the Harijans are deeply concerned with 'temple entry', but their greatest practical need is education. In past years caste prejudice forbade to Harijan children the educational facilities enjoyed by the children of caste Hindus; but there were signs before 1937 that this particular barrier to Harijan advancement was rapidly breaking down. In the Punjab 'untouchability' in the educational field had become virtually an anachronism. In Bombay almost all the separate schools for Harijans had been converted into ordinary schools, and the number of Harijans admitted to ordinary schools had been steadily increasing. This latter process had been hastened in some Provinces by drastic Government action. In Bihar and Orissa and in Madras schools had been required as a condition of official recognition to accept Harijan pupils and to give them the same facilities (*e.g.*, seats in front of the teacher and the blackboard) as other pupils. Provincial Governments had also granted special concessions to Harijan children—scholarships, exemptions from fees, free textbooks and so forth—and attempts had been made, particularly in the United Provinces, to awaken an interest in education in Harijan communities. These methods of dealing with the problem were maintained and in some cases expanded under the Congress *régime*. The number of Harijan pupils in the schools rose by some thousands each year in all the Congress Provinces except Madras and Orissa. It was reported from Bihar in 1939 that Harijans were being freely admitted to schools and other educational institutions, and the Bombay Government directed local authorities that separate schools for Harijans were only to be opened or recognised in future 'under exceptional circumstances'.[1]

In general, however, it cannot be said that the Congress Governments showed a great deal more courage than their predecessors in their handling of the thorny question of the Harijans. Certainly the Congress victories at the elections had not meant the dawn of a new day for them. Mr. Gandhi's persistent campaign on their behalf must have had some influence on Hindu public opinion, but a gulf still yawns between his precepts and common practice.

IV. Education

There was little difference in the efforts made by the various Provincial Governments in the early years of the new *régime* to expand the social services. All of them spent more money on them. As will be seen in the next chapter, the rate of increase in expenditure after two years was 5 per cent. higher in the non-Congress Provinces as a whole than in the Congress Provinces. But there was a marked difference between the two groups with regard to one social service, education. The Congress Governments

[1] *Progress of Education in Bombay, 1938-9*, 155-6.

pursued what might be called the normal course of educational development along the same lines as the others. They made similar efforts to consolidate the primary school system by elimination and re-grouping, to increase the attendance, to check 'wastage', and they found similar difficulties in enforcing the limited provisions for compulsory school-attendance under the existing law. There was the same slight rise in the proportion of children at school to the total population. In the Congress Provinces as a whole the percentage was 4·8 in 1937-8, 5·0 in 1938-9, and 5·5 in 1939-40.[1] It was not in the application of orthodox educational policy that the Congress Provinces took the lead, but first in the remarkable interest in education in general awakened in the public mind—there was a plethora of new boards and committees, of questionnaires and reports and magazine articles—and secondly in the application of new educational ideas and methods.

The first of these was Basic Education, *i.e.* education which is centred round a basic craft or crafts, associates book-learning with these crafts and organises its teaching 'in terms of activity and expression rather than of knowledge to be acquired or facts to be stored'. Mr. Gandhi's mind had been working on these lines for some time past; they closely accorded with his ideas of village life and his special interest in spinning; and a National Education Conference held at Wardha in October 1937 passed the following resolution:

> The Conference endorses the proposal made by Mahatma Gandhi that the process of education throughout this period [of seven years' schooling] should centre round some form of manual and productive work, and that all the other abilities to be developed or training to be given should, as far as possible, be integrally related to the central handicraft chosen with due regard to the environment of the child.[2]

Thus the system of Basic Education became known in the Congress Provinces as the 'Wardha Scheme', or, less respectfully, as 'Mr. Gandhi's latest fad'. But in fact, of course, it was not a novelty. The technique of Basic Education has been developed in Britain and some of the British Colonies, on the continent of Europe and in America in the course of the last twenty years and more. As the head of the Education Department of the United Provinces put it in 1938, 'This scheme is not a political stunt or a party slogan, but an adaptation to Indian needs of educational changes which have won acceptance in Europe and America and have revolutionised the elementary stage of education in England.'[2]

The Governments which went furthest in applying Basic Education were those of Bihar, the United Provinces and Bombay. In Bihar a Basic Education Board was set up at the end of 1938 with the Education Minister

[1] Bombay stood highest with 10·2, Madras next with 7·6 and the Central Provinces lowest with 3·4.

[2] *Report on the Progress of Education in the United Provinces, 1938-9*, 3-4. For the association of the scheme with Mr. Gandhi's philosophy, see J. B. Kripalani, *op. cit.*, and a collection of Mr. Gandhi's articles on *Educational Reconstruction* (third edition, Wardha, 1939).

(Dr. Syed Mahmud) in the chair; the Patna Training School was converted into a centre for training basic teachers with a 'practising school' attached to it, and early in 1939 a scheme was sanctioned for the establishment of 50 experimental basic schools in one 'compact' area in the Province. The development of the new technique was to be gradual and in accordance with a seven-year plan. Basic methods would be applied in the first year to the youngest children or Grade I only and extended each year to a higher Grade till 1945, so that 1946 would see the emergence of 'the first batch of pupils who have had their full seven years' course of schooling under the system of basic education'.[1] In April 1939, the process had begun with Grade I in 35 of the 50 sanctioned schools. Arrangements had also been made for providing 'refresher' courses and instruction camps for teachers and for the establishment of an inspectorate. Thus the scheme had been firmly launched when the Congress Government resigned. The same can be said of the United Provinces. A Basic Training College, like that at Patna, with its school attached, was opened at Allahabad in August 1938, and 'refresher course' centres were established in May 1939 at seven central points in the Province to train district and municipal board teachers in the task of converting their schools into basic schools. Thus in this Province the process of transformation was not confined to a single area: it was dispersed over many districts. The Government of Bombay took a middle line. By the summer of 1939 basic education had been introduced in 59 schools, in four 'compact' areas, and in 28 isolated schools.[2]

The problem of elementary education in India is primarily financial: the cause of its backwardness has not been lack of will so much as lack of money: and one of the merits of the new educational impulse was its recognition of the need for economy. Though the sale of the things the children were to make—yarn, paper, pottery, woodwork and so forth—would realise an increasing sum of money, the champions of Basic Education in the Provinces mentioned above did not hold that the schools could be self-supporting; they could do much in course of time but not all that was needed to equip and maintain them and their teachers; but there was one primary economy that was now discussed and decided on. There was no need for schools to be built, as heretofore, in brick according to the regulation plan at the cost of several hundred pounds. A classroom or a group of classrooms could be erected in a village grove with wooden posts, walls of wicker or bamboo, a thatched roof and movable screens to keep off sun, wind and rain, with a small brick storehouse for the school equipment.[3] Such rooms were built in the United Provinces at a cost of only 250 rupees (about £19), and similar economies in building were practised in Bihar. In the Central Provinces an attempt was made to economise

[1] *Basic Education in Bihar, Report on Progress in 1940-1* (Sevagram, Wardha, 1941), 2.

[2] Report of the first Conference on Basic National Education, Poona, Oct. 1939, published under the title *One Step Forward* (Wardha, 1940), xiii-xx.

[3] See an article on 'Basic Education' by I. C. Powell-Price, Director of Public Instruction, U.P., in *Teaching*, March 1941, 110-11.

still farther in accordance with the so-called *Vidya Mandir* (Temple of Learning) scheme in which Mr. Gandhi had taken a close interest. The only cost of a school under this scheme would be the initial cost of its erection and of an adjacent plot of land, and the latter, it was hoped, would be provided *gratis* by some supporter of the scheme. Thenceforward the master would be paid and the school maintained from the produce of its land and the sale of its handiwork. The Central Provinces were chosen as the site of the first experiment, mainly, no doubt, because its Education Minister, Mr. Shukla, was part-author of the scheme. In 1938, 68 offers of land were accepted, the normal school at Wardha was converted into a *Vidya Mandir* training school, and 153 teachers completed their course and were posted under district councils for practical training. The expenditure on the scheme for that year was about 135,000 rupees (£10,125). In 1939, 93 *Vidya Mandirs* were in operation with 2,469 schools. The following year, the number of *Mandirs* had fallen to 82, but the number of pupils had risen to 2,706. The total cost was 62,000 rupees of which the income from the plots was 51,000, the deficit being met by the Government. It had already become apparent that the financial idealism of the promoters of the scheme could not be realised Experience in other countries has clearly proved that education on basic lines is bound to cost not less but more than the more academic and static type, and in India as elsewhere it is impossible to obtain more than a small fraction of the total cost of a basic school from the sale of the goods made in it unless either the children's labour is exploited—and this, it need hardly be said, was not the intention—or the goods are bought by Government at a price much above the market rate.[1]

This chapter is only concerned with the Congress *régime*, but it should be recorded here that the resignation of the Congress Governments did not mean the abandonment of this great educational experiment. It has been fully sustained under the Governors' administration. In 1942 the seven-year plan in Bihar had smoothly reached its third stage in 28 schools. In the United Provinces 4,800 schools were being gradually converted into basic schools, and in Bombay 63 schools were on the way to conversion.[2] It is greatly to be hoped that the experiment will be completed and made good, and not only in the Provinces in which it started; for a development of primary education on basic lines all over India might go far, in the course of a few generations, to draw out the natural abilities of Indian children and strengthen the practical and constructive elements in their character.

The second outstanding educational achievement of the Congress *régime* was the campaign against illiteracy among the adult population. This was not confined to the Congress Provinces: it was strongly taken up, as has been seen, in the Punjab, and a beginning has been made in Bengal. Of

[1] For the communal feeling excited by the *Vidya Mandir* scheme, see p. 190 below.

[2] The 'official' Governments have kept in contact with the ideas and personnel of the Congress educationists whose centre is the Hindustani Talimi Sangh (Educational Association of Hindustan) at Wardha. Mr. E. W. Aryanayakam, its secretary, for instance, is a member of the Basic Education Board in Bihar.

the Congress Provinces Bombay, Bihar and the United Provinces again took the lead. In Bombay a board for adult education was created in 1938: under its auspices, and with the aid of a Government grant of 40,000 rupees (£3,000), 665 adult schools and classes were running in 1939, and the total enrolment of adults was over 21,000. Plans were also made in several local centres for a drive against illiteracy with the help of voluntary social organisations and of boys and girls from secondary schools. In Bihar the Minister of Education launched a campaign in the spring of 1938 and appealed to teachers and students throughout the Province to devote their summer vacation to it. The response was remarkable. Volunteers of all kinds, schoolmasters and schoolboys, college students and educated young folk of the countryside, joined in the campaign to establish 'literacy centres' with enthusiasm. Over 10,000 rupees (£750) were contributed at this stage to meet the cost by local bodies or private individuals. At the next stage, which opened at the end of 1938, a Government grant of 80,000 rupees came into play. By April 1939, 14,259 centres had been established with nearly 319,000 students. In 1940-1 the total expenditure on the movement amounted to 208,000 rupees of which 199,000 came from Provincial revenue, and the remainder mainly from public contributions: assistance in kind was also given in the form of lanterns, oil, slates and so forth. A similar campaign was set on foot in the United Provinces where the number of adult night schools rose from 391 in 1938 to 2,834 in 1939 and the numbers attending them from 10,594 to 83,552. In 1940, 230,000 adults, including 6,000 women, were reported to have become literate. In that year nearly 7,000 voluntary teachers were employed under a system which offered rewards in proportion to the number of persons made literate.

Meantime the matter had been taken up by the Central Board of Education which appointed a committee, with Dr. Syed Mahmud in the chair, to consider it on an all-India basis, and in 1939 this committee's report declared that the extension of adult education was as urgently needed in India as that of primary education, and that in the adult field the literacy campaign demanded first attention. To provide the personnel 'a strong appeal should be made to all educated persons, and in particular to Government servants, to render voluntary service'; and 'the possibility of making a period of social service obligatory on all students in universities and pupils in the upper forms of high schools should be carefully examined'. So far, the Report continued, the literacy campaign had been largely sustained by unpaid volunteers, but it would soon require 'a very considerable proportion of paid workers'. Competent teachers in particular would be needed, and they would have to be specially trained.

The cost of the literacy campaign alone apart from other essential developments in adult education will impose a very severe strain on the resources of most Provincial Governments In view of the extreme importance of bringing the campaign to a successful conclusion at the earliest possible date, the Central Government should afford financial assistance

to those Provincial Governments which are prepared to carry out approved schemes within the next five years.[1]

This literacy movement as a whole, started as it was in a genuine spirit of social service, has been described by an experienced educationist, Mr. John Sargent, Educational Commissioner with the Government of India, as 'one of the most significant phases of educational progress in India to-day'. 'If this rate of progress continues', he wrote of the developments in 1939, 'and the present enthusiasm is maintained, the prospects of mass illiteracy being substantially reduced within a reasonable period are bright.'[2] But for the literacy campaign more money was needed, and for Basic Education, too, and for the general extension and improvement of primary education. If the Congress Governments had lasted longer, they would have been confronted sooner or later with the necessity of heavy increases in taxation if the main difficulty which had hitherto obstructed educational advance was to be overcome. The tendency to look to the Centre to provide doles for financing Provincial social reform was a throw-back to the days before the Provinces had obtained their autonomy in finance as in other things; and the resources now allocated to the Centre were intended to meet the cost of Central 'subjects' and primarily of defence.

Note on Economic Planning

A brief account may be given here of another Congress enterprise in the social and economic field during this period, which was conducted not by the Provincial Governments but under the direction of the Congress Centre. It is a commonplace of Indian economics that the standard of living among the vast and steadily growing masses of the population can only be maintained or advanced by the further expansion of large-scale industry. With that, of course, the various Governments were closely concerned before the war began and still more after. There was and is a Commerce and Industry Department at the Centre, and most of the Provinces had their Ministers of Industries. But the life of the Congress Ministries was too short, and such time as they had was too much taken up by other things, for them to attempt in the industrial field anything comparable with their agrarian policy. Industry was not forgotten, however, and there was an interesting 'unofficial' development which, though it never came to final fruition, was further evidence of the mental energy in the Congress ranks ready to be harnessed to public purposes. It was evidence, too, of the 'high command's' assumption of responsibility not only for the control of its own Provincial Ministries but for the formulation of policy for the whole of India. 'Now that the Congress is, to some extent, identifying itself with the State', wrote Pandit Nehru, 'it cannot ignore the question of establishing and encouraging large-scale industries' (*National Planning Committee, abstract of proceedings, etc.*, No. 1, Bombay, 1939, 66).

On October 2 and 3, 1938, in pursuance of a resolution of the Working Committee, a Conference of Provincial Ministers of Industries was held at Delhi, with the Congress President, Mr. Subhas Chandra Bose, in the chair. Affirming that 'the problems of poverty and unemployment . . . cannot be solved without

[1] *Report of the Adult Education Committee of the Central Advisory Board of Education* (New Delhi, 1940), 1-19.

[2] *Education in India in 1938-9* (Bureau of Education, Delhi, 1941), 128-9.

industrialisation', the Conference set up a 'National Planning Committee' to formulate a scheme for the development of heavy, medium and cottage industries on a nation-wide scale (*Ibid.*, 9-11). This Committee held its first session on December 17. It was attended by fifteen British India members (mostly nominated by Mr. Bose, but including *ex officio* the Ministers for Industries in Madras, Bombay and the Central Provinces), the Directors of Industries in Hyderabad and Mysore, and the Development Commissioner in Baroda. Pandit Jawaharlal Nehru was chairman. The Committee adopted an elaborate questionnaire of 167 questions and a supplementary questionnaire of 70 questions. These were circulated to Governments, universities, chambers of commerce, trade unions, firms and private individuals. All the Provincial Governments, non-Congress as well as Congress, agreed to co-operate with the Committee and contribute to its costs, mostly at the rate of 5,000 rupees a year. Practically the whole of the Committee's income for 1939 (about 37,000 rupees) was provided by these Provincial contributions (*Ibid.*, 13-64. *National Planning Committee*, No. 2, 76-7. *Indian Annual Register*, 1940, i, 267-8).

The Committee held its second session in June 1939. In a memorandum from the chair, Pandit Nehru pointed out that the Plan must be 'drawn up for a free and independent India'. It must assume the 'removal of all outside control'. But an effort should none the less be made to develop the resources of the country under existing conditions. 'We have thus to draw up a full Plan which would apply to a free India and at the same time indicate what should be done now' (*N.P.C.*, No. 1, 73-4.) The Committee appointed twenty-nine subcommittees—a number that was later increased by two—charged to examine various types and problems of industry; and among their members were several officials of the Central Government, the Provincial Governments and the States. In a note submitted to the Governments concerned Pandit Nehru expressed the hope that, besides continuing their financial support, they would readily permit their officials to sit on the subcommittees (*N.P.C.*, No. 1, 104-5). It is a curious sidelight on Indian politics that Pandit Nehru should solicit assistance on behalf of this Congress enterprise from the 'imperialist' Centre, from non-Congress Governments which were at this very time under persistent and bitter attack from Congressmen in their respective Provinces, and from State Governments against whose authority the Congress (as will be recorded in Chapter XVI) had recently conducted a vigorous subversive agitation, largely inspired by Pandit Nehru himself.

This anomaly was aggravated when the Congress 'high command' came into open conflict with the Central Government after the outbreak of the war and, as its first move therein, ordered the Congress Provincial Ministries to resign. Yet in April 1940, Pandit Nehru again appealed to the Provincial Governments and to those State Governments which had hitherto co-operated (Hyderabad, Mysore, Baroda, Bhopal, Travancore and Cochin) to continue their financial contributions. Though the work of the National Planning Committee could not, he said, be final and comprehensive—it could only 'draw the bare outlines of a planned economy'—it was hoped that it would be 'of essential significance to the Nation and will help considerably in future inquiries and schemes' (*N.P.C.*, No. 2, 23). This time the appeal was not successful. In the course of the year the Provincial Governments decided not to renew their contributions.

When the Committee met for its third session in May 1940, Pandit Nehru admitted that the conditions of its work had been greatly changed. The war had made the future everywhere uncertain, and in the Congress Provinces 'a limited Provincial autonomy has given place to autocratic rule by alien authority'. Nevertheless he urged that the Committee should complete its work. 'Present

conditions in India, as elsewhere', he said, 'are transitory and must pass. And in passing they will . . . give place . . . to a much broader freedom. And so though the circumstances have changed, the necessity for planning is all the more vital and urgent' (*N.P.C.*, No. 2, 28-30). The Committee, accordingly, considered and passed resolutions on the reports which thirteen of the subcommittees had presented, dealing with engineering industries, including transport, chemical industries, manufacturing industries, river training and irrigation, population, animal husbandry and dairying, labour, currency and banking, insurance, rural marketing and finance, national housing, power and fuel, and horticulture (*Ibid.*, 38-68). At the close of the session Pandit Nehru issued a statement to the Press asking the Indian public to take an interest in the Committee's work and 'to think of future constructive effort, even in the midst of present destruction' (*Ibid.*, 73-5)

Nine more subcommittees' reports were considered at the fourth session in June and four more at the fifth session in August. As Pandit Nehru explained, the Committee's final Report could not be drafted and submitted to the Congress until the few remaining subcommittees' reports had been completed. At the end of October Pandit Nehru was sent to prison and remained there till December 1941 (see pp. 248 and 264 below). No further session of the Committee was held in 1942, nor, as far as the author is aware, has the Committee's Report been drafted. This is not, perhaps, surprising in view of the enormous field which the Committee had undertaken to prospect. In the last few years, moreover, the whole economic situation in India has been transformed by the Central Government's formulation and execution of large-scale plans for the expansion of industries for war purposes.

One or two comments may be made on this ambitious Congress attempt at economic planning. First, the Committee was clearly Pandit Nehru's 'child' and its deliberations were coloured by his personality and ideas. Naturally, therefore, one of the 'general but fundamental decisions' which the Committee put on record in anticipation of its report was in accordance with the Pandit's socialist convictions. 'We have agreed to State ownership and control in regard to defence industries, and State ownership or full control of key industries and public utilities. . . . In regard to land, while we have not ruled out private enterprise in the shape of peasant proprietorship, we have decided that the objective should be the introduction of the co-operative principle to the largest possible extent and the organisation of land collectives and co-operatives. . . . Our general objective . . . is one of a socialistic planned structure run by the community for the benefit of the community' (*N.P.C.*, No. 4, 7).

Another point worth noting is that at most of its sessions the Committee was at pains to insist that the expansion of large-scale industry would not involve the decline of village and cottage industries. On the contrary, the latter would have to be 'protected and encouraged', and any large-scale industry which might come into conflict with such a protected cottage industry would have to be brought under State control in order to make co-ordination easy (*N.P.C.*, No. 1, 39, 65, 74, 91: No. 2, 18, 36, 45; No. 3, 21-6). This stress on cottage industries, though intelligible enough in itself, was a necessary feature of the Committee's policy because only thereby could it hope to obtain the approval of Mr. Gandhi. His dislike of industrialism and the crowded urban life it imposes on its multitudinous employees has long been notorious, and, when the Committee was first established at any rate, his attitude towards it was one of marked reserve (*Indian Annual Register*, 1939, i, 75-6).

Lastly, there is what may be called the constitutional aspect of the enterprise Party committees, study-circles and summer-schools, party policies and plans, all this is a familiar feature of British politics. But the parties concerned therein

never claim to be more than parties: they formulate their schemes in the knowledge that they will have to compete with other schemes for the favour of the electorate. This Congress Committee, on the other hand, naturally took for granted the primary political assumptions of the Congress movement. It was a 'national' committee; it spoke of the Congress having for a period and to some extent identified itself with the State; it looked forward to the time when that identification would be complete and the Congress would impose on the whole of India the economic structure it had planned. So the minorities were given yet another intimation of what the coming Congress Raj would mean. Economic development in every Province and State was to be controlled according to plan by a Congress Centre. And to Moslems this prospect must have been especially disquieting; for it is in the industrial field, more than in any other, that they feel they have been outdistanced by Hindu energy and wealth, and it is in their economic backwardness that they detect the most serious threat to the survival of their faith and culture in a dominantly Hindu India.

CHAPTER XIV

THE CONGRESS GOVERNMENTS: REVIEW

THE record of the Congress Provinces under the Act of 1935 may now be summarily reviewed.

(1) The Congress Ministries which took office in July 1937 in seven Provinces—Madras, Bombay, Central Provinces, United Provinces, Bihar, Orissa and the North-West Frontier Province—resigned in October and November 1939, and responsible government was thereupon suspended. Thus the new *régime* was on trial in those Provinces for only two years and four months, and for that reason any judgment passed on it must be to some extent provisional.

(2) Of the two declared intentions of the Congress, to work the Act and to combat it, the latter fell more and more into the background. The dispute over the 'safeguards' in the spring of 1938 was the only major constitutional crisis; and most of the Congress Ministries would have been as reluctant to resign on that issue at that time as they were to resign on a wider issue in the autumn of 1939. They all worked the constitution—they might be said, indeed, to have overworked it by trying to do too much too quickly—and they acquiesced accordingly, for the time being, in such checks as still remained on the exercise of complete self-government.

(3) But they did not work the constitution as it had been expected that it would be worked or as, broadly speaking, it was in fact worked in the non-Congress Provinces. Of its main principles, Responsible Government and Provincial Autonomy, the application of the first was to some extent weakened, and that of the second practically negated, by the totalitarian policy of the 'high command'. This had two untoward results. First, it intensified the anxiety and antagonism of the minorities, especially the Moslems. Secondly, it deprived the *régime* as a whole of confidence in its stability and permanence. For the intention to combat the constitution was more firmly maintained by the Congress Working Committee than by the Ministries, engrossed in their arduous and constructive work. The ultimate aim of full national self-government was never forgotten at Wardha, and it was well understood that the conduct of the Congress in the Provinces might be wholly subordinated to the furtherance of that aim at any moment the 'high command' might choose. As will be seen in Chapter XVIII, it was the 'high command's' attempt to obtain an enhancement of national status —an all-Indian, not a Provincial, issue—that brought the whole *régime* in the Congress Provinces to an end.

(4) Apart from that uncertain factor, the Governments had more stability than those of any of the non-Congress Provinces except the Punjab. Whatever its other results, the exercise of unitarian control by the 'high command' was undoubtedly useful in checking dissension between Ministers

and reinforcing their position in the legislatures. Except in Bombay, the strong Congress sense of discipline ensured smooth co-operation between Ministers and their majorities in the Assemblies. The strength of those majorities was not appreciably affected by the loss of a few seats at by-elections: in most of the Provinces it remained overwhelming. Nor did the Congress lose its hold on public opinion. The Governments were not immune from the sort of criticism to which all democratic Governments are subjected. Some sections of the electorate thought they went too far, others thought not far enough, in carrying out their electoral programmes. But it was generally agreed that, if new elections could have been held at the time of the resignations, the Congress would have won in all its Provinces—with the possible exception of Bombay where it had not obtained a pure Congress majority in 1937—almost, if not quite, as decisive victories as it won before.

(5) With few exceptions, notably in the Central Provinces, the Congress Ministers, who, unlike many of their *confrères* in the non-Congress Provinces, had had little or no previous experience of administration, proved themselves capable and hard-working men with a high sense of public duty and responsibility. The difficulties they encountered at the outset were mainly due to preconceptions and ideological theories not unnaturally harboured by members of a revolutionary organisation which had always been in opposition. More quickly in some Provinces than in others but eventually in all, they came to recognise the practical necessities of maintaining law and order in India, and, in that field as in others, to overcome, if never quite to forget, their old suspicion and distrust of the official Services. If mistakes and misunderstandings were inevitable at the outset, they were gradually corrected. Broadly speaking, all the Ministries, at the time of their resignation, had acquired a grasp, and were beginning to make a proper use, of the administrative organism they had inherited from the old *régime*.

(6) The financial record of all the Provinces will be examined in the next chapter. Suffice it to say here that the Congress Governments, like their rivals, maintained the accepted principles of public finance, though they showed a somewhat greater tendency to overspend their income and budget for a deficit. Their outstanding extravagance from the monetary point of view was Prohibition, the ultimate financing of which had not been faced when the Ministries resigned. The loan policy of the Congress Governments was wholly orthodox.

(7) The legislatures were well-conducted, hard-working, and, except for an increasing tendency to ask unnecessary questions, businesslike. But in most of them the normal operation of parliamentary government was precluded by the numerical weakness and lack of cohesion of the Opposition. Legislation was submitted to full discussion but not determined by it. 'Majority rule' was generally enforced with little consideration of, and no compromise with, minority opinions.

(8) Considering the short time the legislatures were in session, the amount of legislation they enacted was very large, and some of it was too

hastily drafted and required subsequent amendment. The most important measures were designed to improve the lot of the agricultural masses, and they achieved a substantial measure of success. Of some other measures, such as Prohibition, there has not been sufficient time to assess the results.

(9) The achievements of the Congress *régime*, both legislative and administrative, in the field of social reform were its most remarkable feature, and they were the direct result of the full popular government established by the new constitution. It was not that Congress ideas or methods were altogether new: except as regards Prohibition and the new departures in education, Congress Ministers were building for the most part on foundations already laid and working through departments and officials trained under their predecessors. But they were able to take a much bolder course. The Congress welcomed agitation: it had the great majority of the electorate behind it and it was not afraid of the minority. The old contention that Indian self-government was a necessity for any really radical attack on the social backwardness of India was thus confirmed. But it had to be real self-government, and so it was. Interventions by the Governors or the Governor-General were mainly on points of law; their recommendations were usually accepted; only one measure was vetoed outright.

(10) Among the Congress Ministers and members of the legislatures and their supporters at large there was a genuine zeal for social reform. It was not only that the party had pledged itself at the polls and wanted to satisfy the electorate on whom the continuance of its power depended it wanted no less to satisfy itself. A new spirit of public service was abroad In evoking it and enabling it to fulfil itself in action democratic self-government was showing its best side.

(11) There was another side, of course. All Congressmen are not idealists. To some of them the victory of the party seemed more important than the welfare of the people, and they sought to get what personal advantage they could from it. Nor were the Governments always as firm as they should have been in dealing with their partisans, whether in finding posts for individuals or in compelling local bodies to do their duty. All Congressmen, moreover, were affected by the totalitarian character of the Congress system. They identified the party with the State. They felt themselves to be at once the servants of the people and its masters, and in some of them the electoral triumph seemed to have bred an almost infinite self-confidence. The Congress, it seemed, was to do everything unaided Progress as well as power was its monopoly. The unfortunate effects of this attitude on that substantial section of the people which did not consist of Congressmen will be discussed in later chapters.

(12) This last weakness would have been cured, no doubt, by time and experience, and the same can be said of the tendency of the Congress Ministers to 'rush their fences'. It was natural that their legislative programmes should be overcrowded, that the practical difficulties of reform should be underestimated—the financing of Prohibition was the most

striking example of this—and that quick results should be expected. Only time could show, for instance, that years rather than months were needed for teachers to acquire a new and difficult technique or for millions of ignorant adults to learn to read and write. But such weaknesses were outweighed by one outstanding fact. The Congress had at last become a constructive force in Indian politics. For twenty years it had lived in the barren wilderness of opposition, complaining, criticising, putting the blame for everything on Britain. Now it had shown that the power of its great organisation and the disciplined enthusiasm of its members could be put to a more practical purpose. It was still anti-British, but it was now more than that. In a new, more positive and effective sense, it was pro-Indian.

(13) The achievements of the Congress *régime* were freely acknowledged on the British side. In his statement of October 17, 1939, Lord Linlithgow paid a tribute to the manner in which the Provinces, Congress and non-Congress alike, had been 'conducting their own affairs' under the Act of 1935. 'That they have done so', he said, 'on the whole with great success . . . no one can question. Whatever the political party in power in those Provinces, all can look with satisfaction on a distinguished record of public achievement during the last two-and-a-half years.'[1] Two Governors of Congress Provinces, whose periods of service in India have come to an end since 1939, have both given favourable accounts of the work done by their Ministers.[2] Speaking for the British Government in the House of Commons on October 26, Sir Samuel Hoare contrasted the 'great constitutional success of Provincial autonomy in India'—and he was clearly alluding to the Congress Provinces as much as the rest—with the breakdown of constitutional government in other parts of the world.[3]

(14) It may be said, in fine, that, while the way in which the new constitution was worked in the Congress Provinces was different from the way it was worked in the non-Congress Provinces, the results were as good and in some respects better—but for one thing. All the Provinces suffered more or less from the growth of communal antagonism, but in several of the Congress Provinces it overclouded the whole picture. Not because of anything Congress Ministers desired or did, but owing in general to the totalitarian doctrine of the Congress organisation and in particular to the 'high command's' refusal to share power with the Moslem League, Hindu-Moslem discord became so bitter that, at the time the Ministries resigned, it seemed, in the United Provinces and Bihar at any rate, that, without a drastic change of policy, constitutional government might soon become impossible.

[1] *India and the War*, Cmd. 6121, p. 5.
[2] See the articles by Lord Erskine and Sir Harry Haig, cited pp. 15-16 above.
[3] *Hansard*, H. of C., cclii, 1635.

CHAPTER XV

PROVINCIAL FINANCE[1]

I. REVENUE

THE principle of Provincial autonomy which inspired the Act of 1935 was fully applied in the field of public finance.[1] Some sources of revenue were allocated to the Provinces alone. The yield of some other sources, tapped by the Centre, was to be either shared with the Provinces, or paid over to them in full. No contribution was to be made by the Provinces, to the Centre. The Provinces, moreover, were given an almost unlimited right to raise loans in the open market; they were to keep their own banking accounts with the Reserve Bank of India; and they would be free to make their own audit and accounting arrangements as they chose. Furthermore, the Provinces were enabled to start their own financial career on an 'even keel' by the application of Sir Otto Niemeyer's scheme.[2] In the first place, the whole of the debt incurred to the Centre before 1936 by five Provinces and part of that incurred in a sixth were cancelled, and the remaining Provincial debts to the Centre were consolidated. The amount of debt cancelled was 13,62 lakhs (£10,215,000), and the relief in charges on the Provincial budgets as a whole from cancellation and consolidation was 1,59 lakhs (£1,192,500). Secondly, half the yield of the income tax levied by the Centre was divided up among the Provinces, subject to the retention of a diminishing quota by the Centre for a period of years. Under this provision the Provinces obtained over 1,24 lakhs (£900,000) in 1937-8 and 1,50 lakhs (£1,125,000) in 1938-9. Thirdly, 62½ per cent. of the proceeds of the export duty on jute was assigned to the four Provinces in which jute is grown: this amounted to 2,65 lakhs (£1,987,500) in 1937-8 and 2,51 lakhs (£1,882,500) in 1938-9. Fourthly, the Centre was to make annual subventions, ranging from 25 to 1,10 lakhs, to five Provinces for varying periods.

These were substantial aids to Provincial finance, but far the greater part of the revenue was raised in the period under review by the taxes levied under the old *régime* and maintained in force by the new legislatures and by the new taxes they imposed.

(1) Of these taxes land-revenue, the tax or rent on land, has always been the mainstay of Provincial finance, but it has also been for many years the target of political attack owing to the burden it imposes on the poor agriculturalists who constitute the overwhelming majority of the population, and not only the Congress but most of the other parties pledged

[1] The author is indebted to the Finance Department of the Government of India for material used in this Chapter and in Appendix III below. Students of the subject should consult B. R. Misra, *Indian Provincial Finance* (O.U.P., Bombay, 1942) and P. J. Thomas, *The Growth of Federal Finance in India from 1833 to 1939* (O.U.P., Bombay, 1939)

[2] For details see Appendix III, p. 323 below.

	Total			*Increase over* 1936–7	
	1936–7 Actuals	1939–40 Actuals	1942–3 Budget Estimates	In 1939–40	In 1942–3 Budget Estimates
	4,39,05	4,60,76	5,15,05	21,71 (5%)	76,00 (17%)
	2,53,09	3,14,47	3,68,35	61,38 (24%)	1,15,26 (46%)
	2,60,29	3,20,50	4,00,96	60,21 (23%)	1,40,67 (54%)
	3,13,64	3,75,41	4 43,03	61,77 (20%)	1,29,39 (41%)
	2,87,01	3,23,84	3,55,04	36,83 (13%)	68,03 (24%)
	1,29,29	1,45,07	1,57,50	15,78 (12%)	28,21 (22%)
	90,53	96,33	1,01,68	5,80 (6%)	11,15 (12%)
	66,46	72,91	81,34	6,45 (10%)	14,88 (22%)
	35,23	38,13	42,53	2,90 (8%)	7,30 (21%)
	45,41	55,61	64,12	10,20 (22%)	18,71 (41%)
	39,89	46,78	50,72	6,89 (17%)	10,83 (27%)
	9,89	22,49,81	25,80,32	2,89,92 (14%)	6,20,43 (32%)

themselves at the elections to reduce it. Hence, almost the first act of the new Governments in most Provinces, as has been recorded, was to give substantial remissions of land-revenue. In Assam the non-Congress Ministry gave remissions to the tune of 28 lakhs a year which its successor, the Congress Ministry, increased to 40 lakhs a year, amounting to one-eighth of the total revenues of the Province. In Madras the remissions previously in force were increased to 75 lakhs, and in Bombay and the Punjab considerable remissions were granted to the smaller landholders. The Bombay Government also carried a comprehensive Land Revenue Amendment Act which sought to bring the process of revision of land-revenue under statutory regulation and limited the enhancements that might be made at each successive revision of the settlement, while reducing the proportion of the net profits of cultivation which formed the share of the State. Despite those remissions and a general easing of the land-revenue administration, the total receipts from the land, which amounted to 26,59 lakhs (£18,542,500) in 1936-7, were only lower by 12 lakhs (£90,000) in 1939-40; and in three Provinces they actually rose, by 11 per cent. in Madras and by 4 per cent. in the United Provinces and the Central Provinces. Thus this source of revenue was apparently less inelastic than its critics had alleged.

(2) The next best source of revenue in the past had been the excise-duty on alcohol and drugs. Its total yield in all the Provinces in 1936-7 had been 14,07 lakhs (£10,552,500), but this was greatly reduced in all the Congress Provinces by the adoption in varying degrees of Prohibition as described in Chapter XIII. As the result of their last Congress budgets the Congress Provinces expected to obtain 1,50 lakhs (£1,125,000) less from excise than they had in the year before the Congress took office. In Bengal, on the other hand, the estimated yield of excise in 1939-40 was 21 lakhs higher than in 1936-7, and in the Punjab 7 lakhs higher. In Sind it remained steady. Taking all the Provinces together, the excise percentage of the total revenue actually fell in this period from 17 to 13.

(3) There was also a decline in most of the Provinces in the revenue from stamps, which fell from a total of 11,06 lakhs (£8,295,000) in 1936-7 to a total of 9,78 lakhs (£7,335,000) in 1939-40. This was a result, but an indirect result, of new developments in social policy. The measures of agrarian relief recorded in Chapter XIII—the conciliation and cancellation of agricultural debt, the restrictions imposed on moneylending and on the recovery of rent—all this meant a diminution of legal procedure of one kind or another and consequently a decrease in the purchase of stamps.

(4) The receipts from the forests in Government ownership also, in general, declined. This was partly due to greater expenditure on conservation and partly to a fall in the fees paid by countryfolk for grazing their cattle on Government forest-land. These fees had long been under fire from Congress politicians, and they were now reduced or abolished outright. The Governments principally concerned were those of Madras, Bombay and the Central Provinces.

(5) On these and other minor sources of revenue the finances of the pre-1937 Governments had been based. Most of them were calculated to show a steady increase as the result of a well-planned policy of social and economic development. But the fruits of such a policy would be slow to mature, and funds were needed in the meantime to finance without delay the social programmes to which the members of the new Governments, Congress and non-Congress alike, had pledged themselves at the elections. New sources of revenue, therefore, had to be tapped, and of these the most important was the sales tax, general or selective. Madras took the lead in 1939 with a *general* sales impost in the shape of a turnover tax which all dealers, whose turnover exceeded Rs. 20,000 per annum, were liable to pay at the rate of one-half per cent. of such turnover. On a turnover of between 10,000 and 20,000 rupees a flat rate of 5 rupees per annum was payable while a turnover of less than 10,000 rupees was exempt. The tax yielded 34 lakhs in 1939-40 and 72 lakhs in the full year 1940-41, though from April 1, 1940. the rate of tax was halved. Bengal and the Punjab followed suit with a general sales tax on similar lines. In the Punjab, as has been seen,[1] the incidence of the tax was softened to meet the vehement opposition of the trading community. For *selective* sales taxes the commodities chosen were motor spirit and lubricants, tobacco, electricity, cloth, motor cars, motor cycles and radio sets. Every Province in India except Orissa now levies a sales tax on motor spirit, the rates varying from one anna to two annas per gallon. The Central Provinces and Assam also taxed motor lubricants. Tobacco was subjected to a sales tax in Madras, Bombay, the Central Provinces, the North-West Frontier Province and the Punjab. The taxation of electricity was limited to Bombay, Bengal and Madras. Bengal and Bombay had introduced this form of taxation before the inauguration of Provincial autonomy, but the Congress Government of Bombay increased the tax from six pies per unit to nine pies in 1938-9 and 15 pies in 1939-40. A proposal for the taxation of cloth aroused some controversy in Bombay, which is the home of so large a part of the Indian textile industry. The Government passed an enabling Act in 1939 with the object of levying a tax on sales of cloth; but, before the administrative details of the measure could be worked out, the Ministry resigned and the Governor's Administration which succeeded it decided not to proceed with the measure owing to certain practical difficulties which were encountered. Assam is the only Province which has levied sales taxes on motor cars, motor cycles and radio sets.

(6) Another new tax was the agricultural income tax, but this potentially valuable source of revenue was tapped in only two Provinces, Assam and Bihar. In Bihar the annual yield in a full year was about 15 lakhs and in Assam 25 lakhs. The tax was graduated in both Provinces, the maximum rate being 2½ annas in the rupee.

(7) Another important innovation was the property tax. An Urban

[1] See p. 54 above.

Immovable Property Tax was imposed in 1939 in the cities of Bombay and Ahmadabad. It was originally 10 per cent. of the rental value of the property and was superimposed on the property tax already payable to the Municipal Corporation. It aroused fierce criticism not only because it was intended to replace the excise revenue sacrificed in the pursuit of Prohibition but also as a serious encroachment on the sphere of municipal taxation.[1] The non-Congress Government of the Punjab introduced a similar tax in 1941-2 in the city of Lahore with a provision for its extension to other cities in the Province.

(8) A tax on employments, trades and callings was levied in the Central Provinces in 1937-8, and in Bengal in 1939, and the United Provinces Government proposed an employment tax in 1939 which created considerable controversy. The tax in the Central Provinces and Bengal was at a flat rate of Rs. 28 and Rs. 30 per annum. In the United Provinces it was to be graduated according to income, those in receipt of an income of less than Rs. 2,500 per annum being exempt and the higher income groups paying about 10 per cent. of their income. The validity of the tax in this form was questioned, since the scheme of graduation made it virtually an income tax, and its imposition would therefore have seriously encroached on the taxable capacity of a field reserved to the Centre. For this reason the Governor reserved the Act for the Governor-General's assent, and in the meantime Parliament was moved to amend the Government of India Act, and enacted the new section 142 A. This limited the total amount payable in respect of any one person to the Province or to any local body by way of taxes on professions, trades, callings and employment to 50 rupees per annum.

(9) The taxation of entertainments, including betting, which was introduced during the period of dyarchy, was now extended to cover practically every Province.

(10) In the United Provinces and Bihar a cess was imposed in 1938-9 at the rate of half an anna per maund on all sugar cane consumed in factories. Bengal imposed a similar cess on jute in 1940-41. The proceeds of these cesses were earmarked for expenditure on the development of sugar and jute growing or for the relief of the cultivators where necessary. Though these cesses do not augment the general resources of the Province, they relieve the general taxpayer to some extent of the obligation to provide money for these objects.

It is clear from the foregoing that the field of new taxation assigned to the Provinces by the Act of 1935 proved to be less narrow than had sometimes been represented, and that the Provincial Governments as a whole showed no lack of initiative in utilising their new taxation powers. Given time, those powers could undoubtedly be further exploited in many directions.

[1] See p. 142 above. The rate has been successively reduced by the 'official' Government and is now 7½ per cent. per annum.

Growth of Provincial Revenue

Province	1936-7	1939-40	Increase over 1936-7	Percentage Increase over 1936-7
	Lakhs.	Lakhs.	Lakhs.	%
Madras	15,58	16,66	1,08	6·93
Bombay	12,40	13,14	74	5·97
Bengal	12,14	14,32	2,18	17·96
United Provinces	11,92	13,52	1,60	13·42
Punjab	11,27	12,11	84	7·45
Bihar	4,58	5,48	90	19·65
Central Provinces	4,71	5,08	37	7·86
Assam	2,53	2,93	40	15·81
N.W.F.P.	1,75	1,83	8	4·57
Sind	4,00	4,29	29	7·25
Orissa	1,70	1,88	18	10·59
Total	82,58	91,24	8,66	10·49

II. Expenditure

There were two main trends in the expenditure policy of the Provincial Governments. On the one hand they tried to reduce the cost of the administration. On the other hand they promoted the measures of social service and development briefly described in previous chapters of this Report.

All the Governments, whether Congress or non-Congress, were eager to cut down expenditure both by the lowering of official salaries and by the abolition of posts regarded as unnecessary. The Congress Ministers set an example by limiting their own salaries to 500 rupees (£37½) per month (supplemented by such amenities as free houses, official cars, car allowances, etc.), while the non-Congress Ministers also fixed for themselves salaries substantially lower than those of the Executive Councillors and Ministers under the previous *régime*. Other economies were effected by the reduction of the scales of pay for new entrants into certain classes of the Provincial and Subordinate Services, by savings on such minor items as the move of the Government to the hills in summer and by the lowering of the rates of travelling allowance. But the effect of this campaign for economy was limited. The Provincial Governments had no power to alter the salaries of the more highly-paid Superior Services which were recruited by the Secretary of State; nor could they legitimately change—except, perhaps, on promotion—the salaries of *existing* members of the Provincial and Subordinate Services, which they themselves recruited and controlled. The scope for retrenchment in other directions was limited by reason of the series of retrenchment campaigns which had been carried out in pre-autonomy days.

The financial effects of the social policy of the Provincial Governments are shown in the table (facing page 159 above) which compares the expenditure on the social services in 1936-7 with that in 1939-40 and 1942-3. It

will be noticed that the increase was already substantial when the Congress Ministries resigned. Their last budgets were those for 1939-40, and they show an increase of 13 per cent. over the figures for 1936-7. This upward movement was maintained by the official Governments which replaced the Congress Ministries: the amount provided for the social services by the budgets of 1942-3 exceeded the amount provided in 1936-7 by 29 per cent. But this development was not confined to the Congress Provinces. It was not only matched, it was overmatched, in the non-Congress Provinces, where the corresponding increase of expenditure was 18 per cent. in 1939-40 and 38 per cent. in 1942-3.

To the student of public finance an interesting departure on the expenditure side was the formation of Special Development Funds mainly to finance measures of rural development. The object was to even out expenditure on development over a series of years, putting surplus revenues into the fund during prosperous periods and financing the social services from the balances available in the fund during lean years. An initial impetus was given by the action of the Central Government which inaugurated in 1935-6 a Rural Development Fund from the surplus of the year 1934-5, and allotted the greater part of these monies to the Provinces over succeeding years. The Punjab Government created a Special Development Fund of 55 lakhs from the surplus of the year 1937-8, and this lead was followed in Bombay, Madras and the Central Provinces, substantial sums being allocated to the funds in the two former Provinces. This policy has been continued under the 'official' Governments and in addition to these Development Funds there are now large Reserve Funds in Madras, the United Provinces and Bombay, fed by the proceeds of taxation levied in the period of autonomy.

III. Loans

The table below shows the loans raised by the Provinces in the market in each year since 1937-8.

Provincial Permanent Loans raised in the Market

(i.e. *loans other than floating loans such as treasury bills and ways-and-means advances from the Reserve Bank*)

(*In lakhs of rupees*)

	1937-8	1938-9	1939-40	1940-41
Madras	1,64	1,51	1,50	70
United Provinces	1,06	—	—	1,00
Punjab	1,04	1,00	2,51	1,75
Central Provinces	50	—	75	—
Assam	—	—	—	50
N.W.F.P.	60	—	—	—

The loans recorded in this table were all raised from the public in the market: no such loans were raised in this period by Bombay, Bengal, Bihar,

Sind or Orissa. But a three-year loan of 1,50 lakhs was made by the Central Government to the United Provinces and Bihar in 1940-41 for the rehabilitation of the sugar industry which was then undergoing a crisis in those Provinces, and loans have also been advanced by the Centre to finance certain special forms of war-expenditure. Normally the Centre no longer lends to the Provinces.

The loans from the public were mostly raised either to repay maturing liabilities or to finance public works schemes of a productive character. Madras borrowed for a wide network of electric schemes and irrigation works, and the United Provinces to finance capital expenditure on the hydro-electric grid scheme, the extension of the tube well scheme and the road development programme. The relatively heavy borrowing by the Punjab was to finance its two large irrigation projects, the Haveli and the Thal. The North-West Frontier Province borrowed for capital expenditure on the Malakand hydro-electric scheme. There has been no instance in which Governments have employed borrowed money in a manner contrary to the accepted canons of public finance.

IV. Comment and Comparison

It is apparent from the above survey that on the whole the autonomous Provincial Governments, whether Congress or non-Congress, have not as yet departed seriously from the orthodox principles of public finance, although five years is too short a period in the life of a Province in which to pass a final judgment on its progress and on the soundness of the financial arrangements made for its future. Such increase as there has been in expenditure—and it has often been considerable—has usually been met by a corresponding increase in revenue, both through the operation of the Niemeyer Award and the levy of additional taxation. These sources, as the large surpluses of some Provinces now under official administration show, have often provided enough to finance even larger measures of beneficent activity than were actually undertaken. The benefit of this cautious financial policy will accrue to the Ministries of the future if and when responsible government is resumed in all the Provinces.

It remains to compare the financial record of the two groups of Provinces. Here again the shortness of the period under review is a serious handicap. Tendencies might be at work in Congress Provinces—the most obvious case will be recalled presently—which had scarcely made themselves felt before those brief twenty-seven months were over. But, on a rough and tentative comparison, it would seem that the financial policy of the various Provinces was very much the same. All of them wanted to develop the social services. All of them tried, therefore, to increase their revenues by retrenchment and taxation—in some cases new kinds of taxation. All of them showed a desire to shift the tax burden from the poorer classes to the well-to-do and from rural to urban areas. The only difference in the financial

implementation of a more or less common social policy is to be detected in the greater readiness of the Congress Governments to yield to the temptation of overspending their income. The accounts for 1937-8 in the United Provinces, the Central Provinces and Assam all showed deficits, though in the first case the shortfall was negligible.[1] In 1938-9 Bombay and the Punjab joined the group of deficit Provinces. The estimates of 1939-40 disclosed that all the Provinces except the Punjab, Bihar, the Central Provinces and Sind had budgeted for a deficit. Most of these estimates, it is true, did not provide for the yield of taxes then in contemplation, and in the event the financial year closed with a surplus, in most cases substantial, except in the North-West Frontier Province. Nevertheless the tendency to budget for a deficit seemed to be growing, more markedly in the Congress Provinces, but not only there. A deficit seems to have become an established feature of the budget in Bengal.

The more substantial differences between the two groups of Provinces are to be found not in the principles of public finance but rather, as was to be expected, in the reaction on their financial policy of their different political outlook and organisation. This showed itself in two ways. First, while the non-Congress Ministries worked in full harmony with the Centre, the Congress Ministries, in accordance with their creed, tended to regard the Centre as a hostile body with whom the less they co-operated the better. As time went on, as has been seen,[2] they found that the Centre could be helpful in overcoming their local difficulties; but in the financial field the note of hostility was unmistakable. There was an obvious possibility of conflict in the ill-defined margin between excise-duties and sales taxes. The non-Congress Ministries showed a disposition to come to a practical working agreement with the Centre so as to define by way of convention the relative spheres of taxation of the Centre and the Provinces to the mutual advantage of both. But the Congress Ministries refused to come to any arrangement in the matter and preferred to exploit this margin to the full in the interests of the Provinces, leaving disputed cases to be settled in the Courts with a view to the position being eventually resolved under a system of case law. Similarly, it was the Government of the United Provinces, with the cordial approval of all the other Congress Governments, which made the determined attempt, recorded above, to invade the Central income-tax field by way of the 'taxes on professions, trades, callings and employments' allotted to the Provinces, in the hope that the Federal Court would uphold their interpretation of the Act regardless of the effect on the financial stability of the Centre.[3] The second contrast between the two *régimes* resulted from that outstanding characteristic of Congress organisation which has repeatedly made its appearance on previous pages of this Report—unitary control by the 'high command'.

[1] See the table facing p. 158 above.
[2] See p. 136 above.
[3] This move was also regarded as an indirect attack on the Secretary of State's Services: see p. 119 above.

Financial policy is inevitably interwoven with all other policy, and in every Congress Province it was equally subject to external supervision and control. The actual upshot might have been much the same if the Provincial Ministries had been free to adjust their social policy as they chose to the needs and resources of their own Provinces; for they shared individually in the common Congress ideology. But in fact they were not free, and in the matter of Prohibition, which had a graver bearing on finance than any other, there was a considerable strain. The financial record of Madras, for example, would have been very different from what it was if the Premier had not won his battle with the 'high command'.[1] From such interference from outside—and its effect on finance might well have become more marked if the Congress Ministries had lasted longer—the non-Congress Provinces were exempt. For, though, as will be seen, the Moslem League attempted to control the opinions of Moslem Ministers in these Provinces, it did not try to direct the course of purely Provincial policy.

[1] See p. 142 above.

CHAPTER XVI

THE CONGRESS AND THE STATES

THE reaction of the Moslem community to the Congress policy in British India from 1937 to 1939 will be discussed in the next chapter. This chapter is concerned with another aspect of the problem of Indian unity, the relations between British India and the Indian States.

The introduction of the new constitution in the Provinces heightened the contrast between their form of government and that of the States. In the Provinces the rapid development of parliamentary government had now reached its climax. In most of the States it had not yet begun, and even in the more advanced of them it had barely reached the stage which the Provinces had attained twenty years or more ago. In some thirty States the traditional forms of consulting the people in *durbar*[1] had been regularised or modernised. Representative Assemblies and Legislative Councils had been established. In legislation and to an increasing extent in matters of administration the people now had a voice not only by custom but by a constitution. But it was only a voice: the last word in everything was still the Prince's. Thus the point of advance reached by 1937—to speak only of the more progressive States—lay roughly between the points reached by the British Provinces in 1909 and in 1919.

Legislative Councils with the elected members in a majority had existed in Travancore since 1921, in Pudukkottai since 1924, and in Cochin since 1925. As legislative bodies these Councils resembled the 'Montagu-Chelmsford' Councils established in the British Provinces in 1919; and the Ruler's right of overriding them and legislating on his own account resembled the Governor's more restricted powers of veto and 'certification'. As regards the Executive those State Councils were more akin to the 'Morley-Minto' Councils established in British India in 1909. They could discuss administration, but they could not control any part of it. No Ruler of a State had done what Parliament had done by the Act of 1919 in the Provinces. The whole government was still in every State the government of the Ruler, advised by such Ministers as he chose to appoint. No 'subjects' had been 'transferred' to Ministers responsible to the legislature.

Next to these States came Hyderabad, the largest and most important of them all. Since 1900, it likewise had possessed a Legislative Council, but in 1937 eleven of its 20 members were still officials. A group of other States—Gwalior, Indore, Baroda, Bikaner—had had Legislative Councils or Committees for some years past. Their meetings, however, were short and irregular, and they were purely consultative bodies whose advice, even on matters of legislation, the Ruler was not bound to ask, still less to take. And in the rear stood a multitude of smaller units in which the Ruler's

[1] See Part I, 15.

autocratic power was still tempered only by use and wont or, as in most Maratha States, by the rights of a feudal landed aristocracy. Thus, broadly speaking, while in the course of a generation the political complexion of British India had been transformed, that of the States had undergone no drastic change.

Nor had the British Government's interpretation of its obligations towards the States changed. The plain fact that its engagements had been made with the Rulers, not the peoples, of the States was still plain and its relations, its contacts, with States were still only with their Rulers. Whatever it might think of popular movements or organisations in the States, it felt bound to ignore them. The request of the States' Peoples' Conference to be heard by the Butler Committee[1] was refused. Only the Rulers or their personal representatives were invited to the Round Table Conference, and it was assumed that any decisions they might make would be binding on their peoples. The Act of 1935, similarly, provided that, as the Rulers had unanimously and insistently demanded, the representatives of the States in the Federal legislature should be appointed by them.[2] No reference was made to any such representative body as might exist in any State.

At the same time it had never been maintained that the welfare of a Ruler's subjects was no concern at all of the Paramount Power. In her famous Proclamation of 1858 Queen Victoria had expressed her desire that the peoples of the States as well as those of British India 'should enjoy that prosperity and that social advancement which can only be secured by internal peace and good government'. But good government is not readily defined, and it was a somewhat limited and negative conception of the Paramount Power's duty to secure it for the States' peoples that in course of time prevailed. In view of the agreements made with their Rulers interference in the internal affairs of the States, it was held, could only be justified by gross misgovernment. On several occasions before 1937 gross misgovernment had occurred and action had been taken: the most recent instance had been the exclusion of the Maharajah of Alwar from his State in 1932.[3] But, however desirable it might seem that the measure of popular government established in British India should be extended to the States, they were not regarded as grossly misgoverned merely because this had not happened. So far, therefore, from aiding or abetting agitation for political advance within a State, the Paramount Power held itself aloof and neutral. Nor was it in the last analysis a strict neutrality. For the Paramount Power had undertaken to protect a Ruler's sovereignty against attack from within the State as well as from without. Could it stand inactive, then, if a popular movement, however justified by democratic principles, became so strong as to threaten a Ruler's overthrow?

The dilemma in which the British Government had been placed by it

[1] See Part I, 91. [2] Section 18 and First Schedule.
[3] The formal deposition was not till 1935.

old-standing agreements on the one hand and by the development of democratic ideas in the Western world and their concrete application to British India on the other was thus evident. It was not so easy to perceive where its duty lay. The Butler Committee defined it in 1929 in the following terms.

> The promise of the King-Emperor to maintain unimpaired the privileges, rights and dignities of the Princes carries with it a duty to protect the Prince against attempts to eliminate him and to substitute another form of government. If these attempts were due . . . not to misgovernment, but to a widespread popular demand for change, the Paramount Power would be bound to maintain the rights, privileges and dignity of the Prince; but it would also be bound to suggest such measures as would satisfy this demand without eliminating the Prince.[1]

This definition was not officially endorsed, and the statements made by Government spokesmen, during the agitation in 1938 and 1939 to be presently described, were more guarded. The gist of the answers to questions in Parliament as to the Government's attitude towards constitutional advance in the States was that, while the British Government 'would certainly not obstruct proposals for constitutional advance initiated by the Rulers', it had 'no intention of bringing any form of pressure to bear upon them to initiate constitutional changes. It rests with the Rulers themselves to decide what form of Government they should adopt in the diverse conditions of Indian States'.[2] With regard to administrative as distinct from constitutional reform, however, pressure was directly exerted on the Princes. In the course of his address to the Chamber of Princes in March 1939, Lord Linlithgow said:

> It is, I am sure, as plain to Your Highnesses as it is to me that it is more than ever essential in present conditions and in this changing world in which we live that the authorities of the Indian States should without exception make it their constant care to watch for and to remedy any legitimate grievances that may exist in the administrative field. Your Highnesses will agree with me that it is, equally, as clearly in the interests of all Rulers as it is their plain and manifest duty, to ensure by their own close personal interest in the affairs of their States, in the work of their officials, and in the daily life of their subjects, that those subjects have cause for content, that they are not allowed to suffer undue exactions either on behalf of the State itself or at the call of unworthy officials, and that all genuine grievances receive prompt and active consideration. It goes without saying that an effective machinery by which the authorities of the States can satisfy themselves that all such complaints can readily reach the ears of the Durbar is an essential necessity in present conditions; and Your Highnesses will all agree with me that it is equally essential that the peoples of the States should feel assured that their wants, their difficulties, and their representations will receive the fullest attention and the fullest sympathy.[3]

Lord Linlithgow also drew attention to the urgent need of administrative co-operation between the smaller States. But he re-affirmed the policy

[1] *Report of the Indian States Committee*, 28.
[2] *Hansard*, H. of C., ccexxxii, 4; ccexlii, 2352.
[3] *Proceedings of the Meetings of the Chamber of Princes*, March 13, 1939.

of non-interference on constitutional issues. The Rulers themselves must decide what constitutional machinery was best suited to their States.

This negative attitude does not mean, of course, that the introduction of constitutional government in the States would not be welcomed by British public opinion. The difference between British and Indian India is only accidental: in essential character they are the same. Stage by stage the British Parliament has conceded 'government by the people' in the one. Presumably it would have done likewise, had it possessed the same authority, in the other. But it would not have been quite the same thing. Popular government in British India has meant, so far as it has gone, the replacement of British rule by Indian. Popular government in the States would mean a change from one kind of Indian rule to another.

The attitude of Indian nationalists was naturally less negative or neutral. They suffered from no inhibitions. They had undertaken no obligations towards the Rulers. They had not hesitated to 'suggest such measures as would satisfy' the demand for political advance. Since 1929 the Congress had openly declared that the States should be brought into line with British India by the introduction of responsible government.[1] But up to 1937, under Mr. Gandhi's leadership, the Congress' sympathy with popular agitation in the States had gone no further than that.[2] Criticism of the States' governments had been restrained. Hopes were still expressed that the Rulers would recognise their peoples' rights and do their duty. Meantime the peoples could count on the encouragement of the Congress, but no more. They must fight their own battle without direct or active aid from British India.

But in the autumn of 1937 several reasons combined to bring about a change of attitude. The new constitution, as has been observed, had sharpened the contrast between Provinces and States. Popular Indian Governments were now for the first time side by side with Indian autocracies. And the triumph of the Congress at the Provincial elections had inevitably raised the pitch of its nationalist aspirations. In most of British India the mass of the people had voted for a Congress Raj. Would not the mass of the people in the States follow suit, if only they had the chance? Why should Congressmen in British India refrain any longer from doing all they could to help them? And to give such help would now be easier since the new Provincial Governments were not fettered by the promises and scruples of the old. The interests of the Rulers had been safe enough in British India as long as law and order were under British control; but now, in the Congress Provinces at any rate, it rested with Congress Ministries in the first place to uphold the legal veto on subversive agitation against the governments of the States and only in the last resort could the latter be protected by the Governors' 'special responsibility' for 'the protection of the rights of any Indian State and the rights and dignity of the Ruler

[1] *Congress in Evolution*, 27.

[2] See pp. 4-5 above.

thereof'. And a forward policy was not only easier now, it was more urgent. The federal part of the Act of 1935, though the Congress was pledged to destroy it, had made two things clear: first, that a united India was a nearer possibility than had previously been supposed, and secondly, that the subjection of a united India to a Congress Raj would be less likely as long as the States were free from popular control. For not only under the provisions of the Act but on any broadly representative system the voting power of the States at the Centre *plus* that of the minorities in British India outside the Congress fold would outweigh the voting power of the Congress. The idea that British India could achieve its independence apart from the States had occasionally been aired, but its practical difficulties were obvious, and the only home-made constitution that had yet been framed, the Nehru Constitution of 1928, had assumed that the States would be fitted in to the scheme of a self-governing India.[1] Clearly, then, the States must be liberated, and quickly. The opportunity for attaining national freedom might come at any moment. War in Europe, hinted Pandit Nehru, might provide it. It must not be missed just because the ground had not been prepared beforehand in the States. And there was one more motive for an active policy. To attack the governments of the States was to attack the British Government at its weakest point. It could be represented as upholding an outworn *régime* which would otherwise collapse of itself, upholding it in direct violation of the democratic faith of which it professed to be the champion throughout the world, and upholding it solely for the purpose of retaining what remained of its 'imperial' grip on India.

The foregoing considerations amply explain the change of front towards the States for which Congressmen of the Left had long been pressing. Soon after the Congress Governments had been established an occasion for opening the attack was provided by the action taken in Mysore against a Congress agitator. Though Mysore was one of the more advanced States, a resolution censuring its government in the sharpest terms was carried at the meeting of the A.I.C.C. in October 1937.

> This meeting of the A.I.C.C. expresses its emphatic protest against the ruthless policy of repression as indicated by the inauguration of various restrictive and prohibitory orders and political prosecutions launched in the Mysore State and also against the suppression of civil rights and liberties by denying the elementary rights of speech, assemblage and association.
>
> This meeting sends its fraternal greetings to the people of Mysore and wishes them all success in their legitimate non-violent struggle. It appeals to the people of Indian States and British India to give all support and encouragement to the people of Mysore in their struggle against the State for the right of self-determination.[2]

Mr. Gandhi was understood to have disapproved of this resolution, and at the next meeting of the Session at Haripura in February 1938, it was

[1] See Part I, 90-1. [2] *Indian Annual Register*, 1937, ii, 361-2.

replaced by a longer and more moderate declaration, restating Congress policy towards the States as a whole.

The Congress stands for the same political, social and economic freedom in the States as in the rest of India and considers the States as integral parts of India which cannot be separated. The *Purna Swaraj* or complete Independence, which is the objective of the Congress, is for the whole of India, inclusive of the States, for the integrity and unity of India must be maintained in freedom as it has been maintained in subjection. The only kind of federation that can be acceptable to the Congress is one in which the States participate as free units, enjoying the same measure of democratic freedom as the rest of India.

The Congress (the resolution continued) is not yet able to obtain the liberation of the States by operating itself within their borders. In existing conditions, 'the burden of carrying on the struggle for freedom must fall on the people of the States'. Only false hopes will be raised if they 'rely on extraneous help or assistance or on the prestige of the Congress name'. The Congress as an organisation can only offer 'moral support and sympathy'. 'Individual Congressmen will be free to render further assistance in their personal capacities'; but the Congress Committees, which had now come into existence in the States, must submit to the control of the Working Committee and must not engage in politics under the Congress name.[1]

At first sight this resolution might seem to have been little more than a re-assertion of the old policy of non-interference. But in fact it was markedly more 'activist'. In the first place the support given to popular agitation in the States was more outspoken, and there was no suggestion now that the Rulers would give up any of their power except under compulsion. Secondly, while the Congress as a body would still restrict itself to moral support, the reason given for this self-control was no longer a desire to respect the States' autonomy, but merely a distrust of the Congress' power to make its interference effective. It would act, it might be inferred, as soon as it felt strong enough. Meantime the direct intervention of individual Congressmen was to be permitted and thus in fact encouraged. But this dual policy—moral support and individual intervention—must be properly controlled. The nationalist movement in the States must be kept as far as possible under the same unitary control as in British India.

The Haripura resolution seems to have been generally obeyed, but not in Mysore. There the Congress name was still used, and the Congress flag still flown. And events soon showed that in that State at any rate the Congress was by no means so powerless as the resolution had suggested. In April 1938, confronted with serious disorders in which several lives were lost, the Mysore Government sought a concordat with the Congress 'high command', and, as a result thereof, the 'Mysore State Congress' was officially recognised and it was agreed that it should co-operate with the Constitution or Reforms Committee which the Mysore Government had

[1] *Ibid.*, 1938, i, 299-300.

recently set up to consider the possibilities of political advance, and should fly the Congress flag side by side with the flag of the Mysore State on ceremonial occasions. This success was diplomatically followed up by the Working Committee. In May it passed a resolution restating the Haripura policy on the one hand and expressing on the other the friendly attitude of the Congress towards Mysore and a hope, a polite hope, that responsible government would soon be introduced there.

The 'partial success' of the people of Mysore, said Mr. Gandhi a few months later, had inspired 'a new vision of liberty' in other States;[1] and, aided, no doubt, by individual Congressmen, the agitation for political reform spread widely through the States in the summer and autumn of 1938. There were disturbances, more or less violent, in Hyderabad, in Travancore, in Kashmir and in the small States contiguous with Bombay and Orissa. Throughout this period the forms of the Haripura policy were observed. Mr. Gandhi and the Working Committee continued to denounce the autocratic character of the governments concerned and to applaud revolt against them provided it was 'non-violent'; but there was no 'official' intervention. In the case of the Orissa States, however, the official Congress policy, though not interventionist, was certainly not neutral. The trouble there was serious: in one State troops had to be called in twice to quell disorder: and, while the Congress Government of the adjacent Province of Orissa could scarcely be expected to give active aid to suppress an agitation which it favoured, it was requested at least to prevent the agitation being organised on its own Provincial soil by applying the Indian States Protection Act of 1934. About this time, as it happened, the Punjab Government did bring that Act into force in order to prevent the organisation within the Punjab of agitation in the neighbouring Kalsia State. But the Orissa Ministers, acting, of course, in conjunction with the 'high command', refused to do likewise. Only after the murder of the British Political Agent by a riotous mob early in 1939 did they give any help in keeping the peace.

Towards the end of 1938 the Congress leaders decided to apply the dual policy more vigorously. On December 3, Mr. Gandhi made a new and far-reaching declaration. He acclaimed the awakening of the people in one State after another and declared that there was no halfway house between the total extinction of the States and their acceptance of full responsible government. Provincial Ministries, he said, had a moral duty to take notice of misrule in the States and to advise the Paramount Power as to how it should be ended. Finally he gave a warning that the Congress might be compelled to abandon its policy of non-interference and he advised the Rulers to 'cultivate friendly relations with an organisation which bids fair in the future, not very distant, *to replace the Paramount Power*—let me hope, by friendly arrangement'.[2] On December 14 the Working Committee published a resolution asserting the right of the Congress to protect the

[1] *Harijan*, Sept. 17, 1938. [2] *Harijan*, Dec. 3, 1938. Italics not in the original.

peoples of the States against the unwarranted use of military or police forces lent by the British Government to combat the legitimate demand for responsible government. The next move in this 'moral' attack was the address delivered in February 1939 by Pandit Nehru to the All-India States' Peoples' Conference of which he had just been elected president. He took occasion to expound the Haripura policy and to extol its results.

> All the States are astir, and in many of them powerful mass movements are functioning. The people of the States are rapidly coming into line with the rest of India. . . . The time has come, therefore, for the integration of those various struggles in the States *inter se* and with the major struggle against British Imperialism.

Some of the States, he admitted, were relatively advanced and competently governed, but most of them were 'sinks of reaction and incompetence', and the whole system, 'in spite of its manifest decay and stagnation, has been propped up and artificially maintained by British Imperialism'. Treaties, so easily torn up in Europe, were in this case held to be inviolable. 'We recognise no such treaties and we shall in no event accept them. The only final authority and paramount power that we recognise is the will of the people.' The real conflict, he went on, was not with the Rulers but with the imperial power that protected them. 'This interference in order to crush the popular movement is no longer going to be tolerated by us.' Reviewing the course of the struggle in various States, and especially in Kashmir and Hyderabad, he deplored the emergence of the communal issue, brought about, so he would have it, by the State governments in imitation of their British masters' methods. 'The minorities must realise that it is inevitable that responsible government will come to the States.' That will be part of the 'larger freedom of India' now in sight. 'The time approaches when the final solution has to come—the Constituent Assembly of all the Indian people framing the Constitution of a free and democratic India.'[1]

The other side of the new campaign was started by the personal intervention of two members of the Working Committee in two selected States. Mr. Jamnalal Bajaj entered Jaipur in defiance of its government's prohibition. He was arrested and expelled. He crossed the border again with the same result. On his third entry he was placed in detention within the State, whereupon a 'civil disobedience' movement was launched. Discussion followed, and in the course of the summer a settlement was achieved and Mr. Bajaj was released. Meantime Mr. Vallabhbhai Patel had descended on Rajkot and obtained an agreement from its Ruler as to the composition of a committee for framing a scheme of reform. Shortly afterwards, however, a dispute arose as to the terms of the agreement, the Ruler was accused of breaking it, 'civil disobedience' began, and Mr. Gandhi's wife and Mr. Patel's daughter entered the State to court arrest and were arrested. A few weeks later Mr. Gandhi himself proceeded to

[1] The full text of the address is printed in *The Unity of India*, 27-46.

Rajkot, and on March 2 he delivered an ultimatum to the Ruler. Of the nine members of the proposed committee, five, including the chairman, must be local Congressmen selected by himself. If this decision were not accepted within twenty-four hours, he would begin a 'fast unto death'. Mr. Gandhi began his fast on March 3. Next day he sent a message to the Viceroy asking for the intervention of the Paramount Power to secure the fulfilment of the Ruler's original agreement, and the Viceroy suggested, with the Ruler's assent, that the Chief Justice of India (Sir Maurice Gwyer) should be asked to interpret the agreement, whereupon, to the general relief, Mr. Gandhi broke his fast. On April 3 the Chief Justice gave his decision in favour of Mr. Patel's interpretation, under which the Ruler was bound to accept anyone whom Mr. Patel might recommend as a member of the committee. But Mr. Gandhi decided to renounce the award, and no Congressmen were appointed. In the following October the committee's scheme was published, and though it did not satisfy Mr. Gandhi, most of the local reformers acquiesced in it. Thus the Congress had scored one more 'partial success'.

Meanwhile agitation on a graver scale had broken out in Travancore, Kashmir, and Hyderabad. In all three States the conflict had taken that communal colour which Pandit Nehru deplored, and this was a serious matter in the two larger ones, since in Hyderabad the Nizam and the ruling class are Moslems and 85 per cent. of their subjects Hindus, and in Kashmir the Maharajah and the ruling class are Hindus and 76 per cent. of their subjects Moslems. It was, no doubt, the growing bitterness of communal feeling and also, perhaps, a doubt as to whether the 'high command' could prevent the 'non-violent' revolt it had encouraged from degenerating into violent disorder that accounted for Mr. Gandhi's decision to call off the new campagin in the spring of 1939. In March he recommended the suspension of 'civil disobedience' in Jaipur and its postponement in Travancore. In May he expressed his regret for his 'coercive' conduct in Rajkot and he apologised to the Viceroy and the Ruler and other people concerned. In June he advised the abandonment of 'civil disobedience' in Travancore in order to avoid popular violence and to pave the way for an honourable understanding with the authorities. He was unlikely, he added, in the near future to recommend mass 'civil disobedience' anywhere. Individual action, fully disciplined and genuinely 'non-violent', would be more effective. Meantime reformers in the States should moderate their immediate demands, if necessary, in order to hasten the advance to the final goal.[1]

This *volte-face* was generally believed to have surprised and dismayed some of Mr. Gandhi's colleagues, and especially Pandit Nehru: but the effect of the Mahatma's wishes proved as potent as ever. The agitation rapidly subsided in almost all the areas of disturbance except Hyderabad where the Arya Samaj, protesting that Hindus in the State were denied

[1] *Harijan*, June 10, 1939.

religious liberty, and the Mahasabha, more concerned with politics than religion, continued to organise the invasion of the State by 'civil disobedience' volunteers. The bases of this campaign lay in the Provinces which encircle Hyderabad, and the 'high command' seems to have refrained from imposing a uniform policy on their Congress Governments. Fearing, no doubt, the spread of communal excitement within its own frontiers, the Bombay Government was relatively firm. The volunteers were ordered away from their bases near the Hyderabad border. The Premier of Madras once more provoked the criticism of the Hindus of the Left by proscribing meetings and suppressing pamphlets. In the Central Provinces, where the mischief-makers were most numerous and their language most intemperate, two members of the Arya Samaj were prosecuted for incendiary speeches, but nothing more was done to check the agitation. When a number of students were expelled from the Hyderabad State University for indiscipline, they were promptly admitted into Nagpur University. It was mainly, therefore, from this Province that the invasion was continued. By the end of April no less than 3,500 volunteers, most of them from British India, had been arrested and imprisoned. In the summer the long-awaited scheme of reform was published by the State Government. It was not a liberal scheme, but at least it was an advance on the existing *régime* of almost pure autocracy, and hostilities were suspended. On the issue of a further conciliatory statement in August, 'civil disobedience' was finally abandoned.

To sum up the achievement of the Congress in its two-year campaign it might be said that the 'partial success' with which it started in Mysore had attended it throughout. The autocratic system had been pressed hard and in several States it had yielded ground.[1]

At the head of the advance was the little State of Aundh in the Deccan, 501 square miles in area, whose Ruler promulgated an original and distinctly liberal constitution setting up an indirectly elected Legislative Assembly with full control over half the revenue. Ministers were to be chosen from its members and would have to resign on a vote of no-confidence. The Ruler could veto or 'postpone' a bill, but, if the Assembly persisted with it after three rejections and presented it a fourth time, the Ruler must accept it.

In Cochin and Rajkot dyarchy was established. The Legislative Council, of which two-thirds were elected under the existing constitution, was given full powers of legislation and expenditure on all but certain 'reserved' subjects which included law and order; all other subjects were to be entrusted to a minister or ministers chosen from the Council and responsible to it.

The new constitution of Mysore lowered the franchise for the Representative Assembly so as to treble the rural vote and united it with the

[1] A summary of the constitutional and administrative position in the States in 1942 by the Chancellor of the Chamber of Princes will be found in Appendix IV, p. 330 below.

Legislative Council to form a bicameral legislature. Previously little more than a *durbar*, the Assembly was now empowered to discuss in principle, though not to amend, all legislation submitted by the Council. Half the 48 members of the Council were now to be elected: of the nominated half 16 were to be officials. The powers of the Council in legislation, including the budget, were unchanged, the government retaining the right to 'restore' rejected grants and to legislate by ordinance on reserved subjects and any urgent matter. Apart from the extension of the franchise the most liberal feature of the new constitution was the introduction into the government, which was now to consist of the *Diwan* and not less than four ministers, of two ministers selected from the non-official members of the legislature. The government, however, was to be unitary, not 'dyarchic', and no rule was laid down as to votes of no-confidence and resignation.

New constitutions were also promulgated in Baroda, Gwalior and Indore. All three were more or less on the Mysore model, but only in Baroda was provision made for non-official ministers.

In the large but politically backward States of Kashmir and Hyderabad the vital point in the development of representative government—an elected majority in the legislature—was conceded outright in the one and very nearly in the other. In Kashmir 40 out of 75 members of the Assembly, in Hyderabad 42 out of 85, were now to be elected. Both Assemblies were now empowered with certain reservations to discuss legislation, including the budget. But both governments reserved the right of veto and 'certification'. An interesting novelty in Hyderabad was the institution of Advisory Committees on agriculture, education, finance, public health and other subjects.[1] In Hyderabad, too, a beginning was made with local self-government. Municipal and District Advisory Boards were to be set up with elected majorities and limited powers of taxation. *Panchayats* for minor local purposes were also to be gradually established.

In Rampur the legislature, which had hitherto consisted of only 14 members with an official majority, was enlarged to 34 members, of whom half were to be elected. As to the powers of the legislature and in such other matters as the creation of Advisory Committees and District Boards, the Rampur constitution followed the new Hyderabad pattern.

In Rajputana, finally, a first attempt was made to deal with the difficult problem of the feudatory landlords or *jaghirdars*, whose lands in many States constitute the greater part thereof. In Jodhpur their separate powers in the field of law and order were brought under a measure of State control. Advisory Committees, central and local, and *panchayats* were also established in Jodhpur, and Advisory Committees in Bharatpur and Jaipur.

The forward school of Congressmen were by no means content with these 'partial successes'. And certainly they were not spectacular. Only

[1] The treatment of the communal question and the introduction of 'functional representation' in Hyderabad will be mentioned in Part III.

the Ruler of little Aundh, who was naturally singled out for commendation by the Congress leaders, had established a measure of self-government comparable with, but by no means equal to, that of the Provinces under the Act of 1935. It must be remembered, however, that in most cases the advance was almost from the starting-point of pure autocracy, and *c'est le premier pas qui coûte*. Two years' agitation had set going a widespread movement. If pressure were renewed and sustained, the pace would surely quicken, as it had quickened since 1909 in British India.

Unhappily the prospect was darkened, in the States as elsewhere, by the old black shadow of communal strife. Anyone, indeed, who attempts an impartial study of Indian politics cannot fail to be impressed by the emergence of militant communalism in some of the larger States just at this time. For the States had hitherto been relatively free of the eternal quarrel, the chronic rioting and bloodshed, from which British India had perpetually suffered; and Indian nationalists had often pointed to the peaceful States as testimony that communalism in the Provinces was deliberately stimulated by a 'satanic' British Raj to obstruct the progress of self-government. To some Congressmen the outbreak in the States seemed no disproof of this terrible charge. On the contrary, said Pandit Nehru, the governments of some of the major States had been 'apt pupils of British Imperialism'. 'They have learnt the art of utilising communal differences to check popular movements.'[1] But surely, even if the charge were true, the difficulty would remain. Communal passion is there to be utilised; and it needs no artificial stimulus when a struggle for power has begun. That, of course, is what had now happened in the States as it had happened a little earlier in British India. And in Hyderabad and Kashmir it was a more revolutionary struggle. For generations their Rulers had maintained a governing class of their own faith; nor, since they were autocrats, could this be questioned by their subjects, though the great majority of them adhered to the other creed. But now autocracy, it was said, was doomed: responsible government was 'inevitable': the first steps were actually being taken which, short though they might be, were along the path to 'majority rule'. And majority rule must mean a political and social revolution: the power, the prestige and the emoluments of government would pass from one community to the other. More directly therefore, in those States than in British India where the ruling class had previously been neutral, political progress was bound to provoke a communal conflict.

[1] *The Unity of India*, 41.

CHAPTER XVII

THE MOSLEM REACTION

I. The Congress and the League

The attitude of the Congress 'high command' towards the communal problem was determined by the same strategy as their attack on the government of the States. If the survival of autocracy in Indian India was one of the two major obstacles to the attainment of their ideals of Indian freedom, the other was the refusal of the minority communities in British India and in particular of most of the Moslem leaders to accept the Congress claim that it represented all the nationalists of India and was entitled to the sole succession to the British Raj. On both fronts they took their triumph at the polls as the signal not for a policy of compromise and conciliation but for a bold attack. Their hold on public opinion in most of British India had been shown to be stronger than they had supposed. They felt themselves to be riding on a wave of nationalist and democratic enthusiasm; and they decided to use its force, before the tide slackened, in an attempt at once to undermine the power of the Princes and to overrun the opposition of the Moslems. On the one front the result, as has been seen, was a measurable, though not a spectacular, success; on the other it was a disastrous failure.

It is easy to be wise after the event, and, if the Congress leaders' decision on the communal issue may have been to some extent inspired, as their critics put it, by the 'intoxication of victory', it was not, in all the circumstances of the time, an unnatural decision. To come to terms with the Moslem League, in the first place, was a negation of the totalitarian doctrine which had now taken so firm a hold on Congress minds. The Congress was the only 'national' party: it had many Moslems in its ranks: it had had Moslem Presidents in the past and was soon to have another:[1] all the official bodies from the Working Committee downwards had their due quota of Moslem members. If the Moslems of the League desired to take their full share in the attainment and enjoyment of *Swaraj*, they should join the Congress. Their only reason for not doing so, it was argued, must be the small-mindedness of Moslem politicians who jealously refused to share their leadership with others in the cause of Indian freedom. The Congress, secondly, claimed to be the only effective instrument of social progress. Compared with it, the League was a conservative, if not a reactionary body: it had attempted no organised research on social problems: its constructive programme was little else than a copy of the great Congress programme which only its authors had the power to execute and in the fruits of which the Moslem masses would share equally with the

[1] Maulana A. K. Azad was elected President in March 1940 and, as no election has since been held, he still retains the office.

Hindu. Not only for *Swaraj*, then, but for the uplift of the people Moslems should work inside the Congress, not outside it and against it. And thirdly, there was a more concrete argument based on the political facts at the time. In all but one of the Congress Provinces,[1] the Moslems were relatively small minorities—14 per cent. in the United Provinces, 12 in Bihar, 8 in Bombay, 6 in Madras, 3 in the Central Provinces, 2 in Orissa. They had greater weight, it is true, than these small numbers might suggest, especially in Northern India, where they were concentrated in the towns and in contact with neighbouring majorities in the Punjab and Bengal. But the moral strength which local minorities might draw from the knowledge that they belonged to an all-India community which now numbered about 90 millions was not reflected in political organisation. There was no Moslem party at that time which could truly claim to represent the bulk of Moslem India. The League was certainly the strongest but its strength lay in the Hindu-majority Provinces. Little was known of it on the Frontier. Its weakness in Bengal, the Punjab, Assam, and Sind was betrayed by the fact that neither the Moslem Premiers of those Provinces nor the bulk of their Moslem supporters in their legislatures were then members of it. It could not hope, indeed, to fight the Congress on anything like equal terms. In organisation, in machinery for publicity, in financial resources it was immeasurably poorer. Most of the Hindu daily newspapers published in English and readable therefore in any part of India were either controlled by the Congress or more or less reflected its opinions. In 1937 there was only one Moslem English daily, the *Star of India*. No had the League attempted to win the same sort of hold over the Moslem masses of the countryside as that which the Congress, thanks to its army of keen young workers, the eloquence of such spokesmen as Pandit Nehru and, above all, the prestige of Mr. Gandhi, had won over the Hindu masses. In a village of any size in the North there was a Congress agent and an office flying the Congress flag. There was no such ubiquitous and systematic leadership for the Moslem peasantry. Thus, for the Congress to recognise so small and weak an organisation and to take it into partnership not only meant a sacrifice of totalitarian principles: it seemed in 1937 a wholly needless sacrifice. The League's help was not wanted. Was it not wise for the Congress to use all its new power and fame in an effort to overwhelm or absorb it?

That, at any rate, was the decision taken. Two moves resulted. First, the formation of coalitions with the League or any other party in any Province was ruled out as described in previous chapters. Second, renewed efforts were made, particularly in the United Provinces, to bring the scattered Moslem villagers within the Congress fold. The arguments used in this 'mass-contact' campaign, as it was called, were simple and cogent. The Congress Raj had now been established in the Province as it would be

[1] The exception was the North-West Frontier Province which was a peculiar case: see pp. 121-3 above.

over India as a whole before long, and there was no hope of overthrowing it. There might be reason for anxiety in that for self-seeking Moslem politicians but not for the Moslem poor. The real issue was not communal. The cry that Islam was in danger was a baseless slander, fabricated by those politicians for their own factious ends. Congress was non-communal, and under its auspices the religious rights of the Moslems would be scrupulously protected. The real issue was social and economic, and the Congress, not the landlords and lawyers of the League, was the champion of the poor. Already it was hard at work at its new agrarian reforms, and there were more to come. They were intended for Moslem countryfolk as much as Hindu, but the former would be wise to make sure of their full share in the blessings of the new *régime* by joining the Congress party. There were arguments, too, for Moslems of a higher social status, arguments so obvious that they scarcely needed to be put into words. Political power with all the patronage and influence it implied was now exclusively in Congress hands, and there it would remain. True to its principles, the Congress would not deny a fair share of its appointments from ministerial office downwards to the Moslem minority, but it could not be expected to bestow them on any but Congress Moslems. For a Moslem to stay in the League, therefore, was to condemn himself to a lifetime in the wilderness. Let him make the other choice, and make it at once while the door was still open. If he were unwilling to become an out-and-out Congressman, let him at least join one of the sectional Moslem parties, such as the Ahrars, which were at feud with the League and willing to work with the Congress.

Such aggressive tactics were, of course, impracticable in the Moslem-majority Provinces. All that the Congress could do there was to try to weaken the non-Congress Ministries by aiding their opponents and widening the fissures in their supporters' ranks. But, if the League could be broken in the Congress Provinces where it was strongest, it would lose all influence in the rest, and there was no other Moslem organisation capable of enlisting all Moslem India in a common front. Already the North-West Frontier Province had joined the Congress camp. If that was too much to expect of Bengal and the Punjab, surely their leaders could be persuaded, once they found themselves alone, to accept the safeguards offered by the Congress and acquiesce—what else could they do?—in the coming Congress Raj.

Meantime the 'high command' took occasion to assure the minorities once again that their interests were safe in Congress hands. At its meeting in Calcutta at the end of October 1937 the Working Committee, in reply to Mr. Jinnah's attack at Lucknow to be mentioned presently, passed the following resolution which was adopted in due course by the A.I.C.C.:

> The Congress has solemnly and repeatedly declared its policy in regard to the rights of the minorities in India and has stated that it considers it its duty to protect these rights and ensure the widest possible scope for the development of these minorities and their participation in the fullest measure in the

political, economic and cultural life of the nation. The objective of the Congress is an independent and united India where no class or group or majority or minority may exploit another to its own advantage and where all the elements in the nation may co-operate together for the common good and the advancement of the people of India.[1]

The resolution went on to recite those clauses of the declaration on Fundamental Rights adopted at the annual Session of 1933 which guaranteed religious and cultural freedom and equality to all citizens of India.[2]

At the outset the 'mass-contact' movement seemed to be going well. A substantial number of Moslems were induced to join the party. But, as time went on, it became clear that the result of the Congress leaders' refusal to share their power with the League was not what they had hoped. Instead of losing heart and yielding to the force of numbers, the League was fast becoming stronger and more self-confident than it had been before. Both in the countryside and in the towns it was conducting a formidable campaign against the 'Congress Raj'. The 'mass contact' movement presently ceased to make headway. The Congress leaders had underestimated, it seemed, the strength of Moslem religious feeling and had failed to take account of the fact that a Moslem's religion pervades all his life, including his politics. As it was, the *mullahs* of the countryside were soon up in arms against the Congress propagandists, usually Hindus and often youngsters, who challenged their authority: it was blasphemy, they told their flocks, to say that politics was a purely secular affair, and they reawakened in them all their old suspicions of Hindu intentions towards their faith. With the townsmen and professional classes, too, it seemed, the Congress leaders had made a mistake. It was natural, perhaps, to expect the Moslem intelligentsia to bow to the logic of numbers, and, since they must always be a minority, to make the best and quickest settlement they could with the majority: but logic is not by any means the strongest force in life, and, instead of submitting to the victors, the leading Moslem politicians closed their ranks and defied them. When the League met in conference at Lucknow in October 1937, Mr. Jinnah at once denounced the Congress for pursuing an exclusively Hindu policy which was bound to intensify communal antagonism and thus to strengthen the hold of 'British imperialism' on India. 'Moslems', he declared, 'can expect neither justice nor fair-play under Congress government.'[3] And that Mr. Jinnah was now speaking for Indian Moslems with greater authority than ever before was at once apparent. The Moslem leaders in the two chief Moslem-majority Provinces had decided to put their weight behind the League. On the day of Mr. Jinnah's speech Sir Sikander Hyat Khan announced that he was advising all the Moslem members of his Unionist Party in the Punjab to join the League, and shortly afterwards Mr. Fazl-ul-Huq and Sir Muhammad

[1] *Indian National Congress, 1936-37* (Allahabad, 1938), 71-2.
[2] The full text of the declaration is given in Appendix V, p. 331 below.
[3] *Indian Annual Register*, 1937, ii, 143.

Saadulla made similar declarations in Bengal and Assam. The action of these Moslem Premiers did more than any speeches to put new life into the League. About this time a Congress *versus* League contest at a by-election in the United Provinces was won by the Congress, but the three similar contests which quickly followed were all won by the League. Meanwhile the League was fighting the 'mass-contact' campaign on its own ground, building up at last a rival organisation in the rural areas, hoisting its green flag over against the Congress tricolor in the village street. Within two or three months after the Lucknow Conference over 170 new branches of the League had been established, 90 of them in the United Provinces and 40 in the Punjab. No less than 100,000 new members were said to have been enlisted in the United Provinces alone. Scarcely less important, since nowhere are politics more personal than in India and nowhere is leadership more eagerly desired and loyally respected, was the swift and striking growth of Mr. Jinnah's authority. Always in the forefront of Indian politics, he had hitherto failed to command the confidence of his community as a whole. He had been a sectional rather than a communal leader, a man of the Left, the exponent of a forceful anti-British nationalism which had seemed to conservative-minded Moslems to show that he was dangerously 'Congress-minded'. But now he was no longer one of several Moslem leaders: he was fast becoming *the* leader. Wherever he went he was greeted by great enthusiastic crowds as the personification of the communal pride and pugnacity which had been awakened by the Congress victory and the use the victors had made of it.

The Congress leaders seemed slow to realise the full force of the reaction they had provoked. During the winter of 1937-8 they continued to preach the doctrine of a single national movement in which patriotic minorities should fearlessly participate. In January Pandit Nehru repeated once more the Congress promise of fair-play—they were ready, he said, 'to go beyond justice to the minorities in order to inspire confidence'[1]—and at the Session held at Haripura in February he moved and carried the following resolution.

> The Congress approves of and confirms the resolution of the Working Committee on Minority Rights passed in Calcutta in October 1937, and declares afresh that it regards it as its primary duty and fundamental policy to protect the religious, linguistic, cultural and other rights of the minorities in India so as to ensure for them in any scheme of government to which the Congress is a party the widest scope for their development and their participation in the fullest measure in the political, economic and cultural life of the nation.

But the resolution went on to make it clear that the minorities were expected to seek their protection within the Congress fold.

> The Congress welcomes the growth of anti-imperialist feeling among the Muslims and other minorities in India and the growing unity of all classes and communities in India in the struggle for India's independence which is essentially one and indivisible and can only be carried on effectively on a united

[1] *Hindustan Times*, Jan. 3, 1938.

national basis. In particular the Congress welcomes the large numbers of members of the minority communities who have joined the Congress during the past year and given their mass support to the struggle for freedom and the ending of the exploitation of India's masses.[1]

The new strength of the League, however, was not entirely ignored, and an attempt was made in that spring to explore the possibilities of an agreement by means of the so-called 'unity talks'.[2] Mr. Jinnah corresponded with Pandit Nehru and had a long conversation with Mr. Gandhi. A discussion followed between Mr. Jinnah and Mr. Subhas Bose who had now succeeded Pandit Nehru as President of the Congress. But nothing came of these personal contacts, and by the end of July the negotiations had broken down on a straight issue. Mr. Jinnah had made a claim which he would scarcely have ventured to make a year before. He had insisted that the Congress should recognise the League as the only organisation representing Indian Moslems. To that, it need hardly be said, Mr. Bose had not agreed. Thereafter the temperature of the dispute rose steadily. The attitude of the Congress leaders was restrained; their letters in the published correspondence were courteous and friendly; but Mr. Jinnah was more militant. 'Evidently', he told Mr. Gandhi, 'you have not been following the course of events.' 'You prefer talking at each other,' he wrote to Pandit Nehru, 'whereas I prefer talking to each other.'[3]

As the year went on, the breach grew wider. At a Provincial League Conference at Karachi in October 1938, attended by Mr. Jinnah and the Moslem Premiers of the Punjab and Bengal, resolutions were carried applauding the achievements of the Provincial 'League Ministries' as they were now called, and condemning the 'nefarious propaganda' conducted by the Congress against them.[4] The annual Session of the League at Patna in December was still more bellicose. It was a crowded and enthusiastic meeting—proof in itself of the vigour and self-confidence which the League had gained from its growing strength throughout the country—and, if its tone was nationalist in the sense that it was anti-British, it was still more anti-Congress. There was a worse enemy, it seemed, to India's progress than British 'imperialism'. All hope of communal peace, said Mr. Jinnah, whose re-election as President was unopposed, had been wrecked 'on the rocks of Congress Fascism'.[5]

II. The Widening of the Gulf

The quarrel with the League destroyed any such chance as the Congress leaders may have had of convincing the Moslems that their rights and interests were safe in Congress hands. In any case there was bound to be communal trouble. It had been a constant feature of the Indian scene for a long time past. It would not be diminished by the virtually complete

[1] *Indian Annual Register*, 1938, i, 299.
[2] See *Nehru-Jinnah Correspondence* (Allahabad, 1938).
[3] *Correspondence between Mr. Gandhi and Mr. Jinnah, etc* (Bombay, 1938), 1, 8
[4] *Times of India*, Oct. 12, 1938. [5] *Indian Annual Register*, 1938, ii, 341

transfer of the control of law and order from British to Indian hands: on the contrary it was likely to increase. Time and again the Congress leaders had told the Moslems that they had nothing to fear from a Congress Raj, but there was small chance of such assurances being trusted unless the Moslem politicians trusted them and said so. Only if the men who possessed or could obtain the confidence of the Moslem masses were willing to work in unison with the Congress leaders in the cause of communal peace could the Congress Governments hope to convince the minorities that the Congress Raj was not in fact a Hindu Raj. Such hopes were doomed by the renewal of open warfare with the League, and it was fiercer warfare now and with a stronger League. In such an atmosphere it was useless for Ministers to reiterate their good intentions, especially when their policy in big things like the refusal of coalitions and the 'mass-contact' campaign and in small things like the hoisting of the Congress flag and the singing of the 'national anthem' were at the best so open to misconstruction. In such an atmosphere, too, the old contention that Moslems were unfairly treated—under-represented on local bodies, starved of educational opportunities, restricted in their use of Urdu and so forth—gained new force, and the symptoms of communal tension, the quarrelling and rioting and killing, put on a new complexion. No one under the old *régime* had seriously questioned the Government's neutrality in this perennial conflict. Now it was directly charged with favouring the Hindu side. Every instance of communal trouble was scrutinised and written up and put on record, and in due course they were all listed and published as a formal indictment of the Congress Governments.

The first of those publications was the *Report of the Inquiry Committee appointed by the Council of the All-India Muslim League to inquire into Muslim Grievances in Congress Provinces*. It was published at the end of 1938 and became known as the *Pirpur Report* from the name of the chairman of the committee, Raja Syed Mohamad Mahdi of Pirpur, a descendant of the old Mogul aristocracy in the United Provinces. It is a well-written and clearly argued statement of the Moslem case, the more effective because of its restraint. It includes a summary account of events in all the Congress Provinces except the North-West Frontier Province, based on personal inquiries made by the Committee; but this is relegated to the last part of the Report and the cases of alleged persecution or injustice are not described in sensational or provocative language. The main body of the Report takes wider ground. It attacks the Congress 'closed door' policy and cites it as proof that parliamentary government as practised in Britain is unworkable in India. 'The Muslims think that no tyranny can be as great as the tyranny of the majority.' It is not only a question of their religious and cultural freedom: they must obtain their due share in the government of the country. The Congress has denied them this—it has tried, indeed, to break the political power of the Moslems by the old device of 'divide and rule'—and at the same time has shown that without it Moslems have

no hope of justice. Their share of public appointments, Provincial or local, is not in proportion to the size and importance of the community. If they cannot obtain fair treatment from the Ministers, still less can they obtain it from the 'parallel government' established by the Congress committees throughout the Provinces. The flag, the anthem, the reverence paid to Mr. Gandhi, the emphasis laid by the Mahatma himself on 'cow protection'—all these are evidence of a deliberate and far-reaching attack on the civic and cultural rights of the Moslem community, but its most insidious feature is the attempt to extend the use of Hindi at the expense of Urdu. 'When a small country like Switzerland can afford to impart education in three languages, surely more than one language can be taught in an Indian Province.'[1]

Another indictment was the *Report of the Enquiry Committee appointed by the Working Committee of the Bihar Provincial Muslim League to enquire into some grievances of Muslims in Bihar,*[2] published in March 1939 and known as the *Shareef Report* from the name of its draftsman, Mr. S. M. Shareef. The preface by Mr. S. A. Aziz, President of the Provincial League, maintains the temperate style of the *Pirpur Report*. 'The religious and fanatical outbursts of former days', he writes, 'seem to have developed into a religious-political aggression on a wider and more dangerous scale', but he pleads that the situation can still be saved if the leaders of both the Congress and the League will undertake a concerted campaign of preaching and propaganda to convince the ignorant masses of both communities that they must observe the principle of mutual toleration. The body of the Report sounds a different note. It consists for the most part of a full description of the 'atrocities' perpetrated by Hindus in various places in Bihar. Repulsive details are recounted, repeated and italicised with the deliberate object, it would almost seem, of infuriating any Moslem who might read them.[3] Nor is it only Ministers or local Congress leaders who are charged with a policy of persecution. The administrative and judicial services are almost equally vilified: the police are accused of a persistent anti-Moslem bias and magistrates of passing absurdly lenient sentences on Hindu breakers of the peace. A casual reader of the pamphlet might be forgiven for supposing that something like a reign of terror had been established in Bihar. 'Muslims will have to decide soon whether they should migrate from this Province or face annihilation.'[4]

A third formal indictment of the Congress Governments was made soon after their resignation in a statement issued to the Press and republished in pamphlet form by Mr. Fazl-ul-Huq in December 1939. It was entitled *Muslim Sufferings under Congress Rule*[5] and furnished with a somewhat rhetorical introduction. Congress policy, wrote Mr. Huq, had set the stage

[1] *Report*, 2-3, 7-10, 15-31, 54. [2] Patna, 1939. [3] See *Shareef Report*, 13, 28-9, 31-2.
[4] Quoted from a resolution of the Working Committee of the Provincial Moslem League; *ibid.*, 96.
[5] Calcutta, 1939.

for the blatant arrogance of the militant Hindu to burst the bounds of restraint which non-partisan Governments had hitherto imposed. . . . They set about to impose their will on the Muslim minorities. And what was their will? . . . 'Mother cow' must be protected. . . . Muslims must not be allowed to eat beef. . . . The religion of Muslims must be humbled because was not this the land of the Hindus? Hence the forbidding of *azan* [the call to prayer], attacks on worshippers in mosques, the insistence on the triumphant passage of noisy processions before mosques at prayer time. . . . Was it strange, then, that tragedy followed tragedy? . . .

There followed a description of 72 incidents in Bihar and 33 in the United Provinces and a more summary account of similar events in the Central Provinces. Broadly speaking they illustrate the general charges made in the introduction. Cow-sacrifice is prevented in villages where it had long been customary. Moslem butchers are assaulted. Pigs are thrown into mosques. The *azan* is denounced and interrupted. Moslem shops are boycotted. Moslems are prevented from using the village well. They are attacked irrespective of sex or age. . . . Two features of the record as a whole are worth noting. First, the 'sufferings' seem mostly to have been undergone by small and isolated groups of Moslems in remote villages. In the towns they were strong enough, it seems, to give as good as they got. Second, official intervention is again represented as biassed in favour of the Hindus. Several cases are cited of the restoration of peace by means of a so-called 'compromise' which in fact, it is alleged, was a pro-Hindu settlement imposed by the weight of authority on a helpless Moslem minority.

All these documents were brushed aside by the Hindu Press with more or less contempt or ridicule. The official rejoinder was more carefully considered. On various occasions the Moslem allegations were denied or the incidents otherwise interpreted by Ministers in their legislatures. The Bihar Government published a reasoned reply to the *Pirpur Report*.[1] After summarising the Government's attempts to further Moslem interests in the Province by nominating Moslems to official posts, by expenditure on Moslem education and by grants and other concessions to Moslem institutions, it answered the charges point by point. As regards cow-sacrifice Congress Ministers had 'made no change whatever in the traditional policy of previous Governments': they had permitted it where it was an established right—a number of cases were cited in which Hindus had been prosecuted for forcible attempts to prevent Moslems exercising this right—but they had discouraged it where it had not hitherto been customary. The same applied to processions and music. Like its predecessors, the Government had not interfered with traditional usage unless compelled by serious danger of disorder. The allegations of unfair conduct in the suppression of rioting were denied: the police had treated peace-breakers with strict impartiality. Statistics were given to show that Moslems were not

[1] Three 'press notes', republished in a pamphlet: Government Department of Information, Patna, 1938.

inadequately represented on local bodies. The use of the 'national flag' and *Bande Mataram* was mainly ascribed to students who 'in the exuberance of enthusiasm' wanted 'to celebrate the dawn of what they thought a glorious day'. Government's action was purely permissive. It had removed the previous ban on the flag and the song, leaving local bodies and the managers of colleges and schools and other institutions to do what they chose. Lastly, so far from discouraging Urdu, the Government had extended the optional use of it in the Courts.

It would need a full inquiry on the spot by a neutral commission to determine the rights and wrongs of this controversy. One thing, however, can be stated with some certainty. The Congress Governments as a whole wanted to be just to the minorities. There is high and impartial authority for that in the United Provinces where the quarrel was at least as bitter as in Bihar. Writing after his retirement at the end of 1939, the Governor (Sir Harry Haig) said:

> In dealing with communal issues the Ministers, in my judgment, normally acted with impartiality and a desire to do what was fair. Indeed, towards the end of their time they were being seriously criticised by the Hindu Mahasabha on the ground that they were not being fair to the Hindus though there was in fact no justification for such a criticism.[1]

Similar comment has been made on other Congress Ministries, and there is nothing surprising in it. The Congress leaders, as has been seen, had repeatedly insisted on the non-communal character of the Congress, and they were bound to try to prove that communal neutrality was not an exclusively British virtue. It must be remembered, too, that there were Congress Moslem Ministers, who, whatever members of the League may have thought of them, could scarcely be credited with lending themselves to a deliberate policy of Moslem persecution. And, apart from all that, the new Governments, it is safe to say, did not want the worst and most dangerous of all the difficulties with which the old Governments had had to grapple to become still more difficult under their administration. Would the 'high command' have taken the quick decision it did take as to the League if it had foreseen the consequences? As it was, the genuineness of the Congress Ministers' anxiety at the growth of communal antagonism during their period of office was unmistakable. The frankness with which in the end they faced it and the repressive measures they took against incendiaries in either camp have been recorded in Chapter XII.

So much is certain. It is also certain that, while Moslems may have been aggressive where they felt themselves strong enough, all the incidents complained of were not, as was sometimes suggested in Congress quarters, the result of provocation by agents of the League. It seems more probable that much of the trouble in out-of-the-way places was caused by the behaviour of those irresponsible 'cocks of the walk' who regarded themselves as the

[1] *Asiatic Review*, July 1940, p. 428.

local instruments of the Congress Raj.[1] It seems probable, too, that Hindus in general felt more inclined to assert themselves, more ready to question Moslem rights, now that the Government to which they would have to answer for their conduct was a mainly Hindu Government. But in any event the controversy is not of major importance because the incidents in dispute cannot by themselves account for the strength and scope of the Moslem revolt. They were not very numerous considering the vast areas concerned: many of them were of a relatively trivial character: and similar incidents had been occurring from time to time for many years past. Their importance lies mainly in the fact that the publicity given to them served still further to weaken the chance—a poor enough chance in any case—of the Congress Raj being generally credited with anything like the communal neutrality of the previous *régime*.

Among the Moslem intelligentsia it was not only the so-called 'atrocities' and the inferences drawn from them that inspired a new sense of danger and a new determination to resist it. Minority sentiment, as Europe well knows, is primarily a cultural matter: the battles it provokes are mostly fought in the field of education; and, while Moslems had always been aware of their weakness in this field, they seem to have become in those critical years more acutely conscious of it and more seriously alarmed as to what the ultimate upshot would be if the requisite counter-measures were not taken in time. A more significant document than any of those just reviewed was the Report of the Kamal Yar Jung Education Committee. This Committee was not a political body: it owed no allegiance to the League: it was appointed by the All-India Moslem Educational Conference at its fifty-second session at Calcutta at the end of 1939, and it consisted mainly of distinguished Moslem educationalists with Nawab Kamal Yar Jung Bahadur in the chair. Its task was to survey the educational system throughout India and to frame a scheme for Moslem education with a view to 'the preservation of the distinctive features of their culture and social order'. In the course of the following year the various Provinces and the leading States were visited by a touring subcommittee, led by Sir Azizul Huque, Speaker of the Bengal Legislative Assembly and Vice-Chancellor of Calcutta University.[2]

The Report was published in the spring of 1942. It drew a sombre picture of the position of Moslem education in all its branches. In the universities and colleges the proportion of Moslem students was too low, the place accorded to Moslem studies in the curriculum too small, and the opportunities for advanced research in Moslem history and culture quite inadequate. Moslem secondary schools were generally inferior: their teaching suffered in particular from old-fashioned or unsuitable textbooks. But the most im-

[1] See p. 103 above.

[2] Sir Azizul Huque came to London in 1942, having been appointed High Commissioner for India.

portant stage of education is that at which the younger generation is most impressionable; and Moslem interests, it was alleged, were steadily losing ground in the field of primary education. Urdu schools were being closed or amalgamated with Hindi schools. When a group of schools was opened, far too small a proportion of them were Urdu.[1] But more alarming than such maladministration of the old system was the character of its new development in the Congress Provinces. The most striking feature of the Report was its criticism of the 'Wardha Scheme' of elementary education which, as recorded in Chapter XIII, had been launched with so much energy and enthusiasm by the Congress Governments.

In the eyes of the Committee the scheme appeared at its worst in the form adopted in the Central Provinces—the *Vidya Mandirs*. True, the author of the *Vidya Mandirs* was a Moslem, Dr. Zakir Husain, whose ability and integrity were not questioned, but he was a Congress Moslem and credited with a desire to submerge the specifically Moslem culture in a single Indian culture. The Moslem minority in the Province had opposed the plan from its outset, but they only numbered 3 per cent. and their protests had been overridden. When, at the very end of the Congress *régime* a bill confirming and regulating the *Vidya Mandirs* was introduced in the Assembly it was opposed by every Moslem member in the House and by a few Hindus, including Dr. Khare: nevertheless it was triumphantly carried.[2] The Moslems attacked it not only because it was, they declared, impracticable and uneconomic, but more bitterly because it was communal. The schools would be managed by committees chosen by joint electorates. No provision was yet made for separate Moslem schools, nor for the training of Urdu-speaking teachers in the new technique. But these were minor

[1] A question of textbooks became a subject of fierce controversy in Bombay. Shortly after the Congress Ministers took office, a new series of primers written by Dr. Zakir Husain for use in Urdu schools was put on the approved list of textbooks by the Urdu Textbook Committee. Only books on this list could be prescribed by the local educational authorities for use in the schools, and a number of School Boards, on nearly all of which there was a Hindu majority, introduced the new primers in their schools in place of the old ones. From the purely educational point of view they were probably better, but Moslems regarded their introduction as a deliberate attempt to undermine the faith of Moslem children. The books, they said, not only glorified Hindu traditions and observances and paid scant attention to Moslem achievements and ideas, but also used numerous Hindi words instead of Urdu. So strong was the feeling that the Bombay Provincial Moslem League passed a resolution declaring that the books were 'the result of a subtle move on the part of the Congress to destroy Muslim culture and civilisation in India by bringing up the next generation of Muslims in total ignorance of it, and by saturating the minds of Muslim children in their impressionable age with notions of the Hindu culture and civilisation'. It might well be thought that this was a matter in which the wishes of Moslem parents ought not to have been overridden; but, if this was the view of the Congress Ministers, who showed themselves generally anxious to conciliate Moslem feeling, it was not the view of many of their supporters. A resolution, for instance, asking that the withdrawal of the primers should be considered was defeated by a large majority at a meeting of the Bombay Municipal Corporation, whereupon the ten Moslem League members of it 'walked out'. It was not till the eve of their resignation that Ministers decided that the local authorities should be advised not to prescribe the primers in Urdu schools. After their resignation, the series was again examined by the Urdu Textbook Committee, which now reported that the primers were unsuitable for use in the Province. The Governor, thereupon, ordered their removal from the approved list. (See *Times of India*, July 11 and 26, Dec. 14, 1939.)

[2] *Kamal Yar Jung Education Committee Report* (Calcutta, 1942), 118-19.

points compared with the essential character of the *Vidya Mandirs*, betrayed as it was by their name, 'Temples of Learning'—a name that had been adopted in the teeth of Moslem antagonism and against the advice of Dr. Husain himself. It would be, said Congressmen, 'a source of inspiration to 99 per cent. of the village population'.[1] Was not this bound to be regarded as a deliberate challenge to the Moslem hatred of the Hindu temple as the quintessence of idolatry?

But the *Vidya Mandirs* were only a local branch of the 'Wardha Scheme' which the Congress Governments had introduced to a greater or less extent in all their Provinces, and that scheme as a whole stands condemned in the Report as essentially communal. It was primarily Mr. Gandhi's creation, it is pointed out, and bears the impress of his personality and ideology. Its two main principles, as avowed by Mr. Gandhi himself, are the doctrine of non-violence and the romance of *takli*, the craft of spinning and weaving; and these ideas, however genuine and highminded, were certainly coloured by Hindu rather than by Moslem thought. Worse than that, religion was to be taught in the new schools only by the manifestation in the daily life of the teacher of the truths common to all religions. 'We have left out the teaching of religions from the Wardha Scheme of education', Mr. Gandhi had said, 'because we are afraid that religions as they are taught and practised to-day lead to conflict rather than unity.' Educationists in other countries may sympathise with that frank confession, but to orthodox Moslems education without direct religious teaching is no education at all; and this feature of the scheme seemed one more proof that the ulterior purpose of it all was gradually to wean the Moslem child from his faith. Once such suspicions were aroused, it was easy to detect, not so much in the exposition of the scheme or in the syllabus as in the conduct of the managers and teachers, the first intimations of something like a new religion of which Mr. Gandhi was to be the prophet. That Moslem schoolchildren should be obliged to honour the Congress flag, to join 'with folded hands' in singing *Bande Mataram*, to wear 'Gandhi caps' and homespun clothes—all that was bad enough, but its significance might seem primarily political. Could the same be said of the children not merely celebrating Mr. Gandhi's birthday but doing *puja*—a ceremonial act of reverence or worship—before the Mahatma's portrait?[2]

The educational policy of the Congress Governments was, as has been said, the most enlightened and encouraging feature of the new *régime*, and it is somewhat ironical that it should have provoked the bitterest attack. Even the mass-literacy campaign did not escape suspicion: some of the books used for teaching adults to read were tinged, it was asserted, with anti-Moslem prejudice. This inquiry is not concerned to justify or to refute the charges made. The relevant point is that Moslems of character and influence believed them, and it is difficult to brush aside a statement of Moslem fears so earnest, yet so temperate, as that contained in the note

[1] *Ibid.*, 114. [2] *Ibid.*, 122, 125.

appended to the *Kamal Yar Jung Report* by Sir Azizul Huque. From top to bottom of the educational field he sees the Moslem fighting a losing battle. The very languages he speaks are steadily losing their Arabic and Persian words and being 'Sanskritised'. If he studies literature, his pabulum is mainly the philosophy and romance of Hinduism: 'he hardly has any opportunity to know anything about his Prophet, the Caliphs, the saints, the scholars, the philosophers, the poets or the heroes of Islam'. If he studies history, he is primed with all the merits and achievements of Hindu civilisation from its earliest days, but with the Moslem conquest the scene changes to an unrelieved record of strife and bloodshed. There are 'two and only two alternatives'.

> Either the present system of school and university studies must have such syllabuses and themes that the Hindus, the Muslims and all other creeds and communities can meet on an essentially common platform with no influence, tendency or bias in favour of the one or the other. Or educational India must be a federation of two or more distinct types of educational organisations, each trying to develop its own culture and heredity, but in a spirit of catholicity and goodwill to others. I do hope and pray that wisdom and sense will still prevail and there will be a common and unified plan and programme of education.[1]

Thus in education as in government Moslem minds had begun to contemplate the division of India into Hindu and Moslem compartments.

There is no need to cite more evidence to demonstrate the suspicion and alarm which the advent of Congress rule had excited in the Moslem community. In the Hindu-majority Provinces they felt that a Hindu tide was rising which threatened in the long run to submerge their faith and culture and traditions, not only in the south where the Moslem minority had always been small and weak, but also in the north where it was more substantial and important and where so noble an array of monuments recalls to Moslems the grandeur of the Mogul age. Nor would they be safe even in the Moslem-majority Provinces; for the Congress was bent on replacing the British Centre with a Congress Centre at least as much empowered as its predecessor to interfere with the autonomy of the Provinces and composed and conducted on the same totalitarian principles as the Congress Provincial Governments and under the same 'Wardha dictatorship'. No cool-headed Moslem went so far as to assert that the professions and promises of the Congress leaders were insincere, that they were really looking forward to the day when Indian Islam, like Buddhism long ago, would be absorbed into Hinduism. But there was one cardinal and undeniable fact. The Congress, however genuinely national and non-communal its intentions might be, was a Hindu organisation. It was not so much that its Moslem membership was relatively small and included few

[1] *Ibid.*, 273-9.

Moslems of outstanding ability and influence. The psychological and philosophical background of the Congress movement, its modes of thought and conduct, the quality of what was known as 'Congress-mindedness' were essentially Hindu, emphatically not Moslem. The doctrine of *ahimsa* in particular was at least as alien to Moslem as it is to most Western minds. And, if it was true that many Congressmen were not pacifists—Pandit Nehru, for example, the agnostic, who was certainly no communalist either—it was also true that at a crisis all of them, including Pandit Nehru, bowed to Mr. Gandhi's will. And, however all-embracing Mr. Gandhi's charity towards other races and creeds than his own, his personality and the power he wielded belonged to the Hindu tradition: he would be out of place among the heroes of Islam.

Moreover, did the rank and file of Congressmen, Moslems asked, accept in their hearts the non-communal precepts of the 'high command'? The conduct of many of them—schoolmasters, committee-men, local bosses—seemed to answer that question in the negative. Was their real attitude different from that of the Hindu Mahasabha? And was it not of ominous significance that at this time, while the membership of the Congress was falling, that of the Mahasabha was rising?

The Hindu Mahasabha was founded in 1928 as a purely cultural organisation for the conservation and purification of Hinduism; but it had now become primarily political, and in 1937 its President was Veer V. D. Savarkar, a fiery nationalist who had been sentenced in 1909 to transportation for life on the charge of abetting a murderous terrorist crime. In 1938, when he was re-elected President as he has been each year since, he announced his intention of reorganising the Mahasabha and in a series of speeches in various parts of India he attacked the Congress for the opposite reason to that for which the League attacked it. So far from being anti-Moslem, the Congress was betraying the cause of Hinduism by pretending to be non-communal and pursuing a non-communal policy. 'Mr. Jinnah is quite correct in stating that the Congress has been since its inception down to this day a Hindu body. . . . The few Moslems . . . are kept there merely as figureheads to run the poor show of a "United Indian Nation".' The idea that there could be one homogeneous all-India nationhood was a mirage. The Hindu-Moslem schism was an unpleasant fact. It could not be wished away or overcome by compromise. The only way to treat it was to recognise that all India was Hindustan, the land of the Hindus, at once their fatherland and holy land, and the only land with which Hindus, unlike Moslems, were concerned; that there was only one nation in India, the Hindu nation; and that the Moslems were only a minority community and as such must take their place in a single Indian State. They would be treated justly, for no distinction would be made on grounds of race or faith. All citizens of the State would be equal: 'one man, one vote' would be the general rule; such matters as the national language would be settled as in other

democratic countries by the will of the majority.[1] . . . A straightforward creed, and it rapidly acquired converts. The Mahasabha, like the League, had adopted the Congress mechanism of an annual Session, as well as a Working Committee, Provincial Committees and so forth, and the Session at Nagpur in the winter of 1938 was attended by enormous crowds. One detachment consisted of 'volunteers', armed with swords and *lathis*, and the most disquieting resolution was that which demanded universal military training in order to counteract the Moslem preponderance in the Indian Army and to prepare the way for a full-scale national militia.

The effect on Moslem feeling can be imagined, and the worst of it was the suspicion that many Congressmen agreed in their hearts with Mr. Savarkar. It was possible, no doubt, to exaggerate the importance of the Mahasabha. Fast growing though it was, it could scarcely hope to wrest the lead of Hindu nationalism from so mighty and wealthy an organisation as the Congress. But down at the roots was there any real division? The conduct of the Congress Governments, said the not immoderate *Pirpur Report*, seems 'to substantiate the theory that there is something like identity of purpose between the Congress and the Hindu Mahasabha. . . . The Muslims feel that, notwithstanding the non-communal professions of the Congress and the desire of a few Congressmen to follow a truly national policy, a vast majority of the Congress members are Hindus who look forward, after many centuries of British and Muslim rule, to the re-establishment of a purely Hindu Raj.'[2]

Enough has been said to explain the rapid growth of Hindu-Moslem tension after 1937—the exacerbation of the wordy warfare on the platform and in the Press, the increase in rioting and bloodshed, and the emergence, as time went on, of a widespread feeling that the two communities were fast coming to the point at which the issue between them would have to be decided, peaceably it might be hoped, but conceivably by force. For, if the Moslems were alarmed, they were not, in the north at any rate, afraid. The coming of Congress Governments had stirred their pride and recalled the memories of their past. Two centuries ago the Moslems had long held most of India under Moslem rule by force of arms. By force of arms the British had replaced this Moslem Raj by a British Raj. Now, it seemed, the British were about to abdicate, but the heritage of power was not to revert to the descendants of the Moguls. The Raj was to be a Hindu Raj, and this time not by force of arms but by counting the votes of millions of ignorant peasants and drafting in accordance therewith a paper constitution.

[1] Mr. Savarkar's policy is fully explained in his three Presidential addresses published together in *Hindu Sanghatan, its ideology and immediate programme* (ed. N. V. Damle, Bombay, 1940). See also *Veer Savarkar's Whirlwind Propaganda* (ed. A. S. Bhide, Bombay, 1941).

[2] *Pirpur Report*, 7-10. See Mr. Muhammad Ali's similar statement in 1931: Part I. 111.

III. The Birth of Pakistan

What was the effect of the widening communal gulf on the constitutional problem?

Before 1937 Mr. Jinnah, it will be remembered, had differed from the more militant Congress leaders in wanting to work the new Provincial constitution 'for what it was worth'. By 1938 the position had been reversed. Congress Ministers were finding that there was some worth in the constitution. It was the League that now denounced it because it had made possible, it declared, the systematic persecution of the Moslems in the Congress Provinces; and it was the League now that threatened to combat it by the unconstitutional methods so often employed by the Congress but never by the League since the Caliphate agitation of 1920-1. 'The time has come', ran a resolution of the Patna Session in the winter of 1938, 'to authorise the Working Committee of the All-India Muslim League to decide and resort to direct action if and when necessary.'[1]

Those were ominous words, for they meant at the least that the League was prepared to adopt the Congress technique of 'civil disobedience'. And the danger of that was unmistakable. Mr. Gandhi himself had often admitted the difficulty of preventing the rule of 'non-violence' from being broken in the course of a Congress 'mass-disobedience' campaign. What, then, was likely to happen with mobs of League 'volunteers' who had never subscribed to that rule or shared in the Hindu sentiment that had inspired it? Unfortunately, moreover, the means of 'direct action' were ready to hand. The establishment of *quasi*-military organisations by the Congress had naturally provoked a counter-movement by the League. Two bodies were in existence by the end of 1938. The first was the 'Muslim League Volunteer Corps'. It was said to number 11,000 in the United Provinces and 4,000 in the North-West Frontier Province. The second body was the 'Muslim National Guard', equipped with uniform and flag, and said to be 3,000 strong in the United Provinces. Smaller 'guards' had been organised in Sind and Bengal. There were also the Khaksars, but it was not till the late summer of 1939 that this formidable body abandoned its peaceful methods, and, as has been told in previous chapters, took the path of violence and bloodshed.

Happily the threat of 'direct action' was not carried out. But the League continued to denounce the existing *régime* and in increasingly bitter terms. 'The Provincial part of the constitution', declared a resolution of the Working Committee in the spring of 1939, 'has utterly failed to safeguard even the elementary rights of the Muslim minorities in various Provinces.'[2] By the summer Mr. Jinnah seemed to have turned his back on the whole course of constitutional development since 1919, in the discussion of which he had so often played a leading part. In a speech on August 5 he declared that the conduct of the Congress after the elections of 1937 had

[1] *Indian Annual Register*, 1938, ii, 346.

[2] *Ibid.*, 1939, i, 366.

convinced him that 'a democratic system of parliamentary government' favoured by the Congress because it was 'a matter of counting heads', was an 'impossibility' in 'such a vast country with different nationalities'.[1]

A resolution of the Working Committee on August 28 bitterly complained that the hopes once cherished by Moslems that their position would be secured by the 'safeguards' had proved a complete illusion in face of 'a permanent hostile communal majority', and it censured 'the utter neglect and indifference shown by the Viceroy and the Governors in the Congress-governed Provinces in exercising their special powers to protect and secure justice to the minorities'.[2] Finally, when the Congress Ministries resigned, Mr. Jinnah declared that they must never come back, and the celebration of 'a day of deliverance and thanksgiving' was organised by the League throughout the country and observed on December 22, with more enthusiasm in the Congress Provinces than elsewhere, 'as a mark of relief that the Congress Governments have at last ceased to function'.[3]

It might have seemed at this time as if Mr. Jinnah had no further use for the Provincial constitution, as if, indeed, he had discarded parliamentary or representative government altogether. But this was apparently not the case. For when, towards the end of the year, one more abortive effort was made to bring about a communal settlement, the possibility of Congress-League coalitions in the Provinces was seriously reconsidered on both sides. It would seem, then, that Mr. Jinnah was prepared to contemplate a kind of parliamentary government provided it were not the normal British kind, *i.e.*, government by the majority party alone. 'Democratic systems', he wrote to a British journal, 'based on the concept of a homogeneous nation are very definitely not applicable to heterogeneous countries such as India, and this simple fact is the root cause of all of India's constitutional ills.'[4]

Meantime the growing power of the League and of Mr. Jinnah's personal authority had begun to give the working of the existing constitution the same sort of twist as the Congress leaders had given it. The non-Congress Ministries were now, as has been seen, called 'League Ministries', and in the summer of 1939 the League Working Committee passed a resolution instructing Provincial branches of the League not to come to terms with the Congress on their own account but to refer all proposals for a settlement to the 'high command'.[5] If this process were carried farther, if the leaders of the League could establish a unitary centre as effective as that which the leaders of the Congress had established, then the Ministers and the members of the legislatures in the non-Congress as well as the Congress Provinces would become responsible to external all-Indian authorities instead of to their Provincial electorates, and in the whole of British India the twin purposes of 1935—Provincial Autonomy and Responsible Government—would have been frustrated.

[1] *Times of India*, Aug. 7, 1939.
[2] *Indian Annual Register*, 1939, ii, 348.
[3] *Hindustan Times*, Dec. 7, 1939.
[4] *Time and Tide*, Jan. 19, 1940.
[5] *Indian Annual Register*, 1939, ii, 345.

so much for the Provincial constitution. As regards the Centre Mr. Jinnah's opposition to the federal scheme of 1935 was now sharper and harder than it had been before 1937. Uncompromising condemnation of it had become a regular feature of League meetings. But the point of attack had shifted. Before 1937 the federal scheme had been denounced by the League for the same reason as by the Congress—because it fell short of full self-government at the Centre. After 1937 it was denounced because it would enable the Congress to obtain the same sort of ascendancy at the Centre as it had obtained in the Provinces and to use it in the same way. A significant resolution was passed by the Executive Council of the League at the time of the Patna Session when the Congress campaign in the States, described in the last chapter, was in full swing. It declared that the Congress'

main objective in championing the cause of the States' people is only to secure the establishment in the Indian States of an elective system enabling their representatives to be returned to the Federal Legislature, irrespective of anything else, in the hope that it might get a majority.[1]

A second resolution warned the British Government that, if it were induced by Congress methods of 'coercion and intimidation' to acquiesce in the kind of Federation the Congress wanted, the Moslems 'will not hesitate to resort to the extremest measures' to protect their 'vital interests'.[2]

Nor was the League's attitude to the constitutional problem at the Centre purely negative. They would have nothing to do, it is true, with the Congress plan of a Constituent Assembly, one more device, as they saw it, for imposing Hindu majority rule, but they did not leave the matter there. They began to think out a plan of their own. The Provincial Conference at Karachi in October 1938 passed the following resolution.

This Conference, in the interests of abiding peace of the vast Indian continent and of unhampered cultural development, economic and social betterment, and *political self-determination* of the Hindus and Muslims, recommends to the All-India Muslim League to review the entire question of what should be a suitable constitution for India, which will secure an honourable and legitimate status due to the Muslims, and further devise a scheme of constitution under which *the Muslims may attain full independence*.[3]

At the Patna Session in December Mr. Jinnah was authorised to take steps 'to explore the possibility of a suitable alternative [to the federal scheme of 1935] which would completely safeguard the interests of Mussulmans and other minorities in India'.[4] In March 1939 the Working Committee appointed a subcommittee, with Mr. Jinnah in the chair and Sir Sikander Hyat Khan among its members, 'to examine various schemes already propounded . . . and those that may be submitted hereafter to the President'.[5]

The words italicised in the Karachi resolution suggest the nature of the

[1] *Indian Annual Register*, 1938, ii, 345.
[2] *Ibid.*, ii, 350.
[3] *Times of India*, Oct. 12, 1938. Italics not in the original.
[4] *Indian Annual Register*, 1938, ii, 350.
[5] *Ibid.*, 1939, i, 374.

startling change which a section of Moslem thought had now undergone. Before 1937 Indian Moslems had taken the political unity of India for granted. Now they were talking of Moslem self-determination and Moslem independence. Their future, it was argued, could not be effectively safeguarded by anything less drastic than Partition.

The idea of Partition, it is often said, was first broached in 1930. In that year the famous Moslem poet, Sir Muhammad Iqbal, was President of the League and in his address to the Session at Allahabad he outlined his constitutional views.[1] The Session, he said, would doubtless endorse the demands of the Moslem Conference in January 1929 as regards the contemplated Federation.[2]

> Personally I would go further. . . . I would like to see the Punjab, the North-West Frontier Province, Sind and Baluchistan amalgamated into a single State. Self-government within the British Empire or without the British Empire and the formation of a consolidated North-West Indian Moslem State appears to me to be the final destiny of the Moslems at least of North-West India.

This was ambiguous language, but it is clear from the rest of Sir Muhammad's speech that he was not contemplating a separate sovereign Moslem State but only the consolidation of the Moslem North-West in one political unit of an all-India federation. His proposal, he said, had been submitted to the Nehru Committee,[3] and rejected because the proposed Moslem 'State' would be of such an unwieldy size, although its population would be less than in some of the larger Provinces. Nor did Sir Muhammad limit his policy of territorial adjustment to the North-West.

> It is clear that, in view of India's infinite variety in climates, races, languages, creeds and social systems, the creation of autonomous States based on unity of language, race, history, religion and identity of economic interests is the only possible way to secure a stable constitutional structure in India.

The readjustment of boundaries would go far to solve the communal problem. The controversy over separate electorates, largely caused by 'the present structure of the Provinces', would 'automatically disappear'.

> The Moslems of India can have no objection to purely territorial electorates if Provinces are demarcated so as to secure comparatively homogeneous communities. . . . A system of separate electorates is only a poor substitute for a territorial solution of the problem.

It was indeed, Sir Muhammad went on, because it would solve the communal problem that Moslems demanded Federation, but it must be really federal, not a unitary system in disguise. The Nehru Report had recommended such a system in order to secure Hindu dominance throughout India through a 'popular' Central legislature.[4] The Simon Report was right in urging that the legislature should be reconstituted on a federal basis.[5]

[1] *Indian Annual Register*, 1930, ii, 334.
[2] See Part I, 96.
[3] See Part I, 88.
[4] See Part I, 87-94.
[5] See Part I, 101-2.

'A unitary form of government is simply unthinkable in a self-governing India.'

Residuary powers must be left entirely to self-governing States, the Central Federal Government only exercising those powers which are expressly vested in it by the free consent of the Federal States. I would never advise the Moslems of India to agree to a system, whether of British or of Indian origin, which virtually negatives the principle of true federation or fails to recognise them as a distinct political entity.

Evidently Sir Muhammad Iqbal was only asking for the agglomeration of the Moslem-majority Provinces in the North-West into a single State and for a general re-adjustment of Provincial boundaries within a loose all-India federation; and the idea of Partition seems first to have been aired among the members of a group of young Indians in England at the time of the Round Table Conference. A four-page leaflet, headed *Now or Never* and signed by Mohd. Aslam Khan, Rahmat Ali, Sheikh Mohd. Sadiq and Inayat Ullah Khan, was privately circulated from Cambridge in January 1933. 'On behalf of our thirty million Muslim brethren who live in PAKSTAN[1]—by which we mean the five northern units of India—*viz.*, **P**unjab, North-West Frontier Province (**A**fghan Province), **K**ashmir, **S**ind and Baluchis**tan**'—the authors of this leaflet protested against the federal constitution then in process of being framed at the Round Table Conference, and repudiated the claim of the Indian Moslem delegation to speak for their community 'India is not the name of one single country, nor the home of one single nation. It is, in fact, the designation of a State created for the first time in history by the British.' The Moslems of the North-West are separated from the other peoples of India by differences in all their ways of life. 'We do not inter-dine; we do not inter-marry. Our national customs and calendars, even our diet and dress are different.' The Moslems of Pakstan, a distinct nation, with a homeland twice the size of France and a population equal to the French, 'demand the recognition of a separate national status'. This is not what Sir Muhammad Iqbal asked for in 1930.

While he proposed the amalgamation of these Provinces into a single State forming a unit of the All-India Federation, we propose that these Provinces should have a separate Federation of their own. There can be no peace and tranquillity in this land if we, the Muslims, are duped into a Hindu-dominated Federation where we cannot be the masters of our own destiny and captains of our own souls.

At the time of their birth these ideas seem to have attracted little attention in Indian political circles When the delegates of the All-India Moslem Conference and the Moslem League appeared before the Joint Select Committee in August 1933, their spokesman was asked 'whether there is a scheme for a federation of Provinces under the name of Pakistan?' 'As far as I know', was the reply, 'it is only a student's scheme.' 'So far as we have

[1] Pakistan, as it was later spelt, means 'land of the pure'.



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considered it', said another member of the delegation, 'we have considered it chimerical and impracticable.'[1]

In July 1935, Mr. C. Rahmat Ali circulated another four-page leaflet from another Cambridge address. In it he claimed to be the 'founder of the Pakistan National Movement' as President of which he signed the document. Its context was a more soberly-phrased restatement of the arguments of the previous leaflet. A new point was made of the new Government of Burma Act. 'While Burma is being separated from Hindoostan, it remains a mystery to us why Pakistan . . . is to be forced into the Indian Federation.'

Little more was heard of the movement at the time, but the course of its further development can be gleaned from the statement made by Mr. C. Rahmat Ali to a meeting of its 'Supreme Council' at Karachi in 1940 and reproduced in the Indian Press and in pamphlet form in England.[2] It

[1] *Joint Committee on Indian Constitutional Reform*, Minutes of Evidence, Q. 9598-9

[2] *The Millat of Islam and the Menace of 'Indianism'*, by C. Rahmat Ali, Founder-President, Pakistan National Movement, 16 Montague Road, Cambridge.

restated the case made in the leaflets as follows. (1) The Moslems in so-called India are 'Muslim, not Hindu; Pakistani, not Hindustani; and Asian not Indian. . . . In retrospect the India of to-day is the South Asia of yesterday, but in prospect the sphere of the individual solidarity of several nations of to-morrow.' (2) The choice now facing the Moslem community (*millat*) is 'between re-construction in Asia and re-destruction in India'. In the past 'Indianism' spiritually and morally 'corrupted the standards of our Islamic values', and 'politically it deprived us of imperial supremacy, dispossessed us of national sovereignty, and reduced us to a "minority community". In the future "Indianism", on the premise of the territorial unity of "India", proposes to create the Central Government, control its civil administration, and command its military arm. . . . When sure of its power, it will, in the name of democracy and with the help of British bayonets, make use of it to coerce and crush us, its prey, into complete captivity.' (3) The *millat* can only be saved by severing all ties with India which 'never was and never would be the Muslim motherland'. North-West India must constitute the nation and sovereign State of Pakistan. Thus the basis of the movement as it was started in 1933 remained unchanged, but its promoters had now extended it beyond the North-West to cover other parts of India. First, Bengal, with its hinterland of Assam, is 'Bāng-i-Islam' (Islam in Bengal) and must be preserved as such for posterity by 'the saving right of self-determination'. Secondly, the State of Hyderabad or Usmanistan (Usman is the Nizam's family name) is 'a part of our patrimony' and its *de jure* sovereignty must be given international recognition. The three independent 'nations' of Pakistan, Bengal and Usmanistan will form a triple alliance.

This downright policy of Partition was combated by Dr. Syed Abdul Latif, an ex-professor of the Osmania University at Hyderabad, in two pamphlets published in 1938[1] and a booklet published in 1939,[2] supplemented by a further statement to the League subcommittee.[3] Dr. Latif accepted the doctrine, now unquestioned in League circles, that India was not a single 'composite nation' and that both the federal provisions of the Act of 1935 and the Congress programme must for that reason be ruled out. An attempt, indeed, to impose a 'national' settlement at the will of the Hindu majority would provoke a civil war. But Partition was not a necessary or a desirable alternative. India could and should remain united, provided its unity were based on a system of free and homogeneous nationalities, each possessing a geographical home which it could call its own. To that end Dr. Latif outlined a provisional division of India into 'cultural zones'—four Moslem (the fourth being a north-central block stretching from the eastern border of Patiala to Lucknow with Delhi as its centre) and eleven Hindu. 'The Indian States interspersed all over the

[1] *The Cultural Future of India* (Bombay, 1938) and *A Federation of Cultural Zones for India* (Secunderabad, 1938)

[2] *The Muslim Problem in India* (Bombay, 1939).

[3] *Statesman*, April 6, 1939.

country may be distributed between the different zones in accordance with their natural affinities. Each zone will form a homogeneous State with a highly decentralised form of government within . . . but fitting, along with similar States into an all-India federation.'[1] On the crucial question of the powers of the Federal Government Dr. Latif was vague: the only functions he specifically assigned to it were concerned with the protection of cultural rights. But this plan was only put forward as an ultimate and perhaps distant objective; and a more concrete account was given of the 'transitional stage' which would lead up to it. (1) A federation of the existing Provinces and States should be established, with the powers of the Centre reduced to a minimum. (2) Both in the Provinces and at the Centre there should be a 'composite stable executive' instead of a 'parliamentary executive in the English sense'. The Prime Minister should be elected by the legislature to hold office during its life. He would appoint a Cabinet, not responsible to the legislature and composed in accordance with a communal ratio to be fixed by agreement for all India. (3) Separate electorates and the present allocation of Moslem seats in the Provincial legislatures should be retained. At the Centre the Moslems should have at least one-third of the seats. On subjects concerning their religion, personal law and culture the Moslem members of a legislature should constitute a 'special committee' whose decision should be final. (4) To prepare the way for the ultimate constitution Zonal Boards should be set up to work out common policies, especially on economic and cultural questions, which should be submitted for adoption to the Provinces and States.

So far one question, the most important question, had not been answered. The main point of Dr. Latif's scheme was the homogeneity of his national or cultural zones. His chief criticism of the Pakistan proposals was that they did not solve the communal problem since immense Moslem and Hindu minorities would remain in the independent Hindu and Moslem States. If Dr. Latif's solution was in one respect less drastic, in another respect it was more so. Aware that Hindus and Moslems are so mixed up that they cannot be separated from each other by any zonal readjustment of frontiers, he boldly recommended a wholesale transference of population, citing the well-known example of the exchange of Greek and Turkish populations under the auspices of the League of Nations in 1923-4. The transfer should be voluntary: it would be a primary task of the transitional Governments to encourage and arrange it: only in the last resort need it be compulsory. That Dr. Latif meant it to be thorough-going is clear from his conception of the north-central Moslem Zone as eventually 'a permanent home for all the Muslims living at present in the United Provinces and Bihar'.[2]

In the autumn of 1938 another scheme was propounded by Sir Abdulla Haroon, a leader of the League in Sind and a member of the Central

[1] *The Muslim Problem in India*, 30. [2] *Ibid.*, 45.

Assembly. He wrote a favourable foreword to one of Dr. Latif's publications, but his own plan was more 'Pakistanian' than Dr. Latif's. He recommended the division of India into two separate federations, 'each reflecting the strength of one of the two major communities'. The main body of the Moslem Federation would be the north-west area and Kashmir. The future of Bengal and Hyderabad was not discussed.[1]

In the summer of 1939 Nawab Sir Muhammad Shah Nawaz Khan, an eminent Moslem of the Punjab, published on his own account a booklet entitled *Confederacy of India* and anonymously ascribed to 'A Punjabi'. It sums up Dr. Latif's scheme as theoretically 'perfect' but impracticable, mainly because the transfer of populations would affect about two-thirds of the whole population of India, would involve removal in some cases over long distances and into uncongenial climates, and would be prohibitively costly.[2] The author prefers to leave the population as it stands, but to divide India—the case of Burma, smoothly cut off from India in 1937, is cited as a precedent[3]—into five 'countries': (1) the Indus Regions, (2) Hindu India, a central block comprising all that is not covered by the other 'countries', (3) Rajistan, containing the States of Rajputana and Central India, (4) the Deccan States, mainly Hyderabad and Mysore, and (5) Bengal, without its present Hindu districts but including parts of Assam and a number of disconnected States.[4] All these 'countries' would be federations in themselves. As to their relations with one another the author does not accept the separatist doctrine of the Pakistan school. He goes quite as far on other points. 'The Muslims all over the world are a single nation (*millat*) just as the Jews are a single nationality.' 'Right up from the banks of the River Sutlej to the southern and eastern coasts of the Mediterranean there is a block of countries which are culturally and religiously the same as the Muslims of the Sind regions and the rest of India.' Afghanistan will rejoice to have a Moslem State as her neighbour, and Persia, Arabia, Egypt and Turkey will hail its creation 'as the first practical step towards the liberation of Asia from the hands of Europe' and as 'the dawn of the long-cherished ideal of Pan-Islamism'.[5] Nevertheless Moslem ambitions should not be 'extra-territorial'. There should be no break away from India. 'The foreign element amongst us is quite negligible and we are as much sons of the soil as the Hindus are. Ultimately our destiny lies within India and not out of it.'[6] Indian Moslems, therefore, should only agree to a rupture if the Hindus were to force it on them. They must be 'separationists-*cum*-confederationists'. The separate countries should be 'reassembled' in a 'Confederacy of India'. It is not clear whether the author makes the usual distinction between a federation and a confederacy. He only makes two references to the functions of the confederate authority. First, fiscal policy is not to be controlled by it since the danger of Hindu domination is greater in the economic field than in

[1] *Ibid.*, v-vii. [2] *Op. cit.*, 6, 201ff., 256. [3] *Ibid.*, 231ff.
[4] *Ibid.*, 10-11. [5] *Ibid.*, 72-3, 180, 214. [6] *Ibid.*, 17.

any other.[1] Secondly, the cost of defence is to be equally shared among the five members of the Confederacy,[2] but nothing is said as to how the money will actually be raised. Nor are any details given of the domestic federal constitutions of the members.

The only Moslem politician of any standing who had so far taken a public part in the constitutional discussion was Sir Abdulla Haroon, but now, in the course of this same summer, the Premier of the Punjab entered the lists with a pamphlet entitled *Outlines of a Scheme of Indian Federation*.[3] The sober and concise analysis of the existing situation with which he prefaced his proposals was in marked contrast with most previous Moslem publications. There is no reference to Hindu 'atrocities', no emotional appeals to Moslem sentiment, nothing about the Islamic world at large, no attacks on 'British imperialism'. The constitutional problem is treated as a purely Indian problem which Indians can and must solve themselves.

> To those . . . who doubt the *bona fides* of the British Government my answer is that we have within the short space of two decades obtained two instalments of political reforms: first in 1920 under the Montagu-Chelmsford scheme and the second and more substantial one recently with the introduction of the Government of India Act, 1935. The next and final instalment cannot be long delayed if we could only remove obstacles which are of our own creation and which can be removed only by ourselves.

It would be 'dishonest to put the blame on the British Government for setting up these obstacles'. What has happened in the last two years? The new Provincial constitution has been used by each communal or political organisation 'to obtain power and supremacy over others'. And the division between British India and the States has been widened by 'attempts to stampede' the latter into accepting the former's forms of government. The Princes have 'now become genuinely apprehensive in regard to their future under any scheme of federation which does not ensure complete immunity for them from outside interference in their internal affairs'.

No such drastic remedy as Partition is suggested by Sir Sikander Hyat Khan. The key to the problem, he holds, as regards both the minorities and the States, is still the federal principle, but it must be applied in a different form from that of the Act of 1935. First, the federation must be of the loosest possible kind: the autonomy of the Provinces must be enlarged to the maximum and the power of the Centre confined to a minimum. Secondly, the federation should not be based on the existing Provinces and States, nor different treatment be accorded to British India and Indian India. Adopting Dr. Latif's regional idea, Sir Sikander recommends the re-division of India into seven Zones, but most of them should contain both existing Provinces (or parts of them) and States. He gives a tentative

[1] *Op. cit.*, 13, 101, 110. [2] *Ibid.*, 218.

[3] Sir Sikander fully described the scheme outlined in his pamphlet in a speech in the Punjab Legislative Assembly on March 11, 1941: see *Official Report*, vol. xvi, no. 8.

list of them for consideration. (1) Assam, Bengal (less certain western districts), Bengal States and Sikkim; (2) Bihar and Orissa and ceded Bengal districts; (3) United Provinces and its States; (4) Madras, Madras States, Travancore and Coorg; (5) Bombay, Hyderabad, Mysore, Western Indian States, Bombay States, and Central Provinces States; (6) Central Provinces, Rajputana States (less Bikaner and Jaisalmer), Gwalior, and the States of Central India, Bihar and Orissa; (7) Punjab, Sind, North-West Frontier Province, Baluchistan, Kashmir, Punjab States and Bikaner and Jaisalmer.

Each Zone would have its Regional legislature representing its British Indian and State units. The former would be elected by the Provincial legislatures in accordance with the procedure laid down by the Act of 1935 for election to the Central Assembly. The latter would be chosen by the Rulers of the States partly by nomination, partly from a panel elected by such representative bodies as exist or may be created for the purpose. The proportion between nominated and elected members would be modified by stages till at the end of twenty years one-third would be nominated and two-thirds elected. The Regional legislatures would deal with a group of subjects taken from the list of those entrusted to the Centre by the Act of 1935, such as excise, regulation of labour, trading corporations, transport by sea and air, and professional and technical research; but it might also, if requested by two or more units in the Zone, legislate on subjects in the Provincial list.

The members of the Regional legislatures would collectively constitute the Central or Federal Assembly, whose legislative authority would normally be confined to defence, foreign affairs, customs, communications and currency. But a new list of 'concurrent' subjects should be drawn up, and the Centre should be empowered to legislate thereon, but only if requested by at least four Zones and then only with effect in the Zones which made the request. The Central Executive should consist of a Prime Minister and Cabinet appointed by the Governor-General in the normal parliamentary manner except that, for a period of fifteen or twenty years, the Governor-General might nominate the Ministers for Defence and Foreign Affairs on his own responsibility and not necessarily from among the members of the legislature—a reproduction, in other words, of the dyarchic provisions of the Act of 1935. Each Zone should have at least one representative in the Cabinet; at least one-third of its members should be Moslems; and at least two, or three if the total were more than nine, should be chosen from the representatives of States.

Finally, Sir Sikander contemplated that a united Indian Federation of this kind would acquire Dominion Status with a minimum of delay. All India desires freedom, but this does not necessitate a severance of the British connexion. 'Indeed it can be confidently asserted that the intelligentsia in this country, except for some stakeless political adventurers and a few honest ideologists, are in favour of retaining that connexion.' India

can best play her part in the international world as a full and equal member of the British Commonwealth of Nations.

Such in brief were the chief Moslem pronouncements on the constitutional problem at this critical time. The Hindu response was not encouraging. It was natural, no doubt, that the proposals for Partition should be treated by Congress newspapers with angry derision; but it might have been hoped that the more moderate suggestions of a loose federation would be carefully examined and reasonably discussed. But the Congress mind was not prepared, it seemed, to consider any alternative to the official plan of a Constituent Assembly; and it is not, perhaps, to be wondered at if, during this period of increasing communal tension and strife, Moslem opinion hardened. At any rate it was the more drastic, not the more moderate policy, which ultimately prevailed with Mr. Jinnah and the leaders of the League. In September 1939 the Working Committee declared that Moslem India was

irrevocably opposed to any 'federal objective' which must necessarily result in a majority-community rule under the guise of democracy and a parliamentary system of government. Such a constitution is totally unsuited to the genius of the peoples of this country which is composed of various nationalities and does not constitute a national State.[1]

In February 1940 Mr. Jinnah told the Press that the constitutional settlement must be governed by the fact that India was not one nation but two, and that the Moslems of India would not accept the arbitrament of any body, Indian or British, but would determine their destiny themselves.[2] In March the Session of the League at Lahore, attended, it was estimated, by as many as 100,000 members, passed the following resolution:[3]

Resolved that it is the considered view of this Session of the All-India Muslim League that no constitutional plan would be workable in this country or acceptable to the Moslems unless it is designed on the following basic principle, *viz.*, that geographically contiguous units are demarcated into regions which should be so constituted with such territorial readjustments as may be necessary that the areas in which the Moslems are numerically in a majority, as in the north-western and eastern zones of India, should be grouped to constitute 'independent States' in which the constituent units shall be autonomous and sovereign. . . .

It was not clear exactly what this paragraph of the resolution meant. It could scarcely mean that the constituent units of the independent States were really to be 'sovereign', but that it did mean that the States were to be really 'independent' was shown by a subsequent paragraph.

This Session further authorises the Working Committee to frame a scheme of constitution in accordance with these basic principles, providing for the assumption finally by the respective regions of all powers such as defence,

[1] *Indian Annual Register*, 1939, ii, 351. [2] *Times of India*, February 13 and 19, 1940
[3] *Indian Annual Register*, 1940, i, 312.

xternal affairs, communications, customs and such other matters as may e necessary.

This was Partition pure and simple. The Moslem reaction to the Congress policy had gone as far as it could go. Unitarianism had been met by eparatism. Naturally Congressmen were up in arms. Mr. Gandhi wrote long article condemning the proceedings at Lahore.[1] The Congress Press ried out against 'the vivisection of Mother India'. And in April an 'All-ndia Independent Muslim Conference' was organised at Delhi, with Khan Bahadur Allah Baksh, past and future Premier of Sind, in the chair and Maulana Abul Kalam Azad, who had just been elected President of the Congress, in the background. The Conference denounced Partition and epudiated the League's claim to represent the Moslems of India. But, whatever the numerical proportions of the various Moslem bodies may ave been, there could be no question that Mr. Jinnah was now the most opular and powerful Moslem in India, and he had behind him the Premiers f the Punjab, Bengal, and Assam and the leaders of the Moslem minorities a the Congress Provinces. It was undeniable that a very substantial ection of Moslem opinion, headed by almost all the best-known figures in Moslem politics, had decided—irrevocably or not remained to be seen—hat they would rather split India into several sovereign states than submit o a Hindu Raj.

Harijan, April 6, 1940.

CHAPTER XVIII

THE IMPACT OF THE WAR

I. Congress Policy before the War

The Hindu-Moslem schism was not healed by the coming of the second World War: it is at least as deep to-day as it was then. Nor has that been the only division in India during the war. The country was split at the outset, and has remained split, between those who were willing to co-operate in the war-effort and those who were not. Among the former have been most of the minority parties such as the Mahasabha, the Depressed Classes, and the Radical Democratic Party.[1] The Moslem League has followed a middle line. Its 'high command'—or commander—has maintained a policy of non-co-operation in form without applying it in fact, and many of its leaders and of its rank and file have shared in the war-effort from first to last. Only the Congress has taken a consistent and effective stand against co-operation.

For many years the chief author and spokesman of Congress foreign policy has been Pandit Nehru, and it will be remembered that in his presidential address to the Congress Session in the spring of 1936 he spoke of the menace of war in Europe, a war with which the Congress must have nothing to do.[2] The election manifesto, issued in August 1936, re-affirmed this 'opposition to the participation of India in an imperialist war'.[3] Thenceforward the Pandit's speeches and writings on foreign affairs were strongly critical of British policy. No British opponent of 'appeasement' was more outspoken during the autumn and winter of 1938, and at the Tripuri Session in March 1939 he moved and carried a resolution in which British foreign policy was described as 'a deliberate betrayal of democracy' and the existing state of international anarchy as its result. At the same time the 'organised terrorism' of the Nazi Government against the Jews and the bombing of civilians in Spain were reprobated.

> The Congress is opposed [the resolution continued] to Imperialism and Fascism alike, and is convinced that world peace and freedom require the ending of both of these. In the opinion of the Congress, it is urgently necessary for India to direct her own foreign policy as an independent nation, thereby keeping aloof from both Imperialism and Fascism, and pursuing her path of peace and freedom.[4]

Whatever may be thought of events in 1938, this equal condemnation of British and German policy seemed a little out-of-date in 1939, and not long after Tripuri Pandit Nehru admitted that 'England and France have still

[1] The Communists were against the war at first, but they were anxious to do their part after the German attack on Russia (see p. 35 above).
[2] See p. 12 above.
[3] Nehru, *The Unity of India*, 401.
[4] *Indian Annual Register*, 1939, i, 342.

the instinct of democracy'. 'If the instinct finds proper expression', he went on, 'and really stands up for the defence of democracy, then India can certainly look favourably on it and lend her hand in support.'[1]

In April two events foreshadowed the approach of war. A small contingent of Indian troops was dispatched to strengthen the garrison at Aden, and a bill was introduced in Parliament which *inter alia* contained provisions for strengthening the powers of the Central Government in war time. The Act of 1935 provided that, if the Governor-General should have proclaimed that a 'grave emergency exists whereby the security of India is threatened whether by war or internal disturbance', the Central legislature would be empowered 'to make laws for a Province or any part thereof with respect to any of the matters enumerated in the Provincial legislative list'.[2] It seems to have been forgotten that the Central Government would also need executive authority in the Provincial field in the event of war. Legislative authority alone would not enable it, for example, to make rules under the Acts it passed, to confer executive powers on its own officers in Provincial matters, or to ensure the uniform control of various things—supplies, black-out, profiteering may be cited of many possible examples—for which in war time such control would be required. The bill accordingly inserted a new section (126 A) in the Act authorising the Central Government, during the operation of a proclamation of emergency resulting from war or a threat of war, to give directions to the Provincial Governments as to the way in which their executive authority was to be exercised, and enabling the Central legislature to make laws in the Provincial field conferring executive authority on the Central Government or its officers. This was, of course, a sharp reversal of the process of decentralisation which had reached its climax in 1937. The Centre was resuming its unitary grip on British India. But, as was explained in the House of Lords on the second reading of the bill, its purpose was solely to meet the emergency of war.

> It will be realised, I hope [said Lord Zetland, then Secretary of State], that, while the Viceroy and I consider it essential to provide in case of necessity for a measure of unity of direction and control, we have no wish whatsoever to undermine the authority of the Provincial Governments.[3]

This explanation was brushed aside by the Congress leaders. A resolution of the A.I.C.C. in May ran as follows.

> While the Congress is not interested as a rule in amendments to the India Act and has worked for the whole Act to be ended, it cannot tolerate an amendment which strikes at the very basis of Provincial autonomy and renders it a farce in case of war, which in effect creates a war-dictatorship of the Central Government in India, and which makes Provincial Governments the helpless agents of Imperialism. Any attempt to impose such an amendment on India must and will be resisted in every way open to the Congress. Provincial Governments are warned to be ready to carry out the policy in

[1] Nehru, *op. cit.*, 150. [2] S. 102 (1). [3] *Hansard*, H. of L., cxii, 728.

this respect that may be determined by the All-India Congress Committee or the Working Committee as the case may be.[1]

No better example than the last sentence of this resolution could be cited of the subjection of Provincial autonomy to the dictatorship of the Congress 'high command'. Yet the protest against the bill was not unnatural; for a Congress dictatorship was at any rate not a British dictatorship, and the bill did subject the operation of Provincial self-government which Congress Ministers had proved by experience to be real self-government, to the old direction of a Centre still responsible only to the Secretary of State and Parliament. The position would have been different, as will presently be pointed out, if the whole of the Act of 1935 could have come into force by 1939. As it was, all that could be said was that the measure was a purely temporary measure, necessitated by the rigours of war, and as such the Governments and legislatures of all the non-Congress Provinces acquiesced in it, when, only two days before the war began, it received the royal assent.

The A.I.C.C. was equally outspoken in its condemnation of the dispatch of Indian troops to Aden. It 'could only mean their employment for British imperialist purposes'. 'The Congress is determined to oppose all attempts to impose a war on India and use Indian resources in a war without the consent of the Indian people.'[2]

As the war-cloud darkened, Congress antagonism hardened. The resolution of the Working Committee, meeting at Wardha on August 9-12, repeated the old denunciations of British foreign policy and declared that 'India cannot associate herself with democratic freedom which is denied to her and which is likely to be betrayed'—an argument which has been persistently reiterated ever since, namely, that India cannot fight for freedom unless she herself is free. By this time, moreover, more regiments of the Indian Army had been ordered oversea—to Egypt and to Singapore—a step that had been taken, said the Working Committee, 'against the declared will of the Indian people' (*i.e.* of the Congress),[3] and which 'might lead to India's entanglement in a war'. Action must, therefore, be taken 'to give effect to the Congress policy', and, 'as a first step to this end, the Committee call upon the Congress members of the Central Legislative Assembly to refrain from attending the next session'. The Provincial Congress Governments, moreover, were warned 'to assist in no way the war preparations of the British Government': they must be ready to resign rather than deviate from the Congress policy.[4] Thus, some weeks before Hitler's attack on Poland forced Britain to fulfil her promise to defend its freedom, the Congress had been committed by its leaders to a policy of non-co-operation.

[1] *Indian Annual Register*, 1939, i, 351. [2] *Ibid.*, i, 351.

[3] The party leaders in the Central Assembly, including Mr. Bhulabhai Desai, the Congress leader, were confidentially informed of the Government's intention to send the troops some time before they were actually dispatched.

[4] *Indian Annual Register*, 1939, ii, 214.

II. The Proclamation of War

On September 3 the Viceroy proclaimed that 'war has broken out between His Majesty and Germany' and that a state of war emergency existed.[1]

It was at this grave moment in the history of India and the world that the consequences of the postponement of Federation became most painfully apparent. If the Princes had not recoiled from the federal scheme, if the Congress and the League had been willing to play the same part at the new Centre as they did in the Provinces, and if in consequence the federal part of the Act of 1935 had come into force at the same time as the Provincial part or not long after, it is not unreasonable to believe that by the autumn of 1939 the new Centre would have been working at least as smoothly as the new Provincial system did in fact work in the non-Congress Provinces and more smoothly than it worked in the Congress Provinces. The Congress would probably have secured a majority of the British India seats in the Central legislature, but the Central Government could not have been a pure Congress Government owing to the presence of the States' representatives, and for that reason the Viceroy might have succeeded in obtaining such a real coalition Ministry as would have satisfied the claims of the Moslem minority and shown the way to a Hindu-Moslem settlement in the Provinces. It would have required, no doubt, a sacrifice from the Congress. It would have meant the abandonment of its unitarian policy, of its demand for the immediate democratisation of the States, of its whole conception of a Congress Raj. But, if such a sacrifice had been possible, it might well have brought India nearer to the Congress goal of freedom than any other method. It may be assumed that the responsible Ministers in charge of all the Central departments but two[2] would soon have found that their powers were as real as those of their colleagues in the Provinces; and, while defence and foreign affairs would still have been 'reserved' to the Viceroy assisted by Counsellors responsible to him and not to the Assembly, it may be taken for granted that under stress of the approaching crisis the Viceroy would have taken the whole Cabinet into his confidence, explaining the gravity of the world-situation and elucidating, with the Commander-in-Chief at his elbow, the strategic factors. It would have been easy, for instance, to show that Egypt, Aden and Singapore were the outer bastions of India and that their defence was at least as much an Indian as an 'imperial' interest. And, finally, when war actually came, it seems probable, so great was the general revulsion against Hitler's aggression, that Ministers would have backed without question the Viceroy's proclamation of war and brought with them the backing of the legisla-

[1] *Gazette of India*, Sept. 3, 1939. 'I, Victor Alexander John, Marquess of Linlithgow, Governor-General of India and ex-officio Vice-Admiral therein, being satisfied thereof by information received by me, do hereby proclaim that war has broken out between His Majesty and Germany.'

[2] See Part I, 139. 'Ecclesiastical Affairs' are not important enough to rank as a full department.

ture, since they would have been appointed as those party leaders and those States' representatives who commanded its confidence. Speculation on the 'might have been' is notoriously unfruitful, but it is tempting to carry it one step further and to imagine the process of advance by convention foreseen by the authors of the Act of 1935[1]—the Viceroy's appointment of Indian members of the legislature as Counsellors on foreign affairs and defence is an obvious example—being quickened by the impact of war, and India thus attaining in practice, if not yet in legal form, the full status of a Dominion.

As it was, India came into the war, automatically as it were, by virtue of the Viceroy's proclamation. And this procedure was inevitably humiliating to Indian nationalists; for it underlined so broadly the fact that at this historic moment the people of India could not play their part in the world on an equal footing with other peoples. In all the member States of the British Commonwealth except Eire war was declared on the advice of Ministers responsible to their own Parliaments. In Australia and New Zealand the declaration was confirmed by Parliament. In Canada and South Africa it was not made till Parliament had approved of it.[2] The difference in India was obvious enough. And yet it could be overstated. To say, as Congress spokesmen have often said, that India was 'dragged' into the war against its people's will or at least without their consent was not true of all the people. On September 4 Sir Muhammad Zafrullah Khan, Law Member of the Executive Council and leader of the Assembly, made a brief statement to the House on the outbreak of war. 'I am certain', he said, 'that every one of us here fully realises the gravity of the crisis and is determined to do his duty to King and country.'[3] This statement was accepted without comment or discussion. A similar statement was made in the Council of State. On September 11 the Viceroy addressed a joint session of both Houses. He read a message from the King which referred to 'the widespread attachment of India to the cause in which we have taken up arms', and declared his trust 'that India will speak and act as one and that her contribution will be worthy of her ancient name'.[4] Discussion of this address would have been out of order, but there were ways in which members of either House could have indicated their dissent if they had wished. None did so. On September 5 the Defence of India bill, to replace the ordinance issued by the Viceroy on the outbreak of war under his emergency powers, was introduced in the Assembly. It was debated for four days and also considered by a Select Committee, most of whose recommendations were accepted by the Government. The Congress members maintained their boycott of the legislature. The Congress Nationalists attended and opposed the bill, but they could muster only eight or nine votes in support of their amendments. The bill was finally passed on September 19 without a division.[5] There was less

[1] See Part I, 146.
[2] See Part I, 42.
[3] *Legislative Assembly Debates*, vol. v, no. 4, pp. 279-80.
[4] *Ibid.*, no. 7, pp. 431-4.
[5] *Ibid.*, no. 13, pp. 744-93.

criticism of the bill in the Council of State, where it was debated for three days and passed without a division on September 27.[1]

The attitude of the members of the Central legislature who voted for this drastic war-measure was not the only evidence of Indian public opinion assenting to India's full participation in the war. The 'high command' of the Moslem League, it is true, had not yet officially defined its position. On August 28 the Working Committee had declared that it was 'premature to determine the attitude of the Moslems in the event of a world-war breaking out', and it said no more till September 18. But no sooner was war declared than the 'League Ministries' of the Punjab and Bengal, as recorded in previous chapters,[2] pledged their Provinces to the support of Britain, and their legislatures duly confirmed their action. The Premier of Sind, who in his relations with the Congress and the League had taken a different line from that of his colleagues in the other non-Congress Provinces, on this occasion took his stand beside them.[3] The Liberals, likewise, did not quarrel with the proclamation of war. On September 10 the executive of the National Liberal Federation asked for a policy of political appeasement which would ensure the co-operation of all parties; but 'this is not the time', it said, 'for bargaining', and India should unhesitatingly and unconditionally support the democratic powers.[4] On September 10 the Mahasabha Working Committee likewise condemned 'the spirit of bargaining', particularly as exemplified in attempts to promote 'purely communal interest at the expense of national well-being'. India must co-operate with Britain in defence. To that end responsible government should be introduced at the Centre, the Communal Award should be revised, more Hindus should be enlisted in the Indian Army, and all the Hindus of India between 18 and 40 years of age should be organised as a Hindu national militia.[5]

The Princes for their part had individually assured the Viceroy of their full support on the outbreak of war, and at the next meeting of their Chamber, on March 11, 1940, a resolution was unanimously carried promising 'every possible assistance in men, money and material' to the British Government's efforts 'for upholding the cause of justice and [a pointed addition, perhaps] for maintaining the sacredness of treaties and covenants'.[6]

[1] *Council of State Debates*, vol. II, no. 6, pp. 277-310. The purposes for which the Central Government may exercise its new authority under the Defence of India Act are enumerated in Section 2. Examples of the exercise have been the banning of 'private armies' in 1940 (see p. 51 above), the arrest of Mr. Subhas Bose in 1940 (p. 34), the withdrawal of the ban on the Communist Party in 1942 (p. 35), and the action taken against the Congress in 1942 (p. 297 below). The Rules made under the Act have been published by the Central Government from time to time. While many of them confer discretionary powers on the Central Government alone, there are also many which leave the exercise of discretion to the Provincial Governments. It seems to have been the general policy of the Centre to leave the actual enforcement of all the Rules and the making and enforcement of Orders made thereunder as far as possible to the Provincial Governments.

[2] See pp. 29 and 43 above.

[3] See p. 68 above.

[4] *Times of India*, Sept. 11, 1939

[5] *Indian Annual Register*, 1939, ii. 344.

[6] *Proceedings of the Chamber of Princes*, March 11-12, 1940, pp. 10-11.

Observers are agreed that at the first impact of war public opinion throughout India and in all communities desired to accept Hitler's challenge to the cause of freedom, and that there were many Indian nationalists who remembered what that cause had owed to Britain in the past. During the first few days of the war Mr. Gandhi himself seems to have shared in this general mood so far as his pacifism permitted. Lord Linlithgow had at once asked him to come and see him. They met on September 5, and Mr. Gandhi published in his newspaper a brief account of what passed.

I knew that I had no instructions whatsoever from the Working Committee in the matter. . . . And what is more, with my irrepressible and out and out non-violence, I knew that I could not represent the national mind. . . . I told His Excellency as much. Therefore there could be no question of any understanding or negotiation with me. Nor, I saw, had he sent for me to negotiate. I have returned from the Viceregal Lodge empty-handed and without any understanding, open or secret. If there is to be any, it would be between the Congress and the Government. Having, therefore, made my position *vis-à-vis* the Congress quite clear, I told His Excellency that my own sympathies were with England and France from the purely humanitarian standpoint. I told him that I could not contemplate without being stirred to the very depth the destruction of London which had hitherto been regarded as impregnable. And as I was picturing before him the Houses of Parliament and the Westminster Abbey and their possible destruction, I broke down.[1]

Later in the article Mr. Gandhi wrote: 'I am not just now thinking of India's deliverance. It will come, but what will it be worth if England and France fall, or if they come out victorious over Germany ruined and humbled?'

On September 8, Pandit Nehru, who had hurried back from a visit to China, declared that the Congress was not 'out to bargain'.

We do not approach the problem with a view to taking advantage of Britain's difficulties. . . . In a conflict between democracy and freedom on the one side and Fascism and aggression on the other, our sympathies must inevitably lie on the side of democracy. . . . I should like India to play her full part and throw all her resources into the struggle for a new order.[2]

[1] *Harijan*, Sept. 9, 1939. In the same issue Mr. Gandhi gave the text of a short letter he had written to Hitler on July 22. 'Friends have been urging me to write to you for the sake of humanity. But I have resisted their request because of the feeling that any letter from me would be an impertinence. Something tells me that I must not calculate and that I must make my appeal for whatever it may be worth. It is quite clear that you are today the one person in the world who can prevent a war which may reduce humanity to the savage state. Must you pay that price for an object, however worthy it may appear to you to be? Will you listen to the appeal of one who has deliberately shunned the method of war not without considerable success? Anyway I anticipate your forgiveness, if I have erred in writing to you.'

[2] *Statesman*, Sept. 10, 1939. A statement by another leading Congressman, Mr. S. Satyamurti of Madras, deputy-leader of the Congress party in the Central Legislative Assembly and a member of the A.I.C.C., is worth recording: 'I consider, if by some misfortune we are forced to continue under the control of some alien power for some time yet, it is better to be under the rule of Great Britain than Germany, for the English, in spite of certain drawbacks and the many injustices done to us, are the only people who have a regard for principles and regard for public opinion and have some good sense and political honesty left; unlike Hitler who is the professed enemy of all the black races of the world. If Hitler had been here he would have shot Mahatma Gandhi and all of us by this time. The Hitler *régime* would be a thousand times worse than the British. What we want is *Swaraj*, and it is no use leaving the door open to another alien power to over-run the country.' *Madras Mail*, Sept. 25, 1939.

On September 15, after nearly a week's discussion, the Working Committee issued a lengthy resolution, drafted by Pandit Nehru. It condemned 'the ideology and practice of Fascism and Nazism' and the German attack on Poland, but on the other hand it took the 'gravest view' of the Viceroy's proclamation of war, the enactment of the amending bill and the promulgation of war ordinances—all without India's consent. 'The issue of peace and war must be decided by the Indian people', and they cannot 'permit their resources to be exploited for imperialist ends'. 'If co-operation is desired . . . [it] must be between equals by mutual consent for a cause which both consider worthy.' India's 'sympathy is entirely on the side of democracy and freedom, but India cannot associate herself with a war said to be for democratic freedom when that very freedom is denied to her and such limited freedom as she possesses taken away from her. . . . If the war is to defend the *status quo* of imperialist possessions, colonies, vested interests and privilege, then India can have nothing to do with it.' After commenting on the readiness of the Princes to fight for democracy without conceding it in their own States, the resolution declared that, though a final decision would not be taken now, it could not be long delayed.

The Working Committee, therefore, invite the British Government to declare in unequivocal terms what their war aims are in regard to democracy and imperialism and the new order that is envisaged, in particular how those aims are going to apply to India and to be given effect to in the present. Do they include the elimination of imperialism and the treatment of India as a free nation whose policy will be guided in accordance with the wishes of her people?[1]

It appeared, then, that the Working Committee was in fact 'out to bargain'. It had demanded answers to three questions. If those answers were unacceptable, presumably the Congress would do nothing to help in winning the war. This was not in accordance with the view Mr. Gandhi had expressed to the Viceroy: it was one of the very few occasions on which his opinion has been rejected by the Working Committee. 'I was sorry to find myself alone', he said, 'in thinking that whatever support was to be given to the British should be given unconditionally.'[2] Writing in *Harijan* some weeks later when the situation had hardened, Mr. Gandhi confessed that the Committee had been right. In any case, he reminded his readers, 'according to its constitution, the Congress is a non-violent body. Therefore its support would have been purely moral'.[3]

On October 10, the A.I.C.C. passed a resolution restating that of the Working Committee in briefer form, and defining a little further what was meant by the demand for an immediate change. 'India must be declared an independent nation, and present application must be given to this status to the largest possible extent.'[4] In view of developments in the course of the next three years, it should be observed that at this time the Congress

[1] *Indian Annual Register*, 1939, ii, 226-8. *India and the War*, Cmd. 6121, pp. 11-15.
[2] *Harijan*, Sept. 23, 1939. [3] *Harijan*, Nov. 4, 1939.
[4] *Indian Annual Register*, 1939, ii. 231. Cmd. 6121, pp. 16-17.

'high command' was apparently not asking for *complete* independence immediately, but only for as much of it as might be *possible*.

If the Congress was bargaining, so was the League. Mr. Jinnah had evidently waited for the Congress to make the first move, and it was not till September 18 that his Working Committee produced its resolution on the war. Like the Congress resolution of the 15th, it condemned Nazi aggression, and expressed deep sympathy with Poland, Britain and France. But the British Government was warned that it could count on solid Moslem support only on two conditions. In the present, Moslems must be given 'justice and fair play' in the Congress Provinces. For the future, an assurance was required 'that no declaration regarding the question of constitutional advance for India should be made without the consent and approval of the All-India Muslim League, nor any constitution be framed and finally adopted by His Majesty's Government and the British Parliament without such consent and approval'. Further, the Government was asked 'to take into its confidence the Muslim League which is the only organisation that can speak on behalf of Muslim India'.[1]

One other contribution to the controversy may be mentioned. On October 3 Mr. Savarkar, President of the Mahasabha, Sir Chimanlal Setalvad the veteran Liberal, Sir Cowasji Jehangir, an eminent Parsi, Dr. Ambedkar, one of the leaders of the Depressed Classes, and Mr. Kelkar and Mr Mehta of the Democratic Swarajya Party wrote to the Viceroy to warn him 'not to be misled into the position enunciated by Mr. Gandhi or to regard the Congress and the Muslim League as representing the whole or even the bulk of India'. To concede, in particular, the Congress claim to be 'the only party in the land' would be 'a death-blow to democracy'.[2]

III. Dissension and Deadlock

Meantime Lord Linlithgow was seeking to bring about some measure of agreement by personal discussion. Towards the end of September he saw Mr. Gandhi again, and early in October he interviewed over fifty people, including Mr. Jinnah and other representative Moslems and such leading Congressmen as Pandit Nehru, Mr. Vallabhbhai Patel and Dr. Rajendra Prasad. On October 17 he set out the conclusions he had reached in a full public statement. It dealt with three main questions—the British Government's war aims, its intentions as to the future status of India, and the closer association of India with the prosecution of the war. As to the first question Lord Linlithgow pointed out that the British Government had not yet defined their war aims in detail, and alluded to the Prime Minister's recent declaration to the effect that Britain sought no material advantage for herself, but desired the establishment of a better international system and a real and lasting peace. Such a cause was surely entitled to India's goodwill. On the second question, after referring to the successful operation

[1] *Ibid.*, pp. 17-19. [2] *Ibid.*, pp. 19-21.

of the Provincial part of the Act of 1935[1] and to the postponement of the federal part, Lord Linlithgow cited the assurance given to the House of Commons by Sir Samuel Hoare in 1935[2] and the text of his own Instrument of Instructions[3] as proof that Dominion Status was the goal of British policy in India. The scheme of government contained in the Act of 1935 embodied the greatest measure of agreement between all parties concerned that was attainable at the time, but 'His Majesty's Government will, at the end of the war, be prepared to regard the scheme of the Act as open to modification in the light of Indian views'. In any such discussions the opinions and interests of the minorities would, as their representatives had strongly urged, be given full weight. As to any 'more widely phrased indication' of British purposes—an evident allusion to the Congress demand for a declaration of independence—'the situation must be faced in terms of world politics and of political realities in this country'. The practical need was for 'that united effort by all parties and all communities in India on the basis of which alone India can hope to go forward as one and to occupy the place to which her history and her destinies entitle her'. As to the third question, the best way of associating Indian public opinion with the prosecution of the war seemed to be 'the establishment of a consultative group, representative of all major political parties in British India and of the Indian Princes, over which the Governor-General would himself preside'.[4]

This statement marked an advance on the pre war position of the British Government. The federal scheme of 1935, on which so much time and thought had been expended, was to be reconsidered. But in view of its open repudiation by both the Congress and the League and its tacit repudiation by the Princes, it might be said that the scheme of 1935 had in any case small chance of ever coming into force; and as regards the immediate future the only constitutional change proposed was the creation of a purely consultative body. In other words the conditions the Congress leaders had laid down had been definitely rejected, and they at once condemned the statement as wholly unacceptable. It 'shows clearly', said Mr. Gandhi, 'that there is to be no democracy in India if Britain can prevent it';[5] and on October 22 the Working Committee, meeting at Wardha, gave notice that an open conflict with the Government had now begun.

The Viceroy's statement is an unequivocal reiteration of the old imperialist policy. The Committee regards the mention of the differences amongst the several parties as a screen to hide the true intentions of Great Britain. . . . The Congress has always stood for the amplest guarantee of the rights of minorities. The freedom the Congress claimed was not for the Congress or any particular group or community but for the nation and all communities in India that go to build that nation. The only way to establish this freedom and to ascertain the will of the nation as a whole is through a democratic process which gives full opportunity to all. The Committee must there-

[1] See p. 157 above. [2] See Part I, 157-8. [3] See Part I, 156.
[4] The full text of the statement is given in Cmd. 6121, pp. 3-10.
[5] *Harijan*, Oct. 21, 1939.

fore regard the Vicéroy's statement as in every way unfortunate. In the circumstances it cannot possibly give any support to Great Britain, for it would amount to an endorsement of the imperialist policy which the Congress has always sought to end. As a first step in this direction the Committee calls upon the Congress Ministries to tender their resignations.[1]

The resolution closed with a note of caution and of warning. 'The programme of resistance . . . requires perfect discipline within the Congress ranks.' No hasty or unauthorised action must be taken. 'Any resistance that may have to be offered must be purged of all violence.' Mr. Gandhi stated later that the control of any 'civil disobedience' movement that might be launched had been entrusted to him.[2]

Thus, as far as the Congress was concerned, the first result of the war was to put a stop to that substantial measure of co-operation in Indian government which it had undertaken since the summer of 1937. To Congressmen of Pandit Nehru's school the end of the experiment was certainly not unwelcome. Mention has been made on an earlier page of the strain it had begun to put on unitary control by the 'high command';[3] and now, under the Amending Act, that control would be directly challenged by the legitimate Centre's resumption of unitary powers. Unless, indeed, the Congress leaders were willing to co-operate with the Centre in the war-effort, the position of the Congress Ministries would be impossible. And yet it is common knowledge that several Ministers were most reluctant to resign. They wanted to remain masters of their Provinces and to carry further, as far as the exigencies of war allowed, the programme of social reform on which they had only just started; and apparently they believed that some compromise might be made on the constitutional issue which would enable them to share in the war-effort and so avoid a conflict with the Centre. Discipline, however, was maintained. Mr. Rajagopalachari, the most successful of the Premiers, gave the lead on October 27. By November 15 all the other Congress Ministries had resigned. Except in Assam, the resignations were preceded by resolutions of the legislatures, which reaffirmed the Congress policy in more or less identical language. Except in Bombay, where the Opposition mustered 56 votes against the Congress 95, they were carried by great majorities.

Meantime the Moslem League had taken up a midway position. Mr. Jinnah may have felt that to go all the way with the three Moslem Provincial Premiers in unconditional support of the British Government in the war would weaken the claim he had always made to be as ardent a champion of India's freedom as any Congressman. At any rate the Working Committee in its resolution of October 22 did not accept the Viceroy's statement of October 17 as a final basis for the League's co-operation. But it did not reject it: it asked for 'further discussion and clarification of matters that are left in doubt'. On one point it attacked the statement. The federal

[1] *Indian Annual Register*, 1939, ii, 237-9. The boycott of the Central legislature in August had also been described as a 'first step'.

[2] *Harijan*, Oct. 28, 1939.

[3] See p. 95 above.

scheme of 1935 must not be revised, but scrapped, and the whole constitutional problem reconsidered *de novo*. On another point it commended the statement for one of the chief reasons why the Congress had rejected it—the stress it laid on the rights of the minorities.[1]

Thus already, it seemed, the political controversy had reached a deadlock. At the beginning of November, despite the stiffening of the Congress attitude on October 22, the Viceroy made one more effort to resolve it. It was now known that in his conversations with the politicians he had suggested something more than a consultative body at the Centre. Speaking in the House of Commons on behalf of the British Government on October 26, Sir Samuel Hoare had said that the possibility of expanding the Executive Council to include more Indian members might be considered,[2] and the Viceroy had discussed this proposal with the politicians. But he had found that an agreed choice of such members from different parties would be impossible without an agreement as to the composition of the Provincial Ministries. In the hope, therefore, of bringing about such an agreement and of persuading the Congress leaders to reconsider the question of resignation, he interviewed Mr. Gandhi, Mr. Jinnah and Dr. Rajendra Prasad, the Congress President for 1939-40, and 'begged them in the most earnest manner' to come to terms. 'I stressed the profound anxiety not only of myself but of His Majesty's Government to leave nothing undone which would contribute to achieve that agreement.'[3] This appeal was fruitless. The Congress leaders declined 'to consider any steps to further co-operation unless the policy of the British Government is made clear in a declaration on the lines suggested by Congress', and they protested against the communal question being 'dragged in' so as to cloud this main issue. The communal question would be dealt with by the Constituent Assembly. British interference in the matter had only made a settlement more difficult.[4] This attitude on the part of the Congress leaders, said Mr. Jinnah, precluded any discussion between them and him.[5]

A few weeks later the Congress policy was re-affirmed by the Working Committee, meeting at Allahabad from November 19 to 23, in terms that could only mean that the Viceroy's efforts to obtain agreement were regarded as wholly insincere. Neither the claims of the minorities nor those of the Princes, the Committee declared, were a genuine obstacle to granting the Congress demand for national independence. The British Government were 'taking shelter under irrelevant issues' in order to 'maintain imperialist domination in India'. But the main purport of the resolution was to put the Constituent Assembly, so long favoured by Pandit Nehru, in the forefront of the Congress programme as 'the only democratic method of determining the constitution of a free country' and the only 'adequate instrument for solving the communal and other difficulties'.[6] A few days later Mr. Gandhi,

[1] *Indian Annual Register*, 1939, ii, 352.
[2] *Hansard*, H. of C., cclii, 1638-9.
[3] *India and the War*, Cmd. 6121, p. 5.
[4] *Ibid.*, 9-10.
[5] *Ibid.*, 11.
[6] See p. 107 above.

who had hitherto shown little interest in the Assembly plan, announced his conversion to it,[1] and it was again propounded at a meeting of the Working Committee at Wardha on December 22.[2] The fact that the Moslem League repudiated the plan—the Assembly, said Mr. Jinnah, would be nothing but 'a packed body, manoeuvred and managed by a Congress caucus'[3]—was entirely ignored. Yet the strength of the Moslem reaction, recorded in the last chapter, was now surely unmistakable. Was it altogether without significance that the day of this Wardha meeting happened to coincide with the League's 'deliverance day'?

The December meetings of the Liberals and the Mahasabha were likewise more concerned with political and constitutional questions than with the prosecution of the war. The National Liberal Federation declared that 'Britain and France are fighting Germany in the cause of democracy and freedom', and appealed 'to all Indians to give their support' to that cause; but it also expressed strong disapproval of the Viceroy's statement, deplored the present lack of responsible government at the Centre, and urged that the Act of 1935 should be amended so that India could attain full Dominion Status at the conclusion of the war.[4] At the Mahasabha Session little was said about the war, but a great deal about the Moslem menace to the peace and unity of India. A series of resolutions demanded *inter alia* the annulment of the Communal Award, the immediate enactment of a constitution for India based on Dominion Status and the Statute of Westminster, and the complete Indianisation of the Indian Army as soon as possible without any distinction between the so-called 'martial' and 'non-martial' races.[5]

Thus, at the close of 1939, after the first four months of a war that was soon to engulf most of the world, the political controversy in India had assumed the pattern which it has kept ever since. The Congress had refused to co-operate in the war-effort unless, first, India were declared independent and the practicable maximum of self-government conceded at once, and unless, secondly, it were agreed that the future constitution should be shaped in accordance with the Congress plan. The Moslem League had acquiesced in the 'League Ministries' continuing their full participation in the war-effort, but otherwise it had made its co-operation with the Government conditional, first, on its refusal to agree to the Congress plan for the settlement of the future constitution and, secondly, on its acceptance of the League's claim that the Moslems should alone determine what their place in any constitutional system was to be. The Liberals had mostly taken their stand with the Congress in principle without endorsing the methods it proposed to attain its objective. The Mahasabha had shown a willingness to support the Government in the field of the war, but an

[1] *Harijan*, Nov. 25, 1939.
[2] *Indian Annual Register*, 1939, ii, 249
[3] *News Chronicle*, Dec. 11, 1939.
[4] *Indian Annual Register*, 1939, ii, 296.
[5] *Ibid.*, ii, 303-41.

apparently stronger desire to oppose the Congress and the League in the field of domestic politics. The Government for its part had pledged itself anew to India's attainment of Dominion Status after the war, but had rejected any immediate major change in the constitution. Apart from the difficulties of making such an advance in war time, it had become clearer than ever that the chief political parties were completely at variance as to the nature of that advance and the means of achieving it. The Viceroy, for his part, had made persistent efforts to obtain some measure of agreement. He had completely failed.

CHAPTER XIX

THE CONSTITUTIONAL POSITION

THE further course of the political controversy will be described in the next chapter, but it cannot be clearly understood without an accurate knowledge of the constitutional position. Though several features of it have been noticed in previous chapters, it seems desirable at this point, at the risk of some repetition, to review it as a whole.

I. THE RESPONSIBILITY OF PARLIAMENT

To the extent that India has not yet attained full self-government, a substantial residue of ultimate responsibility for the safety and administration of the country is still vested in the British Parliament. Under the Act of 1935 the responsibility for Provincial government was almost entirely transferred to the Provincial legislatures to which their Ministries were to be accountable; but even in the Provinces there remained a minimum of external control embodied in the Governors' powers to act without or against their Ministers' advice in certain circumstances, and that control is in the last resort control by Parliament since in exercising those powers the Governors are responsible to the Governor-General who in turn is responsible to Parliament through the Secretary of State. At the Centre the control is legally complete. Since the federal part of the Act of 1935 has not come into force, no department of the Central Government has been transferred to the charge of Ministers responsible to the legislature.[1] All the departments concerned with British India are in the charge of the Governor-General in Council, which is a corporate body collectively responsible to the Secretary of State and Parliament. Matters affecting the Indian States have been removed by the Act of 1935 from the scope of the Governor-General in Council and are now the responsibility of the Crown Representative whose office is distinct from that of the Governor-General, though it may be held by the same individual.[2] But, inasmuch as the Crown Representative, no less than the Governor-General and the Governor-General in Council, is accountable to Parliament through the Secretary of State, this particular change does not lessen the ultimate responsibility of Parliament for the government of India.

Within the scope of this general responsibility there are certain specific duties which Parliament is bound to discharge. It must do all it can do on its side to achieve the final fulfilment of the declared purpose of its Indian policy, the freedom of India; and, meantime, it must do its best to ensure that the security of India is maintained against attack from without and large-scale disorder within, that the rights of the minorities are safeguarded

[1] For the dyarchic provisions of the federal part of the Act, see Part I. 139
[2] See Part I, 137

in accordance with the pledges it has given them, that the treaty engagements with the Princes are honoured, and that the conditions under which the Secretary of State's Services were recruited are observed.

Set down on paper, this seems a formidable weight of authority still lodged in Parliament, and it is not surprising that nationalist propaganda in India and the world at large should depict it as overshadowing and well-nigh nullifying the measure of self-government so far entrusted to Indian hands. The real control of everything, it is said, is not in India but in Britain: the real ruler of India is the Secretary of State, the instrument of a reactionary Parliament, backed by that citadel of reaction, the India Office: the so-called 'Government of India' is to all intents and purposes the Governor-General alone, and he uses his autocratic power as the Secretary of State directs: the Governors and the Secretary of State's Services similarly take their place in the machine which, it is alleged, keeps India in the grasp of British imperialism.

To some extent the Indian Liberals have encouraged these misconceptions. As will appear in the next chapter, they have headed their programme with proposals for altering the operation of the existing system. They acquiesce in Parliament's retention for the time being of its ultimate responsibility, but they urge that it should be exercised differently. The Secretary of State for the Dominions, they say, should take over the duties of the Secretary of State for India, and the India Office be absorbed into the Dominions Office. Or, to cite Sir Tej Bahadur Sapru's latest suggestion,[1] there should be no Secretary of State concerned with India: the Governor-General should himself become a member of the British Government as Minister of State on the model of the appointments made in the Middle East and elsewhere during the war, and be represented by Parliamentary Secretaries in the Commons and the Lords. Arguments have been advanced both for and against these and other similar proposals. Their adoption, it is said on the one hand, would go far to convince Indian opinion that Indian government, though not yet full self-government, is at any rate primarily exercised in India and not in Whitehall, and would thus at once enhance the Indian sense of national self-respect and confirm the honesty of Britain's ultimate intentions. The power of Parliament, it is argued on the other hand, to do what remains of its duty to India—though in practice it may rarely need to exercise it—should not be weakened until the time comes when there is no duty left to be done. To concede the proposed changes, moreover, might be taken to imply acceptance on the British Government's part of what is implicit in Liberal statements and explicit in those of the Congress leaders, namely, that the root of India's present difficulties lies in Britain, and so encourage Indians to think that the quickest way to attain their freedom is not to bring about agreement among themselves but to go on pressing the British Government to surrender its authority. From the constitutional standpoint there is one outstanding factor in this debatable question. None of the proposed changes could be

[1] *The Times*, Nov. 23, 1942.

more than a change of form. The substance of Parliament's ultimate responsibility must remain till an Indian system of government has been established to which it can be safely and honourably transferred.

Meanwhile, the manner in which that responsibility is being discharged is by no means in accordance with the distorted picture given of it by nationalist propagandists. And the reason of the distortion is plain. They disregard the difference between *de jure* and *de facto*, between what may be done and what is done.

Take first the Secretary of State. How he deals with the first of the obligations enumerated above is evident to any reader of the newspapers. Since the spring of 1940, Mr. Amery has been the member of the British Government primarily concerned with the fulfilment of Parliament's intention that India should be free, with the discussion of policy on that issue with Lord Linlithgow, with its embodiment in such official statements as the 'August Offer' of 1940 or the Draft Declaration of 1942 (to be discussed in the next two chapters), and with the explanation and defence of that policy in the House of Commons. But what of the other obligations, which are not concerned with the establishment of a new system of government but with the operation of the existing system? In order to discharge those obligations does the Secretary of State 'rule India'? *De jure*, yes. *De facto*, no. The Act of 1935 declares that both the Governor-General acting personally and the Government of India (*i.e.* the Governor-General in Council)—and, of course, the Crown Representative—are 'under the general control' of the Secretary of State and obliged 'to comply with such particular directions, if any, as may from time to time be given' by him.[1] But it is an old and very practical tradition of British government in dealing with overseas affairs to interfere as little as may be with 'the man on the spot'; and the only instance to the contrary in recent Indian history—the attempt of Lord Morley, Secretary of State from 1905 to 1910, to impose his wishes on his 'agent', as he termed the Governor-General—may well be regarded as the exception which proves the rule.[2] The Secretary of State, of course, can urge his opinions on the Governor-General both in official dispatches and in personal correspondence, and, if the Governor-General rejects them, the Secretary of State can impose them on him by a formal order, which he and his Executive Council likewise are bound to obey. But on any important issue this power of control and direction, though unrestricted *de jure*, is nowadays rarely exercised. In ordinary circumstances it does not need to be and is not used.

Nor does the India Office 'rule India'. It is the department which provides the Secretary of State with the information and expert advice he needs. Whatever it may be called, some such Office must exist so long as there is a Minister concerned with India, and there must be such a Minister

[1] S. 314 (1).

[2] Students can form their own opinion of this controversy if they read Lord Morley's *Recollections* (London, 1917), vol. ii, book v, and Lady Minto's *India, Minto and Morley* (London, 1934). They will notice that Morley did not find it easy to get his way.

as long as Parliament retains its residual responsibilities in India. Apart from the major issue of constitutional development, there are various questions which require discussion and settlement from day to day between departments in the India Office and corresponding departments of the Central Government in India. But this does not mean that the India Office usurps the functions of that Government and tries to govern India. By virtue of the close and continuous contact it maintains with Parliament as the department of a member of the Cabinet, and with the various administrative institutions at the heart of the Empire, the India Office possesses certain advantages which are denied to the Government of India and could not be enjoyed by a High Commissioner. Its present-day position, therefore, in the great majority of cases, is rather that of guiding and helping as from colleague to colleague than of ordering and controlling as from master to subordinate. It is a matter of consultation and co-operation; and, especially in war time, it is not only the India Office that is concerned. It acts as the intermediary between the Indian Government and the whole of the British Government and also—in conjunction with the Dominions Office and the Foreign Office—with Dominion and foreign Governments. It is, in fact, an essential part of the administrative machinery needed for the co-ordination of India's war-effort with that of the United Nations as a whole.[1]

Lastly, there are some matters on which decisions taken in India require by law the sanction of the Secretary of State. For that purpose the finance department of the India Office, for example, must examine the financial policy of the Central Government and submit it to the Secretary of State for approval. Critics in India sometimes allege that Government cannot spend a rupee without the Secretary of State's permission. Any such idea is a

[1] The staff of the India Office in 1938-9 numbered about 400, divided roughly into 40 administrative, 50 executive, 200 clerical, 50 specialist, 80 typist. Of these approximately 190 (including 11 administrative and some military officers, all the executive and 130 clerical officers) were employed in the Military and Accountant-General's Departments. In both Departments the greatest bloc of work is connected with the grant and payment of pensions (including disability pensions) of retired personnel of the Indian Military Services and with the leave, leave pay, allotments, passages, etc., of members of those Services and of British Army and Royal Air Force personnel on the Indian Establishment. This bloc of work, engaging the great majority of the 190 officers mentioned, is almost entirely of an agency nature and constitutes 80 per cent. or more of the agency work performed by the India Office as a whole on behalf of the Government of India. There are several reasons why this considerable bloc of agency work has been retained in the India Office; the principal reason is that it is not economical, nor practical, to divorce the agency function of the payment of pensions, etc., from the administrative function of dealing with cases of complaint in these matters and, if necessary, amending the rules governing them. Such questions arising in respect of British Army and R.A.F. personnel, for whom the Secretaries of State for War and for Air must retain a degree of responsibility, must remain to be disposed of by their colleague in the British Government—the Secretary of State for India; similar considerations, due *inter alia* to the close connexion between the administrative problems affecting Indian Army personnel and those affecting British Army personnel, explain the retention by the India Office of these functions in relation to personnel of the Indian Army. A further 130 of the staff, mainly specialist and clerical, were engaged in 1938-9 on services common to the Office as a whole in the Establishment, Parliamentary, Records, Legal Advisers, Typing, Telegraph and Mails Branches, and the Library, leaving 72 (of whom 25 were clerical staff engaged in the registration and keeping of papers) in departments other than the Accounts and Military Departments dealing with the Indian States, the relations of India with certain foreign countries and with international organisations, the Secretary of State's Services, the development of Indian trade, industry, aviation and so forth, with constitutional and legal questions and with finance.

complete anachronism. The close detailed control of expenditure which existed in days gone by had already been very greatly relaxed before 1937. Under the present constitution the whole apparatus of detailed control has, over most of the field, been swept away. The need for obtaining the Secretary of State's approval to expenditure has, for special reasons, been retained in a few specific instances,[1] but in general the position has been clearly established that discretion whether or not to seek the Secretary of State's assent to any item of expenditure rests with the Governor-General who, in exercising it, is expected to be mindful of the Secretary of State's ultimate responsibility to Parliament for all the operations of the Government of India. Accordingly, in conformity with the *de jure* requirements, the Governor-General in Council seeks the approval of the Secretary of State for the financial provisions it makes from year to year; but the idea that the India Office would nowadays attempt to redraft the Indian budget is inconceivable.[2]

To sum up, the Secretary of State for India, assisted by the India Office, is the instrument by which Parliament ensures that the responsibilities it still retains in India are discharged. To that end the Secretary of State possesses full power *de jure* which is rarely exercised *de facto*. Thus the Indian nationalists' attack on the Secretaryship of State and the India Office is not so much an assault on those institutions in themselves as part of a general assault on a constitutional system under which India has not yet obtained full self-government.

II. The Centre

The existing Central Government is 'transitional'. When the Act of 1935 was passed, it was expected that the federal part of the Act would come into force in a few years' time, setting up a new Federal Executive and Legislature for all India. In the meanwhile the old Central Executive and Legislature for British India were kept in being, the requisite sections of the Act of 1919 being continued with amendments for that purpose.[3] But this transitional Centre, though similarly constituted, had not the same powers as the old one. In particular the scope of its authority over the Provinces had been narrowed. Its relations with the Provinces were the same as those which would exist between the Federal Government and the Provincial units of the Federation if and when it were established. To meet the needs of war, however, some of its old authority over the Provinces was restored by the Amending Act of 1939.

The Central Executive is the Governor-General in Council. The Gover-

[1] *e.g.*, diplomatic expenditure in certain countries because it is shared by the British Government, which is under a reciprocal obligation to consult the Government of India before sanctioning expenditure of the same kind.

[2] The Secretary of State cannot exercise his *de jure* power to direct the Government of India to incur expenditure unless his Advisers concur: Act of 1935, S. 314 (2). This is a survival in modern form of the check imposed by Parliament in the Act of 1858 on the power of the British Executive to spend Indian money.

[3] Act of 1935, S. 317 and Ninth Schedule.

nor-General is appointed by the Crown on the advice of the Prime Minister and he is responsible to Parliament through the Secretary of State. The other Members of the Executive Council are appointed by the Crown on the advice of the Secretary of State, acting in practice on the recommendation of the Governor-General, and they also are responsible through the Secretary of State to Parliament. No limit is set to their number, but the old requirement that three of them must have had at least ten years' service of the Crown in India and one must be a member of the legal profession[1] has been retained.

The position of the Governor-General is often misunderstood. Much that is said about him in the Indian Press implies that he is an autocrat, and that the function of his Executive Councillors is merely to tender him advice which he is free to accept or reject as he thinks fit. It is true that the effect of the Act of 1935 was to enlarge to a limited extent the scope of the Governor-General's 'personal' authority; for, while it curtailed the general power of the Centre over the Provinces, it provided that the Governor-General personally and not the Governor-General in Council should control the Provincial Governors if they were 'exercising their individual judgment' or 'acting in their discretion' or in other words if they were obliged to operate the 'safeguards' and act against or without their Ministers' advice.[2] But over almost all the rest of the field of government the Governor-General has to work with his Executive Councillors who constitute together with him a statutory corporation making collective decisions for which he and they are collectively responsible. He sits with them in no sense as their master but rather as their colleague; he is *primus inter pares*. For the administration of the departments of which the Members are in charge they are answerable not to the Governor-General alone but to the Governor-General in Council, *i.e.* the Government as a whole. And the Governor-General in all matters, save only those few in which he is required to exercise his personal authority, is normally expected, like his colleagues, to accept the majority decision of the Council.

> If any difference of opinion arises on any question brought before a meeting of the Governor-General's Executive Council, the Governor-General in Council shall be bound by the opinion and decision of the majority of those present, and, if they are equally divided, the Governor-General or other person presiding shall have a second or casting vote.[3]

But there is a proviso.

> Provided that, whenever any measure is proposed before the Governor-General in Council whereby the safety, tranquillity or interests of British India, or any part thereof, are or may be, in the judgment of the Governor-

[1] 'A barrister of England or Ireland, or a member of the Faculty of Advocates of Scotland, or a pleader of a high court, of not less than ten years' standing.' Ninth Schedule, S. 36.

[2] See Part I, 136.

[3] Ninth Schedule, S. 41 (1).

General, essentially affected, and he is of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority present at a meeting of the Council dissent from that opinion, the Governor-General may, on his own authority and responsibility, adopt, suspend or reject the measure, in whole or in part.

In every such case any two members of the dissentient majority may require that the adoption, suspension or rejection of the measure, and the fact of their dissent, be reported to the Secretary of State, and the report shall be accompanied by copies of any minutes which the members of the Council have recorded on the subject.[1]

Thus, subject to the obligation to report to the Secretary of State, the Governor-General is authorised to act against the wishes of his Council on virtually any question—the word 'interests' is plainly open to wide interpretation—and; if indeed he were frequently to use this authority and were supported in its use by the Secretary of State, then 'autocrat' would not be altogether a misnomer. But in fact this overriding power is only a reserve power. It is entrusted to the Governor-General *de jure* to ensure that the residue of Parliament's responsibility for the government of India can in the last resort be fulfilled. But *de facto* the power stays in reserve. Speaking at Aligarh on August 24, 1942, Sir Firoz Khan Noon[2] is reported to have said:

> I have been in office since October 3, 1941, and I can say this without fear of contradiction that on not a single occasion has the Viceroy ever overruled me. .... The experience of every one of us is exactly the same. I hope I am not divulging any official secrets when I say that on many an occasion there have come up questions before the Executive Council which some of us considered as being of a controversial nature. Not in a single case has the Viceroy ever vetoed the decision of the majority in favour of the minority.[3]

This was confirmed by Sir J. P. Srivastava in the course of a debate in the Council of State at the end of September.

> We Executive Councillors to-day are being treated in the most liberal manner, and we have never had an instance in which the Governor-General has deemed it fit to exercise his veto.[4]

It is not true, then, that the Governor-General is an autocrat, but it would be equally false to suggest that he has no more power than his colleagues in the Council. He not only presides over it, with a casting vote at need, and arranges the conduct of its business, but he discusses all important departmental matters separately with the Members of Council in charge of them; and, while he may never overrule, his experience and authority must give weight to his opinions with his colleagues, whether he is dealing with

[1] Ninth Schedule, S. 41 (2) and (3).
[2] Member of Council for Labour, 1941-2; Defence Member since July 1942.
[3] *Statesman*, Aug. 26, 1942. Summary in *The Times*, Aug. 27, 1942.
[4] *Council of State Debates*, vol. ii, no. 3, p. 149.

them singly or with all of them in Council.[1] Moreover it is for the Governor-General to determine whether a matter is of sufficient importance to go to Council. In war time British Prime Ministers have been known on occasion and under pressure of events to settle things departmentally, and in India as in Britain the constitution does not work in war exactly as it does in peace. Normally, however, it would be unconstitutional for the Governor-General to overstretch his personal authority; and the law intends that all matters of real importance should be discussed by the Council, and, unless the Governor-General should exercise his overriding power, decided by it.

In view of developments to be recorded in Chapter XXI one further question as regards the Executive Council may be considered here. To what extent, if at all, could it operate as a 'Cabinet'? The answer to that involves once more the difference between *de jure* and *de facto*. In law the Central Council is on a wholly different footing from that of a British Cabinet or of a Provincial Ministry under the Act of 1935. Above all, its members are responsible not to the Central legislature but to the Secretary of State and Parliament. But if in fact its decisions were not overridden by the Governor-General and if in fact those decisions were approved by the majority of the legislature, then the manner in which it operated would be comparable with the manner in which a Cabinet operates. 'We have been allowed', said Sir J. P. Srivastava in the speech quoted above, 'to function as a composite Government. What the law cannot do can be done by practice and convention.'[2] And in the course of the same debate Sir Jogendra Singh, the new Sikh Member of Council, went further. 'It is not our purpose to make bibles out of the fading script of rules which may not suit the new complexion of the expanded Council. It shall be the endeavour of all our colleagues who think alike to transform the Executive Council into a Cabinet if you [the Council of State] play your part.'[3]

Such being the constitutional position, the personnel of the Council is obviously of great importance. In September 1939, it was composed as follows: (1) Lord Linlithgow,[4] Governor-General, (2) General Cassels, Commander-in-Chief, (3) Sir R. M. Maxwell, Home Department, (4) Sir A. J. Raisman, Finance, (5) Sir Muhammad Zafrullah Khan, Law, (6) Sir Jagdish Prasad, Education, Health, Lands, (7) Sir A. G. Clow, Railways and Communications, (8) Sir A. Ramaswami Mudaliar, Commerce and Labour. It will be noted that of the seven Members of Council apart from the Viceroy four were British and three Indian.

[1] The Governor-General himself holds the portfolio of External Affairs. If the federal part of the Act of 1935 had come into force, External Affairs and Defence would have been 'reserved' and not subject to decision by the whole Government (see Part I, 139). Under the existing constitution there is no dyarchy: External Affairs and Defence are as much within the scope of the Council's corporate responsibility as any other subject.

[2] *Council of State Debates*, vol. II, no. 3, p. 149. [3] *Ibid.*, p. 128.

[4] Lord Linlithgow was appointed for five years on April 18, 1936. His tenure of office has twice been extended for one year and once for six months. He was succeeded by Lord Wavell on 19 October 1943.

When the Council was enlarged for the first time in July 1941,[1] Lord Linlithgow, Sir R. M. Maxwell, Sir A. J. Raisman and Sir A. G. Clow retained their posts. The Commander-in-Chief was now General Wavell. Sir A. Ramaswami Mudaliar remained in charge of Commerce, now separated from Labour. Sir Syed Sultan Ahmed became Member for Law, Sir Firoz Khan Noon for Labour, Mr. N. R. Sarker for Education, Health and Lands, and Mr. M. S. Aney for Indian Overseas. Three new Memberships were created—Information, Supply and Civil Defence: these were held by Sir Akbar Hydari, Sir H. P. Mody and Mr. E. Raghavendra Rao. Of the twelve Members of the Council apart from the Viceroy, eight were now Indian and four British. All the former were distinguished and experienced men. Most of them had held high office before as Adviser to the Secretary of State or as High Commissioner in London, as members of Provincial Governments and so forth. Sir Akbar Hydari was the veteran chief of the Hyderabad administration and a leading figure at the Round Table Conference. But only two of them were party politicians for whom the enlargement of the Council had been originally intended, and both of them had left their party. Mr. Sarker had ceased to be a Congressman before he became Finance Minister in Bengal.[2] Mr. Aney, a lifelong nationalist, had recently broken with the Congress owing to its attitude to the war.

In July 1942, the Council was again enlarged. The department of Railways and Communications was divided into departments of War Transport and of Posts and Air, and the Defence Department into a War Department and one which retained the old name and some of the old functions together with new duties transferred from other departments. A membership without portfolio was also established, to be held by the representative of India in the British War Cabinet. In this Council Lord Linlithgow, General Wavell, Rir R. M. Maxwell, Sir A. J. Raisman, Sir Sultan Ahmed, Mr. M. S. Aney, and Sir H. P. Mody retained their previous posts. Sir Akbar Hydari and Mr. Raghavendra Rao had died. Mr. N. R. Sarker became Member for Commerce, Sir J. P. Srivastava for Civil Defence, Sir C. P. Ramaswami Aiyar for Information, Sir Jogendra Singh for Education, etc., and Dr. Ambedkar for Labour. Of the new departments Sir Firoz Khan Noon took charge of Defence, Sir E. C. Benthall of War Transport, and Sir Muhammad Usman of Posts and Air. Sir Ramaswami Mudaliar became the Member without portfolio. There were now fifteen Members apart from the Viceroy, and of these eleven were Indian and four British. Of the latter one was the first representative of the British resident community. In Dr. Ambedkar and Sir Jogendra Singh the Depressed Classes and the Sikhs likewise had now for the first time their representatives on the Council.

One further comment is required on the character of the Central Executive. In a country engaged in modern warfare the whole Government is a war Government—there is no department of it which is not directly or

[1] See p. 260 below.

[2] See p. 27 above.

indirectly concerned with the war-effort—but its most important responsibility is the control of the armed forces. In India this was centralised, till the summer of 1942, in the Defence Department and thereafter in the War Department. The Commander-in-Chief was and is the Member of Council in charge,[1] and at the same time he was and is the professional head of the armed forces. Owing to the fact that India has not yet acquired the full status and equipment of a self-governing nation, the character of these forces is different in one respect from that of a Dominion: they contain a substantial British element. The strength of the British regular troops posted in India, which in July 1939 was about 50,000, has been greatly increased in the course of the war, and in the Indian Army, the main instrument of India's defence, the officers are mostly British. In 1939 a scheme for increasing the proportion of Indian officers[2] was already in operation; and, as the strength of the Indian Army grew by voluntary recruitment from about 200,000 in September 1939 to well over one million in December 1942, this process of 'Indianisation' was speeded up. But the senior officers and a majority of the subalterns are still British. The Indian Navy, also, which, though still small, has increased tenfold since the war began, is mainly British-officered. In the Indian Air Force, which has undergone a similar expansion, the proportion of Indian officers is much higher than in the other services. All these forces, though the navy and air force have their own chiefs, are under the control of the Commander-in-Chief. For this unified command he has a dual responsibility. For the operation of the forces in his charge outside India he is responsible to the British Government. For the defence of India on her own soil and for the internal military security of the country he is responsible to the Governor-General in Council. Thus the constitutional control of Indian defence is mainly exercised in India. Once again it is only a reserve or ultimate authority that is retained in England.

As recorded in the last chapter, the formation of a consultative body on defence was suggested by Lord Linlithgow in October 1939. In October 1941 this body, called the National Defence Council, held its first session. It consisted of about thirty persons, nominated by the Viceroy, to represent both British India and the States.[3] It has since met at intervals of about two months. Its discussions, at which the Commander-in-Chief and other military experts have been present, have naturally been secret.

So much for the Central executive. The Central legislature is similarly 'transitional'. The present Assembly or lower house was elected in the

[1] The C.-in-C. is not necessarily a member of the Council (Ninth Schedule, S. 37), but, since the Curzon controversy in 1905, he always has been. No other soldier, if appointed to the Council, may hold a command or be engaged in military duties during his period of office (S. 36 (4)). The Secretary to the Defence Department has in recent years been a civilian.

[2] See Part I, 83.

[3] The Defence Council should not be confused with the Defence Consultative Committee of the Central legislature which was set up in the summer of 1941 and consists of six non-official members of the Assembly and four non-official members of the Council of State with the Commander-in-Chief as chairman.

winter of 1934-5 under the electoral provisions of the Act of 1919; its three-year life has been extended for one year six times. The present Council of State or upper house was elected under the same Act in 1937: its five-year life has been extended on two occasions to the end of 1943.

Of the 140 members of the Assembly 26 are officials and 13 non-official nominated members. The party distribution of the 101 elected members in 1935 was Congress 44, Congress Nationalists (mostly Mahasabha) 11, Independents 22 (of whom 19 were Moslems), Europeans 11. In December 1942, as the result of occasional by-elections, the distribution was Congress 38, Nationalists (the Congress prefix was dropped in 1942) 13, Moslem League (formerly Independents) 23, Europeans 11.

Throughout the war years the proceedings of the Assembly have been shorn of much of their importance and most of their vigour and eloquence by the boycott ordered by the Congress 'high command' in August 1939. More than once the Congress members have asked the Working Committee to lift the ban, but except on one occasion, to be mentioned presently, it has not been lifted.[1] The Moslem League members withdrew from the autumn session of 1941 for reasons that will be given in the next chapter.[2] The Nationalists have attended regularly and usually opposed the Government, but the support of other parties, together with the official vote, has normally given the Government a majority it never enjoyed before the war. The most important legislation, apart from finance bills, which it has proposed has been the Defence of India bill of 1939, and that, as has been seen, was carried. For six successive years from 1934 onwards the budget was rejected and had to be 'certified',[3] but in 1940, 1941 and 1942 it was carried by substantial majorities. In the autumn of 1940 the Congress 'high command' relaxed the ban on attendance in order to oppose a supplementary Finance bill. The Moslem League members abstained from voting, and the result was a Government defeat by 55 votes to 53. The bill was 'certified'.

In the Council of State, though the Government has been sharply criticised on occasion, especially by members of the Nationalist party, it has commanded an even more secure majority than in the Assembly. The 'certified' Finance bill was carried by 27 votes to 11.

The Chamber of Princes, as constituted under the Montagu-Chelmsford scheme, has continued to hold its annual sessions.[4]

One other important part of the Central machine must be mentioned. The Federal Court, which was created by the Act of 1935 with original

[1] Individual Congress members have attended from time to time to prevent their seats being regarded as vacated by absence, but they have taken no part in the proceedings.

[2] The League members also withdrew for a few days in the spring of 1941 by way of protest on a communal question in railway administration.

[3] If a bill has been rejected by one chamber and is thereafter 'certified', it is presented to the other chamber, and, if passed, becomes law on receiving the Governor-General's assent. If rejected by both chambers it requires the Governor-General's assent alone. Government of India Act, 1935, Ninth Schedule, S. 67B (1).

[4] This is a purely consultative body: see Part I, 60, 64.

jurisdiction on issues of legal right between the Federation and one or more of its component units or between units *inter se* and with appellate jurisdiction on appeal from the High Courts,[1] was brought into being on October 1, 1937, with the same jurisdiction on issues between the Central and Provincial Governments as it would have exercised on a federal basis if the whole of the Act had come into force. Its President, Sir Maurice Gwyer, thus became the first Chief Justice of India.

III. The Provinces

Three of the eleven Provinces—Bengal, the Punjab and Sind—have, as has been seen, continued under responsible government throughout the war. Assam would have had the same unbroken record but for the interval of 'Governor's rule' between December 1941 and August 1942. Orissa followed the Congress lead in November 1939, but joined the Ministerial Provinces in November 1941.

The position of these Provinces on the constitutional issue is clear. Their Governments and legislatures are committed by their own volition to the war-effort. They have made no conditions. They have made it clear that they expect India to attain full Dominion Status as soon as possible after the war, but they have accepted the pledges given by the Viceroy and the Secretary of State on that point, and have not asked for any major constitutional change in the meantime. They have acquiesced in the recovery of unitary control by the Centre, and have made no difficulty in co-operating with it in their various common war tasks or in the maintenance of law and order. As in other democracies at war, it is recognised that the assumption of emergency powers does not imply the abandonment of constitutional principles. There are dissident minorities in all these Provinces but the majorities of their electorates are supporting their war Government under a constitutional system in which, for the duration of the war at any rate, they acquiesce. And their populations amount in the aggregate to a considerable fraction of the population of all India. The people of Bengal number about 60¼ millions, of the Punjab 28½, of Assam 10¼, of Orissa 8¾ of Sind 4½—a total of over 112 millions.

The other six Provinces—Madras, Bombay, Central Provinces, United Provinces, Bihar and the North-West Frontier Province—with an aggregate population of over 181 millions,[2] have been deprived of responsible government since the early months of the war. When the Congress Ministries resigned, no other Ministries could be formed which could command majorities in their legislatures. The authors of the Act of 1935 had foreseen the possibility of such a deadlock, and had accordingly inserted Section 93, entitled 'Provisions in case of failure of constitutional machinery'. Its first clause runs as follows:

[1] Government of India Act, 1935, Part IX and S. 318.

[2] Madras 49·34 millions, Bombay 20·9, C.P. 16·8, U.P. 55, Bihar 36·3, N.W.F.P. 3. Total 181·34 millions.

If at any time the Governor of a Province is satisfied that a situation has arisen in which the government of the Province cannot be carried on in accordance with the provisions of this Act, he may by Proclamation (*a*) declare that his functions shall, to such extent as may be specified in the Proclamation, be exercised by him in his discretion, (*b*) assume to himself all or any of the powers vested in or exercisable by any Provincial body or authority.

The clause goes on to provide (1) that the powers and functions of High Courts are to be excepted from any such assumption of powers. (2) that such a Proclamation shall be communicated forthwith to the Secretary of State and laid before both houses of Parliament, and (3) that it shall cease to operate at the end of six months unless it is continued in force for a further twelve months by a resolution of both houses of Parliament, and shall not in any case remain in force for more than three years.[1] Another clause provides that a Governor shall act under the Proclamation 'in his discretion', but that his issue of the Proclamation requires the assent of the Governor-General 'in his discretion'.[2]

Proclamations were issued in all the Congress Provinces in October and November 1939, under which the Governors assumed to themselves the functions hitherto exercised by the Councils of Ministers and the legislatures. They were thus empowered both to control the whole of the Provincial administration and to make laws for all Provincial purposes, including taxation and supply. And in all this they were to act 'in their discretion'. The Act had made no provision for the restoration of the old-time Executive Councils. In place of them the Governors appointed Advisers, usually two or three in number, from among the senior officials in their Provinces. Thus, subject to the control of the Governor-General and the Secretary of State, the Governors had become autocrats, such as they had never been before.[3] Government in these 'Section 93 Provinces', as they were called, was now not only not responsible government, it was not even representative government. But it must be remembered in the first place that this drastic retrogression was intended, as is clearly shown by the provisions of the Act, to be only temporary, and, secondly, that it was the unavoidable result of the Congress leaders' decision to bring the operation of the existing system to an end. They were enabled to do this by the majorities they commanded in the legislatures. Representative government by itself—*i.e.*, popular control of legislation but not of the executive—could not operate against the will of those majorities. Responsible government could not operate unless those majorities supported Ministers. Thus the fact that these Provinces have been deprived of the popular government which the others have

[1] This last provision necessitated Parliament's enactment in October 1942 of an *ad hoc* measure—India & Burma (Temporary & Miscellaneous Provisions) Act, 1942—enabling the Proclamations to be continued in force during the period of the war and for twelve months thereafter.

[2] S. 93 (5).

[3] For the early Executive and the later Legislative Councils see Part I, 9, 21.

continued to enjoy is entirely due to the deliberate action of the Congress 'high command'.

For the purposes of this Report the working of the constitution as described in Chapters IV to XIV is more important than the operation of an emergency *régime*. It will suffice to deal with the latter in summary form.

(1) The output of legislation in the Section 93 Provinces has been small, partly owing to the war, partly owing to the fact that it has been impossible for 'caretaker' Governments to plan long-term policies. Governors have enacted a few useful new measures such as the Acts for the reorganisation and control of the important sugar industry in the United Provinces and Bihar.[1] Generally speaking, the legislative policy of the Congress Ministries has not been reversed. Several of their Acts have been amended, but only to correct legal or technical deficiencies. Prohibition has been maintained in the areas in which the Congress Ministers imposed it, except in Bombay and the United Provinces; but it has not been extended as they had proposed to extend it.

(2) There has been no change in financial policy. No new taxes have been levied: the old ones have been retained and in some cases reduced. An expanding revenue, due mainly to the rising yield of income tax, has made it possible not only to meet new war expenditure but also to expand the social services and to strengthen reserves.[2]

(3) In general administration it was easy to revert to the old *régime*—too easy, said Congress critics. But, if the Services had been freed from the strain occasioned by unofficial interference and by the tendency towards establishing a 'parallel' government which, as has been seen, was checked but not entirely suppressed by the Congress Ministries, their members have not forgotten that sooner or later popular government in some form or other will be restored.

(4) In the field of law and order labour troubles have diminished and by the end of 1942 at any rate there had been a marked decline in communal trouble. In the United Provinces, where the increase of communal disorder had been greatest before the change of *régime*, the decrease has been likewise greatest. But the general lessening of open outbreaks has not meant that Hindu-Moslem antagonism has weakened. Observers are agreed that there is only, so to speak, a truce while a neutral Government once more holds the scales. For that reason alone it is hard to contemplate the restoration of pure Congress Ministries.

(5) The popular reaction to the change-over cannot easily be judged. Congress spokesmen have naturally condemned it from the outset. The existing Governments, they say, are shorn of the moral sanction which their own possessed: they are governing not merely without the consent of the people, but against their will. As regards the great agrarian majority that is probably an overstatement. The peasantry as a whole seem to have been

[1] I of 1941 in both Provinces. [2] See Chapter XV and tables.

more or less apathetic. It may well be that their most urgent economic grievances were so largely remedied by Congress legislation that their personal interest in politics has flagged. Congress orators touring the countryside are not so sure as they were of an attentive audience. Nor has the urban public displayed any sharp or sustained antagonism to the official Government. But it is generally agreed that, if the emergency *régime* were ended and new elections held, the Congress organisation is still quite strong enough, if it exerts itself, to secure majorities again in most, if not quite all, of these Provinces, though both the Moslem League and the Mahasabha are much stronger than they were. It is difficult, however, to contemplate an electoral conflict on the same lines as the last; for the League, as has been seen, insists that the constitution must never again be worked as the Congress worked it from 1937 to 1939, and that sentiment is widely shared among other minorities.

Such, in brief, has been the constitutional background to the political controversy which has divided India since the outbreak of the war. Obviously the government of India is not yet full self-government, though, except in those Provinces in which the Congress leaders have relinquished of their own accord the power they wielded from 1937 to 1939, it comprises *de facto* a very substantial measure of self-government. In any case it can hardly be regarded by serious students of politics as deserving the language used of it by Congressmen. The constitution is not a 'slave constitution'. Nor are those Indians who have continued to work it since 1939—the Indian Members of the Central Government, the wholly Indian Ministries in the non-Congress Provinces, and the Indians attending the Central and Provincial legislatures—the agents of an 'arrogant imperialism'.

THE POLITICAL DEADLOCK

I. The 'Blitzkrieg' and the 'August Offer'

In a speech at Bombay on January 10, 1940, the Viceroy re-stated the British Government's policy. Its objective was India's attainment of full Dominion Status—'of the Statute of Westminster variety', as he put it—as soon as possible after the war. To that end the scheme of the Act of 1935 would be reconsidered in consultation with Indian opinion. The 'interests of Indian unity' would demand the inclusion of the Indian States in any new constitution, and British promises as to the safeguarding of minority rights would have to be honoured. Meantime, as an immediate step, it was proposed to enlarge the Central Executive Council by the appointment of some of the Indian party leaders.

> The responsibility that falls on the great political parties and their leaders is a heavy one. . . . I ask for their co-operation and assistance in terminating at as early a date as possible a state of things which all who have faith in the virtue of constitutional progress must deplore.[1]

In an interview on February 6 Lord Linlithgow explained this policy to Mr. Gandhi. 'We parted as friends', said Mr. Gandhi afterwards, but in his view a settlement between India and Britain was impossible till the British Government conceded India's claim to determine her own constitution and status without interference from outside. Then all the questions, external questions such as defence and British commercial interests, internal questions such as the position of the States and the rights of minorities, would be 'automatically dissolved'.[2]

That the Congress was determined to yield no ground was shown again by the uncompromising resolution framed by the Working Committee and adopted on Pandit Nehru's motion by the Congress Session at Ramgarh on March 19. Its main points were as follows:

> The recent pronouncements made on behalf of the British Government with regard to India demonstrate that Great Britain is carrying on the war fundamentally for imperialist ends and for the preservation and strengthening of her Empire which is based on the exploitation of the people of India as well as of other Asiatic and African countries. Under these circumstances it is clear that the Congress cannot in any way, directly or indirectly, be party to the war. . . .
>
> Indian freedom cannot exist within the orbit of imperialism, and Dominion or any other status within the imperial structure is wholly inapplicable to India. . . . The people of India alone can properly shape their own constitution and determine their relations to the other countries of the world through a Constituent Assembly elected on the basis of adult suffrage. . . .
>
> The rights of all recognised minorities will be fully protected by agree-

[1] *Indian Annual Register*, 1940, i, 373-5. [2] *Ibid.*, 221.

ment, as far as possible, between the elected representatives of various majority and minority groups or by arbitration[1] if agreement is not reached on any point. . . .

The Congress cannot admit the right of the Rulers of Indian States or of foreign vested interests to come in the way of Indian freedom. Sovereignty in India must rest with the people, whether in the States or in the Provinces.[2]

Up to this point the political controversy had not been affected by the fortunes of the war. Nothing much, indeed, had happened in Europe, and it seemed as if, in this war as in the last, India would remain outside the active battlefield. But in mid-April the *blitzkrieg* broke on Norway and Denmark; in quick succession Holland, Belgium and France collapsed; on June 24 Hitler declared that the war in the West was over.

One of the earliest effects of this catastrophe was a change of Government in Britain. In May Mr. Churchill replaced Mr. Chamberlain as Prime Minister, and Mr. L. S. Amery succeeded Lord Zetland as Secretary of State for India. Everyone knew that Mr. Churchill had led the opposition of the right-wing Conservatives to the Indian policy of Mr. MacDonald and Mr. Baldwin, but it was remembered in Britain, though not, it seemed, in India, that in the great debates of 1935, when Mr. Churchill attacked the bill clause by clause, it was usually Mr. Amery who had followed him and contested his arguments. Answering in the House of Commons the first question put to him as Secretary of State, Mr. Amery declared once again that India's attainment of free and equal partnership in the Commonwealth was the goal of British policy. The promised reconsideration of the constitution implied, he pointed out, discussion, not dictation, and the Government were anxious to do all they could to promote an agreement among Indians as to the shape it should take.[3] In the following weeks a new declaration of policy on the lines of this speech was under consideration by Mr. Amery and Lord Linlithgow, and towards the end of June the latter sounded Indian party leaders, Mr. Gandhi and Mr. Jinnah in particular, as to the possibilities of a provisional agreement.

In India the effect of the *blitzkrieg* was profound. Britain, it seemed, was soon to share the fate of France; and, even if the British Government continued to fight from some refuge outside Europe, the Germans could scarcely be prevented from occupying the Mediterranean and the Suez Canal and descending thence on India. The strategic implications of the new situation were forcibly brought home when in mid-June Parliament passed the India and Burma (Emergency Provisions) Act, transferring to the Governor-General, 'in the event of a complete breakdown of communications with the United Kingdom', some of the power exercised by the Secretary of State. About this time there were disquieting symptoms of an incipient panic among the propertied classes—withdrawals from banks,

[1] Mr. Gandhi, in the statement quoted above, spoke of differences being referred to 'the highest and most impartial tribunal that can be conceived by human ingenuity'. *Indian Annual Register*, 1940, i, 21.

[2] *Ibid.*, ii, 229.

[3] May 23, 1940. *Hansard*, H. of C., cccIxi, 283-5.

hoarding, the circulation of wild rumours—but these tendencies were checked by appeals from the Viceroy and the party leaders.

Some Congressmen joined in these appeals, and there was a change of tone in the references to Britain, now so evidently fighting with her back to the wall. 'We do not seek our independence', said Mr. Gandhi, 'out of Britain's ruin.'[1] Though India had her grievances, said Dr. Rajendra Prasad, he could not but wish that England and France should win the war.[2] Pandit Nehru's tone was a little different. 'While India is completely opposed to the idea of the triumph of Nazism', he said, 'it is no good asking her to come to the rescue of a tottering Imperialism.' And again, though 'England's difficulty is not India's opportunity', India could not suspend her fight for liberty: 'our internal policy must be guided by one consideration only—the freedom of India and the attitude of the British towards that freedom'.[3]

Meeting on June 17 and deliberating for four days—the days on which the fate of France was settled—the Working Committee resolved that 'the national struggle for freedom' must continue on its non-violent course. War committees aimed at increasing the war-effort and therefore must not be supported. No Congressman must contribute to war funds or enlist in civil guards under official control. But this programme of non-co-operation, backed, as it still was, by the threat of a 'civil disobedience' campaign, was not the chief nor the most striking feature of the resolution. The Committee were primarily concerned with the dangers now threatening the peace of India, the possibility not only of invasion but also of an internal upheaval 'in a period of transition and dynamic change' which would follow—so they were evidently thinking—the collapse of British rule; and with that prospect in view the majority of them, including Pandit Nehru and Mr. Rajagopalachari, decided that it would not be safe to trust to the leadership of so wholehearted a pacifist as Mr. Gandhi.[4] Though it would mean that his immense prestige with the mass of the people would be no longer at their back, they made, as Mr. Gandhi put it,[5] the 'tremendous sacrifice' of breaking with him. 'Mahatma Gandhi, a resolution ran, 'at this critical phase in the history of man', desires the Congress to be true to the creed of non-violence and to declare its unwillingness 'that India should maintain armed forces to defend her freedom against external aggression or internal disorder'. The Committee 'are unable to go the full length with Gandhiji; but they recognise that he should be free to pursue his great ideal in his own way and therefore absolve him from responsibility for the programme and activity which the Congress has to pursue', namely, the 'parallel'

[1] *Harijan*, June 1, 1940. [2] *Hindustan Times*, May 12, 1940.
[3] *Ibid.*, May 12 and 25, 1940.
[4] On July 6 Mr. Gandhi issued an appeal 'to every Briton, wherever he may be, to accept the method of non-violence instead of the method of war for the adjustment of relations between nations'. Britain should fight Nazism without arms. Let Hitler and Mussolini have what they want of the British Empire and 'take possession of your beautiful island' if they wish. *Harijan*, July 6, 1940.
[5] *Harijan*, June 29, 1940.

organisation of self-defence and the maintenance of public security throughout the country by Congressmen on their own account.[1] This resolution was duly adopted by the A.I.C.C. Meeting at Poona on July 27 and 28.[2]

Pacifism was not the only issue on which the majority of the 'high command' seemed now to be at odds with Mr. Gandhi. He had made it clear that he would have nothing to do with proposals for the restoration of ministerial government in the Congress Provinces and the entry of Congressmen into the Central Council; but he seems to have feared that those proposals might be more attractive to some of his followers than they were to him. On July 6, a week after he had seen the Viceroy, he published a warning article in *Harijan*.

> The Congress has to make its choice. The temptation is irresistible. Congressmen can again become Cabinet Ministers [in the Provinces]. They may also be Ministers or Members at the Centre. They will have an insight into the war machine. . . . They will have to raise crores of rupees and dispose of them in the war-effort. . . . I would have the Congress resist this irresistible temptation. . . . For the Congress to merge itself into the stereotyped method would be a disaster of the first magnitude. If, on the other hand, the Congress sticks to its colours, it is sure to fight its way to its goal even before the war is over, provided the fight is purely, truly and demonstrably non-violent.[3]

The Working Committee did not altogether heed this warning. They were prepared, it seemed, for the Congress to take a hand in government provided it was on their own terms. Meeting again from July 3 to 7, they coupled their renewed demand for an immediate and unequivocal declaration of the 'full independence of India' with a new proposal.

> As an immediate step to giving effect to it, a provisional National Government should be constituted at the Centre which, though formed as a transitory measure, should be such as to command the confidence of all the elected elements in the Central Legislature and secure the closest co-operation of the responsible Governments in the Provinces. The Working Committee are of opinion that, unless the aforesaid declaration is made and a National Government accordingly formed at the Centre without delay, all efforts at organising the material and moral resources of the country for defence cannot in any sense be voluntary or as from a free country, and will therefore be ineffective. The Working Committee declare that, if these measures are adopted, it will enable the Congress to throw its full weight into the efforts for the effective organisation of the defence of the country.[4]

This resolution was open to more than one interpretation. As to the declaration of independence there could be no question. It would have to be prospective: it could have no legal validity until a new system of government had been framed to replace the existing system—and in commenting on the resolution Pandit Nehru took for granted once again that this new system would be framed by his Constituent Assembly—and until the requisite Act of Parliament had been passed. The doubt lay in the meaning

[1] *Indian Annual Register*, 1940, ii, 175.
[2] *Ibid.*, ii, 193-5.
[3] *Harijan*, July 6, 1940.
[4] *Indian Annual Register*, 1940, ii, 176-7

of 'National Government', words which were soon to become the slogan of all Indian nationalists, but which were never given a precise interpretation by the Congress leaders till the spring of 1942. All that was said about the National Government at this first mention of it was that it would command the confidence of all parties in the legislature. Did that mean only that it would be a national coalition like the National Government in Britain? Or did it also mean that the Government would be responsible to the legislature? The latter would indeed be 'an immediate step towards giving effect' to the declaration of independence. A National Government in that sense would mean a change in national status: it would subject the government of India to the same kind of parliamentary control as the government of Canada. There was a doubt, finally, as to the interpretation of 'defence'. Maulana Azad, the Congress President, and Mr. Rajagopalachari both declared that the resolution implied the full participation of the Congress in the war if its terms were granted.[1] But to Pandit Nehru 'defence' apparently meant less than that. 'We have made it perfectly clear in the past', he said, 'that we cannot help the war-effort of British imperialism or become its recruiting sergeants. That position continues completely unchanged, but to maintain our own independence, for our defence and the defence of freedom, we are prepared under our own direction to do our best.'[2]

However it might be interpreted, the resolution was wholly unacceptable to the Moslem League. Like the Congress, the League at this time was not wholly of one mind. Its more moderate leaders were clearly anxious to back the war-effort at this crisis without further controversy about domestic politics. The Premier of the Punjab was the most prominent member of this group. When the Low Countries were invaded, he appealed to the leaders of all communities to call a truce till the danger from without was averted.[3] On May 24, in a lengthy public statement, he expressed the hope that what Mr. Amery had said on the previous day would finally dispel distrust of the British Government's good faith in promising full Dominion Status and suggested the summoning of a small representative body, including the present and past Premiers of all the Provinces, to discuss the outlines of the future constitution.[4] On June 20 he issued another appeal, deploring the lack of realism among the party leaders and warning them that, if they did not settle their differences, they might well sink themselves and their country too.[5] But these appeals were not backed by Mr. Jinnah. He was less concerned, it seemed, with the present situation in India and the effect on it of the tragic events in Europe than with the position of the Moslem community in the future. He had recently proclaimed the two-nation doctrine and adopted its logical complement, Pakistan.[6] For the League to share in any all-India Government was to reverse this line of policy, at

[1] *Hindustan Times*, July 13, 1940.
[2] *Ibid.*, July 10, 1940.
[3] *Ibid.*, May 12, 1940.
[4] *Ibid.*, May 24, 1940.
[5] *Ibid.*, June 20, 1940.
[6] See p. 206 above.

any rate for the time being; and it must be remembered that the constitution, as it was operating during the war, was not even the kind of federal constitution which once might have satisfied Mr. Jinnah but would not satisfy him now. The Central executive had resumed some of its old control over the Provinces by the Amending Act of 1939. The Central legislature had been elected on a unitary basis under the old Act of 1919. Mr. Jinnah made it clear that to share in the working of this constitution was to prejudice his claim that the Indian Moslems were a separate nation entitled to equal treatment with the Hindus: it would be setting foot on a road that led to a Congress Raj. And that a Congress Raj was no figment of Moslem imagination was shown, in the course of these anxious days, by Mr. Gandhi himself. It would seem as if the gravity of the crisis had impelled him to speak out all his mind. He was frank in his pacifism, frank in his aversion from co-operation in war government, and equally frank in his exposition of the Congress' totalitarian creed. On June 15 he published an article in *Harijan*, entitled 'Two Parties', in which he repudiated the idea of an inter-party agreement.

> Public and private appeals are being made to me to call all parties together and arrive at a common agreement, and then, they say, we shall get what we want from Great Britain. These good friends forget one central fact. The Congress, which professes to speak for India and wants unadulterated Independence, cannot strike a common measure of agreement with those who do not. . . .
>
> The British Government would not ask for a common agreement, if they recognised any one party to be strong enough to take delivery. The Congress, it must be admitted, has not that strength to-day. It has come to its present position in the face of opposition. If it does not weaken and has enough patience, it will develop sufficient strength to take delivery. It is an illusion created by ourselves that we must come to an agreement with all parties before we can make any progress.
>
> There is only one democratic elected political organisation, *i.e.* the Congress. All the others are self-appointed or elected on a sectional basis. The Muslim League is an organisation which, like the Congress, is popularly elected. But it is frankly communal and wants to divide India into two parts. . . .
>
> Thus for the present purpose there are only two parties—the Congress and those who side with the Congress, and the parties who do not. Between the two there is no meeting ground without the one or the other surrendering its purpose. . . . An agreement independently of evolving a common demand the Congress must seek and has always sought. . . . It has to woo all parties, disarm suspicion and create trust in its *bona fides*.

This candid declaration of totalitarianism, this anticipation of the Congress alone 'taking delivery' from the British Government, was an open challenge to the League, and Mr. Jinnah promptly took it up. He met the logic of democracy with the logic of nationalism. As a community among other communities Indian Moslems numbered less than one quarter of the population; but as one of two nations they were entitled to equal treatment. So, in his conversations with the Viceroy, Mr. Jinnah laid

down two conditions for the League's participation in government. First, the British Government must give a categorical assurance that it would adopt no constitution, whether for the war period only or in a final form, 'without the previous approval of Muslim India'. Secondly, in any reorganisation for the purpose of mobilising India's maximum war-effort, 'Muslim India leadership must have an equal share in the authority and control of the Governments, Central and Provincial'. If the Executive Council is enlarged, the number of Moslem members must be equal to that of the Hindu members if the Congress comes in. If it does not, the Moslems must be in a majority. The same calculations would apply to an advisory war council of any kind.[1] In other words the two-nation principle was to be fully applied in terms of constitutional arithmetic.

While Mr. Gandhi's authority with the Congress seemed at this time to be weakening, Mr. Jinnah's authority with the League was certainly growing. The wishes of his more moderate colleagues to join in the war-effort at the Centre without bargaining were overborne. The Working Committee, meeting on June 15 and 16, endorsed Mr. Jinnah's policy and invited him to proceed with his negotiations with the Viceroy. No other member of the Committee should negotiate with Congress leaders without Mr. Jinnah's permission.[2] Nor should Moslems serve on war committees pending further instructions from Mr. Jinnah.[3] Dictatorship, it was now evident, was no longer to be found in Congress quarters only.

All attempts to reach a measure of preliminary agreement had thus completely failed when on August 8—on the eve of the Battle of Britain—the new declaration of British policy, afterwards known as the 'August Offer', was published. It took the form of a statement made by the Viceroy on behalf of the British Government. It may be summarised as follows.[4]

(1) Though the differences which prevented national unity remained unbridged, the expansion of the Governor-General's Council and the establishment of an advisory war council should no longer be postponed.

(2) In view of the doubts as to whether the position of minorities would be sufficiently safeguarded in any future constitutional change, the British Government re-affirmed its desire that full weight should be given to minority opinion. 'It goes without saying that they could not contemplate transfer of their present responsibilities for the peace and welfare of India to any system of government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a Government.'

(3) Subject to the fulfilment of their obligations—an allusion to such questions as defence, minority rights, the treaties with the States, and

[1] Correspondence between the Viceroy and Mr. Jinnah between February 6 and September 26, 1940: *Indian Annual Register*, 1940, ii, 248-57.

[2] This was directly aimed at Sir Sikander Hyat Khan who had been informally discussing the possibilities of a communal agreement with Maulana Azad.

[3] *Indian Annual Register*, 1940, i, 316-18.

[4] The full text is given in Appendix VII, p. 333 below.

the position of the Secretary of State's Services—the British Government concurred in the Indian desire that the framing of the new constitution should be 'primarily the responsibility of Indians themselves, and should originate from Indian conceptions of the social, economic and political structure of Indian life'.

(4) Constitutional issues could not be decided at 'a moment when the Commonwealth is engaged in a struggle for existence'; but after the war a representative Indian body should be set up to frame the new constitution, and meantime the British Government would welcome and assist any efforts to reach agreement as to the form and operation of this constitution-making body and as to the principles of the constitution itself.

(5) In the interval the British Government hoped that all parties and communities would co-operate in India's war-effort, and by thus working together pave the way for India's attainment of free and equal partnership in the British Commonwealth.

Four main points stand out from this statement. In the first place it finally disposed of the idea, so often ventilated by Moslems and members of other minorities, that the British Government might be induced by Congress pressure to acquiesce in the imposition of a Congress Raj. The charge that to require intercommunal agreement was to put a veto on constitutional advance was repudiated by Mr. Amery when he explained the statement in the House of Commons on August 14. 'Agreement means not veto by any element, but compromise; and willingness to compromise, in India as elsewhere, is an essential test of that sense of responsibility on which free government must be based.'[1] Secondly, the statement registered an advance of first-rate importance in the method of handling the constitutional problem. No official reference had hitherto been made to the Congress claim that the future constitution of India was a purely Indian concern. It had been taken for granted in Britain that the sole responsibility for constitutional change lay, in fact as in law, with Parliament. To make the last great change in 1935 Parliament had expended a vast amount of time and labour. Indian opinion had been more freely and directly consulted than ever before, but it was Parliament's will that had prevailed. Now Indians were not merely to share in that responsibility: they were to be 'primarily responsible'. It followed from this undertaking that, if Indians were agreed as to the kind of constitution they wanted and if it provided for the due discharge of British obligations, it would be virtually impossible for Parliament to reject it. In other words Indians were now invited to determine their own constitutional future in much the same way as Canadians determined it in 1864 to 1867, Australians in 1891 to 1900, and South Africans in 1908 to 1909. Thirdly, while the formal and final framing of the constitution was postponed till after the war, preliminary discussion was encouraged forthwith. The Congress method of constitution-making by a directly elected Constituent Assembly was naturally not

[1] *Hansard*, H. of C., cccIxiv, 878.

mentioned since it had been repudiated by almost all the minorities. What the method should be was one of the questions to be discussed. Lastly, Dominion Status was still assumed to be the goal. In his explanatory speech Mr. Amery pointed out that that was not an inferior or dependent status. 'The status of a Dominion—or of this country for that matter, for our status in the Commonwealth, although not perhaps our stature, is the same as theirs—is one not inferior to that of nations that perforce stand alone, but superior. . . . There is no higher status in the world.'[1]

Critics of this 'August Offer' have asserted that it missed the last chance of bringing the Congress into the war. Under stress of the crisis in Europe the majority of the Working Committee had proved their desire to defend their country by throwing Mr. Gandhi overboard. If the British Government had responded more wholeheartedly to this new mood, might they not have brought about a settlement?

No answer can be given to that question without considering the whole course of Congress policy during the war. The British Government could have gone further to meet the Congress claims in August 1940: they did go further in March 1942. But the proposals of 1942 were rejected. The majority of the Congress leaders, as will be seen, demanded a National Government with all the powers of the Government of an independent State except as regards the conduct of military operations, and they demanded this at once without any prior intercommunal agreement. Did they mean less than that in 1940? Would they have been willing to postpone the attainment of independence till after the war and to come to terms in the meantime with the Moslem League? Some of them might have been, but would the majority? Would Mr. Gandhi have accepted defeat or would he have succeeded in reasserting his authority as he did in 1942? As long as these doubts are unresolved, it cannot be affirmed that a settlement in 1940 was feasible.

As it was, the Congress reaction to the 'August Offer' could scarcely have been more violent. On August 10 President Azad refused the Viceroy's invitation to discuss the statement with him since it was 'totally at variance' with Congress policy.[2] 'It widens the gulf', said Mr. Gandhi in a cable to an English newspaper on August 13, 'between India, as represented by the Congress, and England. . . . My own fear is that democracy is being wrecked. . . . India's disease is too deep to yield to any make-believe or half-hearted measures.'[3] The whole conception of Dominion Status for India, said Pandit Nehru,[4] was 'as dead as a doornail'. Meeting on August 18 to 22, the Working Committee followed this lead. The British refusal, said their resolution, to

part with power and responsibility in favour of the elected representatives of the people of India . . . is a direct encouragement and incitement to civil

[1] *Ibid.*, 876.
[2] *Indian Annual Register*, 1940, ii, 201.
[3] *News Chronicle*, Aug. 14, 1940.
[4] *Hindustan Times*, Aug. 12, 1940.

discord and strife. . . . The issue of the minorities has been made into an insuperable barrier to India's progress. . . . The rejection of the Congress proposals is proof of the British Government's determination to continue to hold India by the sword. . . . The desire of the Congress not to embarrass the British Government at a time of peril for them has been misunderstood and despised.

The Congress, it was clearly intimated, would have to take firm action. Its nature would be determined at the meeting of the A.I.C.C. fixed for September 15.[1]

The Moslem League's reception of the 'August Offer' was naturally friendlier. Meeting from August 31 to September 2 the Working Committee welcomed that part of it which the Congress had particularly condemned. It had met, they said, the League's demand 'for a clear assurance to the effect that no future constitution, interim or final, should be adopted by the British Government without their approval and consent'. At the same time the theory of national unity, implicit in the statement and made explicit in Mr. Amery's speech, was repudiated. 'The partition of India is the only solution of the most difficult problem of India's future constitution.' The resolution went on to interpret the statement as conceding the *League's principle of Moslem partnership in any war-time constitutional* system. The ban on Moslem membership of war committees was accordingly lifted. Sir Sikander Hyat Khan and other moderates had openly declared their desire to go further than that, to accept without bargaining the invitation to full co-operation in the war-effort on the basis of the statement. But once more Mr. Jinnah prevailed. The 'Offer' was neither accepted nor rejected. But the League's full co-operation as a party in the conduct of the war was still made conditional on the Viceroy's acceptance of the 'fifty-fifty' principle.[2]

The Working Committee of the Mahasabha met on August 10 and 11. The President, Mr. Savarkar, was absent through illness, and the decision taken on the 'August Offer' was not published; but it was intimated in the Press that Mr. Savarkar and his Committee were agreed in regarding the new proposals as justifying their co-operation at the Centre for the conduct of the war, that they accepted Dominion Status as the post-war objective, but that they insisted that in safeguarding minority rights the claims of the majority must not be ignored.[3]

On August 25 the Council of the National Liberal Federation asked for a further clarification of the British Government's policy. India's enjoyment of Dominion Status must be quite unqualified and a time-limit for its attainment must be fixed. Nor must it be delayed by a minority's adoption

[1] *Indian Annual Register*, 1940, ii, 196-8. On August 23 Mr. Rajagopalachari made what was called a 'sporting offer' to promote an agreement with the Moslem League. 'If His Majesty's Government agree to a provisional National Government being formed at once, I will undertake to persuade my colleagues to agree to the Moslem League being invited to nominate the Prime Minister and to let him form a Government as he would consider best.' No notice was taken of this offer, presumably because it was not backed by any other Congressman. For a similar unsupported move, see p. 270 below.

[2] *Ibid.*, ii, 243-5.

[3] *Ibid.*, ii, 265.

of a wholly *non possumus* attitude. As to the war constitution the Indian members of the Central Council should be party leaders and should be in a majority.

As a matter of convention such an enlarged Executive Council should work as a Cabinet, the Viceroy should be its constitutional head, and the British Government should not ordinarily interfere with any policy that has the support of such an Executive Council and the Central legislature.[1]

To sum up, it may be said that the 'August Offer' had been accepted in principle by the Mahasabha and the Liberals, and not rejected by the Moslem League. Against that stood its vehement repudiation by the Congress leaders, who commanded, as Mr. Amery had said when he explained the 'Offer' in the House of Commons, 'by far the most efficient political machine in India'. 'Inspired by an ardent national patriotism', he had added, 'they have striven to make that organisation national and all-embracing. If only they had succeeded, if Congress could in fact speak, as it professes to speak, for all the main elements in India's national life, then, however advanced their demands, our problem might have been very different and in many respects far easier than it is to-day'.[2]

II. Satyagraha

When the A.I.C.C. met on September 15—the Battle of Britain was now joined—it was clear that the Congress leaders, after their brief defection, had resumed their allegiance to Mr. Gandhi. 'Back to Ramgarh' was the note of President Azad's opening speech: the time had come to take the 'next step'. The resolution expressed 'admiration for the bravery and endurance shown by the British nation in the face of danger', and it declared that nothing must be done to embarrass it, provided that the Congress were permitted 'the fullest freedom to pursue its policy' and 'the liberties of the people' were preserved. Mr. Gandhi explained this last point to the Committee.

> The Congress claims for itself the freedom to protect civil liberty in this country, but must have the right to state freely what we feel about the war. . . . I claim the liberty of going through the streets of Bombay and saying that I shall have nothing to do with this war, because I do not believe in this war and in the fratricide that is going on in Europe.[3]

In a second short speech at the close of the proceedings Mr. Gandhi again defined the issue. It was not independence, he said. Indeed he seemed to have dropped the demand even for a declaration of it. Britain, he argued very sensibly, cannot make India independent by saying that she is so. 'India can become independent only if she can hold her own when the British go out.' In any case that was not the immediate issue. 'Our

[1] *Ibid.*, ii, 315-16. The last proposal was an adaptation of the Fiscal Convention, for which see Part I, 85-6.
[2] *Hansard*, H. of C., cccIxiv, 872.
[3] *Indian Annual Register*, 1940, ii, 212-17.

demand is for freedom of speech.'[1] He proposed to make this demand of the Viceroy. If it was rejected, the 'next step', a campaign of non-violent civil disobedience, *satyagraha*, would become inevitable.

Mr. Gandhi interviewed Lord Linlithgow on September 27 and 30, and letters explaining what transpired were subsequently published.[2] Lord Linlithgow informed Mr. Gandhi of the manner in which pacifists were treated in Britain. 'While the conscientious objector is absolved from the duty of fighting and is allowed even to profess his faith in public, he is not allowed to carry his opposition to the length of endeavouring to persuade others, whether soldiers or munition workers, to abandon their allegiance or to discontinue their effort.' But Mr. Gandhi was not content with a similar procedure in India. Though he would not himself 'preach to workers engaged on war work at the actual works', he and others must be free 'to call upon people throughout the country to refrain from assisting India's war-effort'. This demand Lord Linlithgow rejected. Thereupon the Congress launched its long-contemplated offensive. On October 13—waves of German bombers crossed the Kentish coast that day and some of them reached London—the Working Committee accepted Mr. Gandhi's plan of campaign and promised him 'the fullest co-operation in all that he may require or expect them to do'.[3]

At this time the left wing of the Congress, backed by more revolutionary elements outside the party, wanted the civil disobedience movement to be organised on the largest possible scale in the hope that it might develop into something like a national revolt. But Mr. Gandhi would have none of it. He had insisted at Ramgarh that the campaign must be utterly 'non-violent', and he now declared that the first phase of it would be conducted only by individuals whom he himself would choose as men whom he could completely trust. On October 17, accordingly, Mr. Vinoba Bhave, who had been the first of Mr. Gandhi's disciples to reside at his *ashram*, made an anti-war speech at a village near Wardha. He made similar speeches at other villages on the three following days. On October 21 he was arrested and sentenced to three months' simple imprisonment. Pandit Nehru had been chosen to follow Mr. Bhave; but the Pandit had recently made such vehement speeches against the Government as to give grounds for a charge of sedition. On October 31 he was arrested in the United Provinces and in due course sentenced by a local magistrate on three charges to three terms of sixteen months' imprisonment to run consecutively—a severe sentence.[4] The second *satyagrahi* was a much less well-known person, Mr. Brahmo Dutt. On November 7, in the neighbourhood of Wardha, he began shouting the slogan now prescribed, 'It is wrong to help the British war-effort with men or money. The only worthy effort is to resist all

[1] *Ibid.*, ii, 220.
[2] *Ibid.*, ii, 227-33.
[3] *Ibid.*, ii, 222.
[4] The supposition that this sentence was imposed by the executive Government is untrue. The magistrate was acting, of course, *proprio motu*.

war with non-violent resistance'. He was arrested at once and sentenced to six months' imprisonment.

On November 17 the second stage of the campaign began with what Mr. Gandhi called 'representative *satyagraha*'. The *satyagrahis* were selected from groups such as the Congress Working Committee, the A.I.C.C., and the Congress members of the Central and Provincial legislatures. Many eminent Congress politicians, including most of the former Ministers, appeared in the streets, uttered the slogan, and were arrested and sent to prison mostly for twelve months. Mr. Rajagopalachari was one of the last to disappear. He performed his *satyagraha* by writing to various people urging them to desist from the war-effort, and was arrested on December 3. On December 13, President Azad, who had previously told the Press that he had favoured a mass movement but 'had to yield to Gandhiji',[1] made a speech on similar lines to those of Pandit Nehru's speeches: he was sentenced on January 3 to eighteen months' simple imprisonment.

On December 17 Mr. Gandhi ordered a suspension of the campaign from December 23 to January 4. By that date between five and six hundred *satyagrahis* had been convicted. Their arrest, like those of Pandit Nehru and Maulana Azad, had provoked little public excitement: there was only one mass demonstration—at Bankipur in Bihar. This quiescence was partly due, no doubt, to the fact that the Government, under the Defence of India rules, had forbidden the Press to report the progress of the campaign—a step against which Mr. Gandhi protested by stopping the publication of his weekly *Harijan*.[2]

On January 5, 1941, the third stage opened. Lists of *satyagrahis* had been prepared by local Congress committees, and several persons named therein proceeded to do what was expected of them. By the end of the month the number of convictions had risen to about 2,250. In several of these cases fines were imposed instead of imprisonment. Both the extent of the movement and the manner in which it was dealt with varied from Province to Province.[3] It was strongest in the United Provinces, and about half the total arrests were made there. In Bengal the *satyagrahis* attracted little attention and were mostly left at liberty. The North-West Frontier Province was the least affected and only two arrests were made. Dr. Khan Sahib and his colleagues had shown great reluctance at the outset to take part in the campaign, and, when at last he did his duty on December 14, he was picked up by the police and driven home.

[1] *Leader*, Nov. 25, 1940.

[2] Publication was not resumed till January 18, 1942.

[3] The gulf between Mr. Gandhi and some of his professed disciples was strikingly illustrated by the case of Mr. Dev Raj Sethi, a Congress member of the Punjab Legislative Assembly. He was to have offered *satyagraha* on December 11, but was arrested on December 7 for two inflammatory speeches. The following is an extract from the district magistrate's judgment. 'The second speech contains two passages which to the mind of any right-thinking person of whatever party can only be classed as wicked. I refer to the exhortation to the audience to emulate the spirit of the brave German pilots bombing London and to the prayer that this war should be a long one.'

The shouting of slogans continued for a time, but it was greeted by the bystanders with more amusement than sympathy.

The fourth stage of the campaign began in April. Ordinary 'four anna' members of the Congress were now enrolled. The result was a sharp rise in the number of *satyagrahis*. By midsummer over 20,000 had been convicted, but most of these had served their term by then and been released or had only been fined. The number actually in prison at one time reached its peak figure of nearly 14,000 in May. By June 1 it had fallen to about 13,500. In relation to the total membership of the Congress this was a small figure, and some Congressmen had begun to think that the campaign had proved a failure. On April 15, the *Hindu*, one of the leading pro-Congress newspapers in India, asked for the calling-off of *satyagraha*. But Mr. Gandhi was not to be moved from his course. The campaign, he said, on April 20, 'must continue against all odds'. Its magnitude was irrelevant. It was never intended 'to make an appreciable impression on the war-effort'. It was 'a moral protest'.

> It is a token of the yearning of a political organisation to achieve the freedom of 350 million people through purely non-violent effort and therefore to affect the future destiny of the world. An ambitious claim, but it is there. . . . Would friends ask me, at this supreme moment in the life of the world and my own life, to deny the faith that has sustained me for nearly half a century?[1]

So the movement dragged on through the 'hot weather'. By October 1 the number of *satyagrahis* in prison had fallen to about 5,600. Few of the released prisoners had courted re-arrest as Mr. Gandhi had expected them to do. Some of the foremost Congress leaders, of whom all save Pandit Nehru and Maulana Azad were now at liberty, were known to desire an end to the campaign, and more appeals were made to Mr. Gandhi. But the veteran pacifist—he celebrated his seventy-second birthday on October 2—held his ground. In a long statement issued on October 30 he declared that *satyagraha* must neither be expanded into a mass movement, as some desired, since mass-action during the war would 'embarrass' the Government and 'at this stage without communal unity is an invitation to civil war'; nor must it be abandoned. It did not matter how few the *satyagrahis* might be: if there were only ten or two, they would represent the whole Congress. He denied that *satyagraha* was a policy of passive inaction. Every Congressman should press on with the 'constructive programme' with which civil disobedience had been coupled from the outset, especially the promotion of communal harmony, the uplift of the Harijans, and the cult of the spinning-wheel. As to his own leadership, 'the bond', he wrote, 'between Congressmen and me seems to be unbreakable'; and he expressed the hope that 'they

[1] *Leader*, April 21, 1941. At Ramgarh Mr. Gandhi had similarly emphasised the wide scope of his campaign. 'My mind is wholly concentrated on trying this great experiment . . . because it will not only benefit India but the whole world.' *Indian Annual Register*, 1940, i, 234.

will some day fulfil all my conditions and find themselves in enjoyment of full independence such as has never before been seen on earth'.[1]

III. The Minority Parties

Congress critics of *satyagraha* maintained that so negative a policy left the field open to the 'reactionary' parties. What did they make of their opportunity? The Moslem League, it need hardly be said, had denounced Mr. Gandhi's campaign as an attempt to take advantage of the war to force the Congress programme on the British Government. Sir Sikander Hyat Khan had spoken scathingly of Mr. Gandhi's demand for liberty to preach against the war-effort. 'It amounts to this', he had said: 'that, while Britain is engaged in a life and death struggle, he should be given freedom to stab her in the back. That the stabbing is to be non-violent makes no difference.'[2] But throughout the ensuing barren months Mr. Jinnah's policy—and, as will be seen, his policy was the League's—was scarcely more positive or constructive than Mr. Gandhi's. From time to time, as the winter of 1940-41 drew on, in occasional speeches and communications to the Press, he reiterated the creed of Pakistan and its 'fifty-fifty' implications in any temporary constitutional arrangement for the war period. On December 24, the eve of his sixty-fourth birthday, he issued a statement declaring once again that there is no such thing as an 'Indian nation'. To yield to the demands of the Congress would 'amount to prejudging the consideration of the future constitution of India' and would put Moslem India 'under the heel of a Hindu Raj'. 'Moslem India will resist with all the power it can command.'[3]

In the middle of February 1941 newspapers published a scheme attributed to the Foreign Committee of the League, which had been commissioned to study the various proposals for Pakistan. Two Moslem sovereign States should be created: (1) comprising the existing Provinces of the Punjab (with the Delhi Province added to it), Sind and the North-West Frontier Province, and Baluchistan; (2) comprising Assam and Bengal (excluding the Bankura and Midnapur districts, but annexing the Purnea district from Bihar). The integrity and independence of Hyderabad and other States with Moslem rulers must be recognised. States adjoining the Moslem units in the north-west and north-east might be persuaded to federate with them. The scheme, it was claimed, if fully carried out, would afford protection to over 70 per cent. of all Indian Moslems. For a transitional period a Centre would be required for co-ordinating policy on foreign affairs, defence, communications, customs and safeguards for minorities and for encouraging communal intermigration.[4]

This scheme, which seems to have been mainly inspired by Dr. Latif's ideas,[5] did not receive Mr. Jinnah's *imprimatur*. He denied its authority

[1] *Times of India*, Oct. 31, 1941.
[2] *Daily Telegraph*, Oct. 3, 1940.
[3] *Statesman*, Dec. 25, 1941.
[4] *Statesman*, Feb. 18, 1941.
[5] See p. 201 above.

and was careful to say that it had not been officially adopted by the League;[1] and, when the Working Committee met on February 22, it only re-affirmed the basic principle of Partition as laid down in the Lahore resolution.[2] Nevertheless the publication of the scheme had marked an advance in the Pakistan movement and had thereby embarrassed the more moderate members of the League. They had acquiesced in the Lahore resolution in spite of its apparently unequivocal insistence on Partition. But now that a policy, which at first had seemed unlikely to survive a close examination of its practical difficulties, was not only gaining a firmer hold on Moslem minds but taking concrete shape in a constitutional scheme, they began—rather late in the day—to register dissent. Their spokesman was the Premier of the Punjab, who was, of course, aware that any full-blooded Pakistan plan would be vehemently repudiated in his Province, by his Hindu supporters as well as Congressmen and also by all the Sikhs. On March 11 he propounded in the Assembly his own solution of the constitutional problem, described in Chapter XVII, and pleaded for communal concord in the Punjab as the first step to attaining it in India as a whole. At the end of his speech he denounced the idea of one community 'domineering' over another in any area, 'a Muslim Raj here and a Hindu Raj elsewhere'. 'If that is what Pakistan means, I will have nothing to do with it.'

> Let us join hands [he concluded] in order to preserve and maintain peace and harmony within the Province, and unite with the rest of India to face with courage and confidence the danger from without. And let us above all show to the rest of India that we in the Punjab stand united and will not brook any interference from whatever quarter it may be attempted. Then and then only will we be able to tell meddling busybodies from outside, 'Hands off the Punjab!'[3]

Mr. Jinnah's dictatorial authority was as little shaken by this outbreak as Mr. Gandhi's by murmurings in the Congress camp. On March 23, which was celebrated as 'Pakistan Day', he made a speech at Delhi, declaring that Pakistan was neither a counsel of despair nor a counter for political bargaining, but a serious demand.[4] He dominated the proceedings of the League Session at Madras from April 12 to 15, at which the Lahore resolution was written into the League constitution in place of the clause which had defined the League's objective as 'a federation of free democratic states'.[5] Meantime he firmly maintained his refusal to have anything to do with re-arrangements at the Centre except on a 'fifty-fifty' basis, and when, in the summer, the Executive Council was at last enlarged and the Defence Council created, he gave a striking demonstration of his power to impose his will even on the most eminent members of the party. The eight Moslems who had accepted the Viceroy's invitation to join the Defence Council included

[1] *Statesman*, Feb. 20, 1941. [2] See p. 206 above.
[3] *Punjab Legislative Assembly Debates*, vol. xvi, no. 8, pp. 359-62.
[4] *Hindustan Times*, March 24, 1941. [5] *Indian Annual Register*, 1941, i, 295.

the Premiers of the Punjab, Bengal, Assam and Sind. Five, including the three first-named Premiers, were members of the League, and Mr. Jinnah insisted that they must resign. They did so, with the exception of the Nawab of Chhatari (who had already resigned on his appointment as President of the Hyderabad Executive Council) and Begum Shah Nawaz, daughter of Sir Muhammad Shafi, the Moslem leader of pre-war days, and one of the two women in the Punjab Legislative Assembly. She was at once expelled from the League for five years. Similar treatment was meted out to Sir Sultan Ahmed who had succeeded Sir Zafrullah Khan as Law Member of the Executive Council. He was ordered to resign and on refusal sentenced to five years' expulsion. These proceedings were confirmed by the Working Committee and the Council meeting at Delhi on October 26 and 27, when it was also decided that, as a protest against the Government's policy of ignoring the League and its demands, the League members of the Central legislature should withdraw from its November session.[1]

Thus the League under Mr. Jinnah's control seemed to be following the same bare track of non-co-operation as the Congress under Mr. Gandhi's. But, though in each case the leader's power to impose his policy seemed unshakable, there was more open dissatisfaction with it in one camp than in the other. 'General' Gandhi had no such public quarrels with his senior officers as Mr. Jinnah had with the Premiers of the Punjab and Bengal. And there was this important difference between the two parties. Members of the League, though debarred from the Central Government, were governing in three Provinces, fully committed to the war, and were freely serving as individuals on local bodies and committees associated with its prosecution. But no Congressman held any office or took any share in the war-effort.

There was no change in the attitude of the other chief parties during this period. The Mahasabha staunchly maintained its militant and communal character. It denounced the *satyagraha* campaign as sterile, unmanly, and injurious to the Hindu cause, and declared its willingness to co-operate in the war-effort. But for that, of course, it laid down conditions—conditions that seemed again to suggest that the war it had in mind was not so much the present war against the Axis Powers as a prospective war against the Moslems. Meeting on September 21 to 23, the Working Committee passed a resolution which began as follows.

Resolved that in view of the opportunity that the present war offers for the general militarisation of the Hindus and for the organisation of the system of India on sound and up-to-date modern lines so that India be converted into a self-contained defence unit, the Hindu Mahasabha is prepared wholeheartedly to work out the schemes of the expansion of the Viceroy's Executive Council and the War Advisory Council, but on honourable terms of equity and justice.

The terms were (1) that the Government must declare that it has not approved or accepted any proposals for Partition, and (2) that, if two seats

[1] *Ibid.*, 1941, i, 298.

on the Executive Council were allotted to the Moslem League, six must be allotted to the Mahasabha, one of which would be given to the Sikhs and one to the Depressed Classes, and similarly that, if the League had five seats on the Advisory Council, the Mahasabha must have fifteen. 'The Committee', it was added, 'considers that the demand of the Muslim League for 50 per cent. representation on the proposed Executive Council and elsewhere is undemocratic, unconstitutional, unreasonable and preposterous', and the Viceroy was asked to pledge himself that it would never be accepted. Two other constitutional points were made. A time-limit not exceeding one year after the war must be set to the attainment of full Dominion Status, and the *interim* plan for the two Councils at the Centre would succeed, it was asserted, 'only if a convention grows that the Viceroy will act as the constitutional head of the administration and all real power and responsibility is granted to those bodies'.[1]

At the annual Session at Madura on December 28 to 30, attended by some 2,000 delegates, Mr. Savarkar expounded this policy in his presidential address, and a resolution on the same lines as the Working Committee's was carried with only three or four dissentient votes. But there was a new conclusion to it. 'In case the Government fails to make a satisfactory response to the demands embodied in this resolution before the 31st of March 1941, the Mahasabha will start a movement of direct action.'[2] Mr. Savarkar was believed to have opposed this sudden change from a co-operative to a minatory attitude, and more moderate counsels soon prevailed. The threat was not repeated by the Working Committee at its meetings in January and March 1941, and, when it met again on June 14-15, while it declared the British Government's response to the Mahasabha's demand to be 'evasive, unsatisfactory and disappointing', it resolved 'that the question of launching the campaign of direct action on an all-India issue and scale be postponed for the present'.[3]

Those members of the Mahasabha who felt that Hindu opposition to the Government should not be monopolised by the Congress were doubtless disappointed at this retreat, but a few months later they got their chance of a militant demonstration. It was proposed to hold the Session of 1941 on December 24 to 27 at Bhagalpur in Bihar. But the Governor of Bihar, a 'Section 93 Province', asked that the arrangement might be altered because the date would coincide with that of the Baqr'Id festival and Bhagalpur was notoriously liable to outbreaks of communal strife. The Mahasabha refused to make this concession, as they regarded it, to Moslem sentiment, and the Session was banned. After some fruitless negotiations, it was decided to ignore the ban. Some 1,200 'volunteers', mostly from Bombay and Bengal, made their way to or towards Bhagalpur. Among them was Dr. Syama Prasad Mookerjee, Vice-President of the Mahasabha. Though he had recently become Finance Minister in Mr. Fazl-ul-Huq's coalition

[1] *Indian Annual Register*, 1940, ii, 266-8. [2] *Ibid.*, ii, 270-6.
[3] *Ibid.*, 1941, i, 283-4.

Government in Bengal,[1] he had published an appeal to his fellow Hindus to defy the Government of Bihar. He was detained before reaching Bhagalpur and persuaded to return to Calcutta. About 560 of the demonstrators were arrested. All of them were released when the period of the ban expired on January 5, 1942. The significance of the incident was its exhibition of the length to which a communal body was prepared to go in assertion of its claims.

Of the major parties there remain the Liberals—a major party in the sense that it contains some of the wisest and most experienced Hindu politicians in the country, but not in the sense that it commands the support of any substantial fraction of the electorate. In November 1940 its most distinguished member, Sir Tej Bahadur Sapru, issued a public statement[2] calling for a meeting between Mr. Gandhi and Mr. Jinnah, and laying down the principles of the policy which was adopted by the National Liberal Federation at its twenty-second Session at Calcutta on December 28-30. The more important resolutions may be summarised as follows. (1) India should wholeheartedly support the war-effort for the sake of democracy and India's freedom. 'If England went down', said Sir Chimanlal Setalvad, 'India would lose even the present measure of liberty she enjoys.' But sufficient enthusiasm for the war among the people could be awakened only by a change in the Government's policy. (2) The British Government should at once declare that India would be accorded full Dominion Status within two years after the war. (3) For present purposes the Central Government should be 'so reconstructed as to have by convention a fully national character'. 'The Viceroy should be its constitutional head, and the British Government should not ordinarily interfere with any policy that has the support of such an Executive and the Central Legislature.' The departments of Defence and Finance should be entrusted to non-official Indians. (4) The division of India into Pakistan and Hindustan must be ruled out. India must retain its unity on a federal basis. Unqualified democracy should be attained by the gradual elimination of communal electorates. (5) The Congress civil disobedience campaign was to be deplored, 'as it will still further complicate the difficult situation in the country'. It is bound, argued Dr. Paranjpye, to 'embarrass' the British Government and to a certain extent to encourage Fascism and Nazism.[3]

The next Liberal move was to organise a Non-Party Conference. It met at Bombay on March 14, 1941. It consisted mainly of Hindu Liberals, but there were also a few Sikhs and three or four Moslems, the latter of no great political standing. A striking feature was the attendance of the three leading members of the Mahasabha, Mr. Savarkar, Dr. Moonje and Dr. Syama Prasad Mookerjee. Sir Tej Bahadur Sapru presided. The resolution, which was moved by Sir N. N. Sircar and carried unanimously, was on much the same lines as the Calcutta resolution of the Federation. 'While

[1] See p. 30 above.
[2] *Indian Annual Register*, 1941, ii, 397-402.
[3] *Ibid.*, 1941, ii, 309-15.

India should not take advantage of Britain's difficulties in her heroic struggle', the existing political deadlock should be overcome by the immediate reconstruction of the Central Government. The whole of the Executive Council should consist of 'non-official Indians drawn from important elements in the public life of the country'.

The Conference would be content during the period of the war that the reconstructed Centre remain responsible to the Crown; and, so far as defence is concerned, the position of the Commander-in-Chief as the executive head of the defence forces of the country should not be in any way prejudiced. At the same time the Conference is strongly of the view that the reconstructed Government should not merely be a collection of departmental heads, but should deal with all important matters of policy on a basis of joint and collective responsibility. In regard to all inter-imperial and international matters, the reconstructed Government should be treated on the same footing as the Dominion Governments.[1]

Only two speakers questioned whether the conversion of the Council into a body of non-party Indian politicians—mostly Liberals, it might be presumed—would really overcome the deadlock. Sir Chimanlal Setalvad pointed out that the new Members of Council, however eminent and patriotic, would have no effective backing in the legislature or in the country and would be unable to carry their legislative measures if the Congress and the Moslem League were to combine against them. Sir Cowasji Jehangir argued that the only way to create a real mass war-effort was to establish Congress-League coalition Governments, and advised the Conference to appeal to the Congress and the League.[2] When the same point was made by Mr. Amery in his speech in the House of Commons on April 22—'the resolution seems to me to have been directed to the wrong address'—the standing committee, which had been set up by the Conference, replied that it was 'intolerable that the progress of the country should be held up by His Majesty's Government merely because the two contending parties would not or could not compose their differences'.[3]

The Council of the National Liberal Federation, meeting at Poona on June 29, repeated the proposals made at Calcutta and Bombay. 'The Government have failed', it said, 'to create the psychological atmosphere necessary for mobilising to the maximum pitch the resources of India in men and material.' It deplored Mr. Amery's refusal to advance without the prior agreement of the Moslem League: no reference was made to the Congress. The Council's only contribution to the communal controversy was its 'unqualified condemnation of the scheme of partitioning India which is known as Pakistan' and its appeal to all Indians to resist it to the utmost.[4]

A second Non-Party Conference was held at Poona on July 26 and 27. Over 60 persons were present, but only 16 of them had attended the previous

[1] *Ibid.*, 1941, i, 307-8.
[2] *Ibid.*, 1941, i, 310.
[3] *Ibid.*, 1941, i, 328. Sir Tej Bahadur Sapru issued a personal statement on the same lines: *ibid.*, 331-2.
[4] *Ibid.*, 1941, i, 333.

Conference. Of the two Moslems, one was Sir Mirza Ismail, ex-*Diwan* of Mysore, who had taken a prominent part in the discussions leading up to the Act of 1935. The enlargement of the Central Executive Council had recently been announced, and the tone of the speeches and resolutions was less critical and more co-operative than at the previous Conference. The change at the Centre, it was declared, showed that the British Government had abandoned its case that no advance could be made without an agreement between the major parties. Though the retention in British hands of 'key portfolios like Defence and Finance' showed that Indians were still distrusted, and though only a complete Indianisation of the Executive Council could arouse the requisite popular enthusiasm for the war-effort, it was recognised that the Council would now for the first time possess a non-official Indian majority. The demand for a more independent status for India at inter-imperial and international conferences was repeated: her representatives should be appointed and instructed by the Government of India, not the Secretary of State.[1] The communal question was not directly attacked: no mention was now made of Pakistan; but Sir Tej Bahadur Sapru, again presiding, said that the best service the new Councillors could render to their country would be to promote a communal agreement, and the second of the two resolutions authorised Sir Tej to initiate an immediate inquiry into the principles of a future constitution to be framed 'with a view to ensuring and preserving the unity and integrity of the country, to secure its equality of status with Great Britain and the Dominions, and to promote goodwill and harmony among all sections of the people'.[2]

Nothing could have been better calculated to bring all parties face to face with the realities of the political situation than this last proposal. It had been suggested, indeed, in the 'August Offer', and more than once since then, as will be seen, Mr. Amery had renewed the suggestion. But, though the proposal was warmly supported by Sir Mirza Ismail, nothing came of it. During the dreary autumn of 1941 the Liberals made no further move.

Thus, throughout the long period of the Congress revolt, the pattern of Indian politics was not substantially changed. No real or persistent effort was made in any quarter to bridge the gulf between the major parties, and, unless it were bridged, popular government could not be resumed in the Provinces, nor introduced at the Centre. The only change in the pattern, indeed, was towards a greater rigidity. The Moslem League's demand for Partition stiffened.

IV. The British Government's Policy

What efforts were made by the British Government on their side to break the deadlock?

From the autumn of 1940 onwards Mr. Amery continued, both in the House of Commons and outside it, in speeches addressed at least as much to

[1] See Part I, 84.

[2] *Indian Annual Register*, 1941, ii, 260-72.

an Indian as to a British audience, to expound the policy of the 'August Offer'. A full analysis of these speeches[1] cannot be attempted here, but the gist of them was as follows.

(1) The promise to India of full Dominion Status or 'free and equal partnership in the British Commonwealth' as soon as possible after the war is repeated in almost every speech. The proviso, *viz.*, the fulfilment of British obligations, is explained as covering such matters as defence, minority rights, the treaties with the States, and the position of the Secretary of State's Services. All these matters can be settled either in the new constitution or by treaty agreements between the British and Indian Governments.[2]

(2) The chief obstacle to advance is communal discord. It must be overcome by Indians themselves, and they *can* overcome it if they will adopt the watchword of 'India First'. That watchword might inspire Congressmen to temper their democratic logic and seek a compromise with the Moslems and the Princes: it might inspire Moslems not to push the defence of their communal rights 'to the point of imposing a veto on all political progress except at the cost of a complete breakdown of Indian unity': it might inspire the Princes to make their contribution to the unity of India 'by the sacrifice of some of [their] sovereign powers and by such reforms in the internal constitution of [their] States as will bring [them] more nearly into harmony with the political life of India as a whole'.[3]

(3) The political unity of India, Britain's greatest gift to her, must not be destroyed. 'If some sort of Indian unity had not existed, it would have to be invented.' Without the internal peace and external security which unity alone can ensure, freedom will not grow or last. Partition would not solve the problem of permanent minorities and is open to many other objections. 'It is a counsel of despair, and, I believe, of wholly unnecessary despair.'[4]

(4) Though the major parties are recalcitrant, cannot public-spirited Indians of all communities get together—young idealists, intellectuals, practical men of affairs—and begin the task of thinking out the principles of the future constitution? They might find that the existing difficulties were due in some degree to too faithful an imitation of the British parliamentary system. Other models might suit India better—the American or Swiss constitutions, for example. Such discussions might not only prepare the way for the actual framing of the constitution after the war; they might also bring about a better intercommunal understanding and so help to break the existing deadlock.[5]

In effect these speeches were a challenge to Indians to do what no one else could do for them, but, as has been seen, there was no response. If any Indians approved of the speeches, they did not say so. All the public comment was hostile and much of it abusive. Naturally enough, perhaps, the

[1] A selection of them is given in *India and Freedom* (London, 1942).
[2] *India and Freedom*, 30-1, 11-2.
[3] *Ibid.*, 33-8.
[4] *Ibid.*, 21, 33 4, 46-7, 87.
[5] *Ibid.*, 18, 31, 37, 46, 71, 78

Moslem League denounced the appeal for 'India First', and Mr. Amery was formally reprimanded by the Working Committee for 'indulging in such slogans'.[1] Nor did Mr. Amery's opposition to Partition win him any credit from the Congress. A speech he made in the House of Commons on April 22, 1941,[2] provoked an unusually bitter protest from Mr. Gandhi, coupled with an unusually 'realistic' recipe for the solution of the communal problem.

> Mr. Amery has insulted Indian intelligence by reiterating *ad nauseam* that Indian political parties have but to agree among themselves and Great Britain will register the will of a united India. . . . It is the British statesmen who are responsible for the divisions in India's ranks, and the divisions will continue so long as the British sword holds India under bondage. I admit that there is unfortunately an unbridgeable gulf between the Congress and the Muslim League. Why do not British statesmen admit that it is after all a domestic quarrel? Let them *withdraw from India*, and I promise that the Congress and the League and all other parties will find it to their interest to come together and devise a home-made solution for the government of India. It may not be scientific; it may not be after any Western pattern; but it will be durable. It may be that, before we come to that happy state of affairs, *we may have to fight amongst ourselves*. But, if we agree not to invite the assistance of any outside Power, the trouble will last perhaps a fortnight. . . .[3]

It was much the same with Mr. Amery's other exhortations. His call for constitutional discussion was ignored. His suggestion of alternatives to the British parliamentary system was interpreted as an insidious attack on democracy, though Mr. Gandhi himself, in the statement just quoted, suggested the possibility of some non-Western form of government.

Nor did Mr. Amery fare much better in other quarters than the Congress and the League. Sir Tej Bahadur Sapru, for example, was one of his severest critics—and this, in view of what Mr. Amery had said in 1935 and of what he was saying now, was somewhat surprising. If he meant what he said about India's future, he was evidently one of the most wholehearted champions of Indian nationalism since Mr. Montagu's day. True, he had explained the obstacles to advance more clearly and more often than any other British statesman—and it was this perhaps that provoked most resentment—but, again if he meant what he said, he believed those obstacles could be overcome. If, as Mr. Gandhi alleged, he was deliberately magnifying them, if he were pursuing 'the traditional policy of Great Britain to prevent parties from uniting', he would surely have been less quick to repudiate Pakistan. But there was no argument about it in the Press or on the platform. Indian nationalists had made up their minds that Mr. Amery's word was not to be trusted.

There might, perhaps, have been less disbelief in the British Government's sincerity if the 'August Offer' had proposed a more striking constitutional advance in the immediate future. If India was really to be trusted with

[1] *Indian Annual Register*, 1941, i, 292. [2] *India and Freedom*, 73-84.
[3] *Indian Annual Register*, 1941, i, 327. Italics not in the original.

full self-government after the war, surely, it was argued, she could be trusted at once with more than a few extra seats on the Executive Council. That step, moreover, was long delayed. The Viceroy's negotiations with Mr. Jinnah and other leaders dragged on for several months and it was not till July 22, 1941, that the composition of the new Council was announced. Its Indian members, now eight out of thirteen (including the Viceroy and the Commander-in-Chief), were, as has been seen, all able and experienced men, and two of them had once stood high in the ranks of the Congress. But the old belief persisted in nationalist minds that the function of the Council was to register the opinions of the Viceroy and the function of the Viceroy to do what he was told by Whitehall. If the Indian members had been, as it had been hoped they would be, the leaders of the chief political parties, that legend might at last have been exploded. They could have gone to the people as people's men and told them of the power that in fact they exercised.

It was not to be expected that the establishment of the Defence Council at this same time would make much impression on nationalist opinion. It did associate a body of representative Indians with the conduct of the war. It did enable them to acquire a great deal of knowledge about it which they would not otherwise have acquired, and, if they chose, to press their opinions on the Government. But it was a purely advisory body. There was no question here of a transfer of power.

These implementations, therefore, of the 'August Offer' did little to convince the doubters that Britain really intended India to be free, and a few weeks later the distrust was deepened by the unfortunate misunderstanding over the Atlantic Charter. Its third clause committed the British and American Governments to certain principles of policy in these terms.

> They respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them.

This clause was warmly welcomed by Indian nationalists. The second sentence might not apply to India since in large parts of it British rule had not been established by force; but the first sentence clearly applied; and it meant that the United States was now also pledged to the policy of constitutional self-determination implicit in the 'August Offer'. If the matter had rested there, there might have been no dispute; but on September 9 Mr. Churchill told the House of Commons that the Atlantic Charter, though it was in full accord with British policy in India as embodied in the 'August Offer', was not directly concerned with it.

> At the Atlantic meeting we had in mind, primarily, the restoration of the sovereignty, self-government and national life of the states and nations now under the Nazi yoke, and the principles governing any alterations in the territorial boundaries that may have to be made. So that is quite a separate problem from the progressive evolution of self-governing institutions in the regions and peoples which owe allegiance to the British Crown. We have made declarations on these matters which are complete in themselves, free from

ambiguity and related to the conditions and circumstances of the territories and peoples affected. They will be found to be entirely in harmony with the high conception of freedom and justice which inspired the Joint Declaration.[1] This explanation only served to inflame the suspicions it was intended to allay. British dishonesty, said Congressmen, had now been nakedly exposed; and the outcry was not confined to them. Sir Tej Bahadur Sapru sarcastically regretted that such masters of the English language as Mr. Churchill and Mr. Amery should be unable to express their desire for India's freedom in unambiguous words.[2] Even the Premier of the Punjab, who had hitherto declared himself satisfied with the promise of Dominion Status after the war, expressed his uneasiness and asked for—and obtained—a clear reaffirmation of the pledge.[3] These protests were significant. Moderate-minded Indians, it is safe to say, did not really believe that the British Government were playing a double game, that they were bribing India to do her utmost to help in winning the war with a promise which they intended to repudiate when the war was won. But did the promise itself mean all it seemed to mean? Indians were to be 'primarily responsible' for the framing of their constitution. Was that quite the same as what the Charter said? And to what extent would the Indians' right 'to choose the form of government under which they will live' be conditioned by the fulfilment of British obligations? Some Indians, at any rate, who had never asked these questions before, began to ask them now.

It would give a distorted picture of India's part in the war to dwell only on the attitude of the political parties—on the long-drawn-out campaign of *satyagraha*, on the intransigency of the League and the militant communalism of the Mahasabha, on the sharpening of antagonism to Britain in some nationalist circles and the deepening distrust in others. It must be remembered once more that, apart from the vast mass of countryfolk whose only concern, war or no war, was to scrape a living from the soil, there was a great body of educated Indians who were taking their full part in the war-effort—the Indian Members of the Executive Council, the majority of those Indians who still attended the Central legislature, the Ministries of the four, and later on the five, non-Congress Provinces and the majorities of their legislatures, a host of Indian civil servants at the Centre and in the Provinces and a multitude of members of various war committees. Regiments of the Indian Army were fighting with all their traditional bravery in Africa and the Middle and Far East, and recruits were streaming in at least as fast as they could be equipped. Indian workers, too, were now producing, besides a

[1] *Hansard*, H. of C., cccIxxiv, 68-9. [2] *Hindustan Times*, Sept. 15, 1941.

[3] *Ibid.*, Oct. 2, 1941: *Leader*, Oct. 3. Questioned about Sir Sikander's statement, in the House of Commons on October 9, Mr. Amery said: 'I can only repeat, in order to remove any possible ground for misunderstanding, that the Prime Minister's statement of September 9 with reference to the Atlantic Charter expressly made it clear that the Government's previous declarations with regard to the goal of India's attainment of free and equal partnership in the British Commonwealth and with regard to our desire to see that goal attained with the least possible delay after the war, under a constitution framed by agreement among Indians themselves, hold good and are in no way qualified' (*Hansard*, H. of C., cccIxxiv, 1104). Sir Sikander accepted this explanation (*Times of India*, Nov. 26, 1941).

mass of goods directly or indirectly useful for the war, enough arms and equipment not only for the whole of the Indian Army, except in heavy artillery and tanks, but also for export to the forces on the Nile and in the Middle East. The importance of the rôle of India in the economic strategy of the war had been strikingly illustrated by the gathering at Delhi in October 1940, of the Eastern Group Conference. Delegates from Australia, New Zealand, South Africa, Southern Rhodesia and all the dependent British territories from East Africa eastwards to Hong Kong discussed with officials of the Indian Government and their unofficial business advisers how best to develop and co-ordinate local resources for the common cause; and as the outcome of the Conference a standing Eastern Group Supply Council was established. The Indian States, moreover, had their place in the general war-effort. Princes were enlarging their State forces and sending detachments of them to the battlefields overseas, providing facilities for the development of factories and raw materials, and contributing, like many of their fellow countrymen in British India, to the various war funds. All in all, India was certainly in the war.

Nevertheless India could not be at war in the way that Britain was at war as long as a majority of politically-minded Indians continued to regard the conflict with a divided mind.[1] Of their aversion from Nazism there had never been any doubt. No less certain was their sympathy with China and, especially after Hitler's attack on her, with Russia. Those of them who were not imbued with Mr. Gandhi's pacifism wanted to fight for China and for Russia; but, though they knew, whatever they might say, the difference between Nazism, now exhibiting its grimmest features in the lands it had overrun, and British 'imperialism', they did not want to fight for Britain, still less under British control. Thus, as the autumn of 1941 drew on, there grew in them, especially perhaps among the younger generation, a sense of irritation and frustration. The whole world, they saw, had reached a supreme crisis in its history. The issue of the present conflict would determine its fate for centuries to come. All India's memories of her ancient past, all the idealism in her present life, demanded that she should play her part with all her strength. If India was a nation, now, they felt, was the time to prove her nationhood. But that, they were told, was impossible because, as some said, India was not free or because, as others said, India was not one nation but two. So the sense of frustration and resentment was unrelieved, the deadlock unresolved, when the Japanese attack on Pearl Harbour in December gave a new and ominous turn to the war.

[1] The difference in 'atmosphere' between India and Britain is illustrated by the public expressions of grief when Mr. Subhas Bose (who was in Berlin) was falsely reported to have been killed in the crash of a Japanese aeroplane. When the mistake was corrected, Mr. Gandhi and Maulana Azad telegraphed to Mr. Bose's mother, 'We congratulate you *and nation*' (*Hindustan Times*, March 30 and 31, 1942). Another illustration is the tribute to Japanese culture inserted into Mr. Gandhi's address to Benares University on the Indian language question on January 21, 1942. After criticising the teachers and students 'for choosing English as the medium of the expression of their thoughts . . . he held up the instance of Japan which had become a challenge to the West not by slavishly following everything Western but by learning the best of the West through their own language. He expressed satisfaction at the progress made by Japan.' *Leader*, Jan. 23, 1942.

CHAPTER XXI

THE CRIPPS MISSION

I. Reaction to the Japanese Advance

Since the Battle of Britain the idea that India might be invaded had fallen into the background. Though the fortunes of the war in Libya oscillated, the Nile Valley and Suez now seemed reasonably safe; and there seemed no immediate danger of a German break-through by way of the Caucasus or Turkey and so overland to India's frontier. But the growing confidence that in this war as in the last no battles would be fought on Indian soil was destroyed by the spectacular Japanese advance in the winter of 1941-42. It was clear that India's safeguard in the last war, the British command of the sea, was lost, at any rate for the time being. After the fall of Singapore on February 15, the Bay of Bengal lay open. When Rangoon fell on March 7, it seemed as if the tide of Japanese conquest, which had flowed so swiftly and irresistibly over Malaya and then Burma—only yesterday a Province of the Indian Empire—would soon be sweeping into Bengal and Madras. All down that long flat eastern coast Indians were faced with a similar prospect to that which had faced Englishmen in 1940. Refugees poured out of Calcutta. If there was less immediate alarm in Delhi or Bombay, it seemed nevertheless quite possible that Japanese armies might be able to penetrate as deeply and quickly into India as they had into Malaya and Burma. Only in the north-west was the sense of security unshaken. 'We will not yield an acre of our land', said the Pathans, 'to the Japanese idolaters.'

Meantime Tokyo was attacking by radio. India was daily told that the Japanese, linked with her by their Buddhist faith, were only coming to deliver her from British tyranny. Let her rise in revolt then, and so secure her place in the free and prosperous 'new order' of the East. Indians listened—they had listened to Axis broadcasts since the war began—but they were not convinced. The Japanese Government, no doubt, had bought the services of sundry secret agents, and revolutionaries of the extreme Left, especially in Bengal, were still ready to take their orders from Mr. Subhas Bose, even if they came by radio from Berlin. But, as far as was known, there was no large or highly organised 'fifth column'. Nevertheless the divided mind persisted. If educated Indians as a whole were not pro-Japanese, the imminence of the threat to India did not make them any more pro-British. Only those Indians who had shared from the outset in the war-effort and had never agreed with Congressmen's wholesale condemnation of the British record in India felt themselves drawn closer to their British colleagues and comrades in arms. In other quarters anti-British feeling was not softened, it was hardened by the new danger. Japan, it was argued, would not have attacked India if she had not been part of the British Empire;

and, if India had been free to choose, she might, like Eire, have been neutral. The one plea, moreover, on behalf of British rule in India which had hitherto been incontestable, the security it gave her from invasion, now seemed invalid. The British Empire, said the defeatists, was collapsing and would drag India down with it. 'Let us do nothing', some of them added, 'to antagonise Japan.'[1]

While such a mood prevailed, it was not, perhaps, to be expected that the special danger to India in 1941-42 would have more effect as a solvent of the political deadlock than the danger to the common cause of freedom in 1940. Soon after Pearl Harbour the Viceroy made a public appeal for a united national front, and optimists may have hoped that in face of so great and immediate a menace the conflicting Indian parties would come to terms, both with themselves and with the Government, in order to do all that could be done to save the country. But that did not happen. The reaction in 1942 was much the same as the reaction in 1940. The chief difference was the greater bitterness which the long period of friction and frustration had engendered.

On the eve of Pearl Harbour, as it happened, the Central Government had made a conciliatory gesture. The *satyagraha* campaign had now practically petered out, and on December 3 all the imprisoned *satyagrahis* and also Pandit Nehru and Maulana Azad were released. Indian Members of the Council were given credit for this decision in the Congress Press, but it was not regarded as justifying any change in Congress policy. Pandit Nehru's message to Mr. Amery from the prison gates was simply 'Get out!',[2] and the vehemence of his public speeches was unabated. The releases, said Mr. Gandhi, made no difference to him. Civil disobedience would continue unless the Working Committee and A.I.C.C. should otherwise decide, and he advised President Azad to convene them.[3] The Working Committee met at Bardoli from December 23 to 30 and again at Wardha on January 13 and 14; the A.I.C.C. met at Wardha on January 15 and 16. Those were the first meetings of those bodies since the meetings in September 1940, which had rejected the 'August Offer' and followed Mr Gandhi into civil disobedience. But the Congress leaders now went back beyond that September, back to the meetings that had been held during and after the fall of France. Again they were confronted with danger to India, and, though it was now far graver and more immediate, their policy was on the same lines. The familiar indictment of the British Government was repeated. 'British policy was one of deliberate insult to Indian nationalism.' All the Congress proposals for 'an honourable compromise' had been rejected. Even moderate opinion had been flouted. This time, therefore, there was no suggestion of co-operation with the Government on any terms. No help could be given to 'an arrogant imperialism which is indistinguishable

[1] Mr. Rajagopalachari referred to this attitude at the meeting of the A.I.C.C on January 15. *Hindu*, Jan. 17, 1942.
[2] *Hindu*, Dec. 18, 1941.
[3] *Hindustan Times*, Dec. 8, 1941.

from Fascist authoritarianism'. The Congress must cope with the coming emergency by itself. Instructions were accordingly drawn up for circulation to all Congressmen, bidding them strengthen their local organisations, enrol volunteers, and make closer contact with the people. 'Every village should as far as possible receive the message of the Congress and be prepared to face such difficulties as might arise.' In issuing these instructions the Congress 'high command' were ignoring, of course, the fact that the Provincial Governments and a host of local officials and unofficial war workers were doing their best to prepare the countryside for an emergency. The old idea of a 'parallel government' was being applied again. There was to be no conflict with the lawful authorities: the orders they might give at a crisis should be obeyed 'unless they are contrary to Congress directions': but the Congress, it was clear, even if the Japanese landed in India, were to carry on by themselves, aloof and apart from the 'official' defence of their country and from those of their fellow-countrymen who were willing to co-operate in it.[1]

There was one more point, the most striking point, of similarity between the Congress policy in midwinter 1941 and in midsummer 1940. As on the morrow of the *blitzkrieg*, so now when the Japanese were advancing upon India, the majority of the Congress leaders rebelled against Mr. Gandhi's pacifism. The Working Committee's resolution at Bardoli expressed 'respectful appreciation of Mr. Gandhi's leadership and of the response of the nation to it'; but he was no longer leader. In the course of the discussions he had written to Maulana Azad resigning his leadership of Congress policy.[2] The difference between him and the majority of the Working Committee was clearly explained by Maulana Azad to the A.I.C.C. on January 15. Mahatma Gandhi, he said, would not have India obtain her independence under the shadow of war and at the price of taking her full part in the war-effort. 'I am prepared', the Maulana added, 'to accept the independence of my country at any moment. . . . The only thing is that it should be real independence.'[3]

This revolt against Mr. Gandhi's pacifism was not the only matter of controversy at Bardoli. Mr. Rajagopalachari, whose successful Premiership of Madras had put him in the forefront of the Congress leaders, had been a member of the Working Committee since 1921, and his personal ties with Mr. Gandhi were close: his daughter had married Mr. Gandhi's son against the rules of caste. But, addressing the Convocation of Lucknow University on December 13, he had frankly admitted that he did not see eye to eye with Mr. Gandhi on certain fundamental questions and that this disagreement might lead to 'a parting of the ways'.[4] At Bardoli, however, it was clear that he disagreed not only with Mr. Gandhi's pacifism—in which he was supported by the majority of his colleagues—but also as to his attitude to the question of co-operation on terms with the British war-effort. The

[1] *Hindu*, Dec. 31, 1941.
[2] *Ibid.*
[3] *Ibid.*, Jan. 16, 1942.
[4] *Indian Annual Register*, 1941, ii, 379

speeches which he and Pandit Nehru made at the meeting of the A.I.C.C. on January 15 betrayed the rift. 'At this late stage', said the Pandit, 'to talk of coming to terms with the British Government is out of the question. . . . Maybe free India might throw her weight on the side of those countries with whom Britain might be in agreement, but that did not mean a settlement with Britain.'[1] Mr. Rajagopalachari, on the other hand, while he repudiated the charge that he wanted to compromise with the British Government at any cost, insisted that the Congress 'must ever be ready for a settlement'. 'Our co-operation is available if the British do the right thing. . . . Even at the last moment we must be ready to take up responsibility.'[2] Here, then, was an unmistakable difference of opinion, and Mr. Gandhi himself made no bones about it. Changes had been made, he told the A.I.C.C., in the draft of the Bardoli resolution, which had been written as usual by Pandit Nehru, and these changes 'had opened a tiny window for Rajaji to squeeze in'. 'Jawaharlalji's opposition to participation in the war-effort', he added, 'is almost as strong as mine, though his reasons are different', and then—it was a significant moment to choose—he nominated Pandit Nehru as the man who would take his place in the Congress movement when he was dead.[3]

Thus, if the pacifists had lost, the non-co-operationists had won, and the hopes cherished in some Congress circles that one more effort should be made to come to terms with the British Government were disappointed. If the Japanese invaders came, as now at any time, it seemed, they might come, they would find the defenders of India in two camps. And in more than two camps. If the quarrel between the Congress and the Government was quite unreconciled, so was the quarrel between the Congress and the Moslem League. The League, as an organisation, though not as individuals, was almost as stiffly committed to non-co-operation as the Congress. Though his personal power at the moment seemed declining—two of the three so-called 'League Ministries' fell this winter[4]—Mr. Jinnah was standing his ground as firmly as Mr. Gandhi. Pearl Harbour made no difference to the tenour of the resolutions which he submitted to his Working Committee at Nagpur on December 26 and 27. Ever since the first months of the war, they affirmed, the League had consistently declared its willingness to co-operate in the war-effort with the British Government and with the Congress. The Congress had refused to negotiate unless its own demands were first conceded. The British Government had ignored the offer and had proceeded to enlarge the Executive Council without the League's approval. Guarantees, it was admitted, had been given in the 'August Offer' and repeated since for the protection of minority rights in the framing of the future constitution—guarantees which, so the Committee now assumed, covered the claim to Pakistan—but it was being suggested by some British newspapers and

[1] *Hindu*, Jan. 16, 1942. [2] *Ibid.*, Jan. 17, 1942.
[3] *Hindu*, Jan. 16, *Harijan*, Jan. 25, 1942; and see p. 93 above.
[4] Assam and Bengal: see pp. 59 and 30 above.

politicians that in view of the Japanese danger a policy of 'appeasement of the Congress' should be adopted.

The Working Committee, therefore, consider it necessary to warn the British public and Government that any departure from the policy and the solemn declaration of August 8, 1940 and the pledges given therein to the Mussulmans would constitute a gross breach of faith with Muslim India, and that any revision of policy or any fresh declaration which adversely affects the demand for Pakistan or proceeds on the basis of a Central Government with India as one single unit and Mussulmans as an all-India minority, shall be strongly resented by the Muslims who will be compelled to resist it with all the forces at their command, which would, at this critical juncture, among other things necessarily result in a serious impediment of the country's war-effort. . . .[1]

This challenge was duly echoed by the Moslem Press. On February 8, the day on which the Japanese secured a foothold on Singapore Island, the official weekly organ of the League, *The Dawn*, filled its first page with a flaming manifesto issued by a Moslem youth study circle. 'Pakistan is our deliverance, defence, destiny. . . . No amount of threats or intimidation will ever deter us from the chosen path. Hints about "a long civil war" we brush aside with contempt. . . . Pakistan is our only demand . . . and, by God, we will have it!' Even those observers who had never underestimated the strength of Moslem opposition to a Hindu Raj were startled by such official propaganda at such a time. The League, it seemed, was more concerned with the future partition of India than with its immediate salvation from Japanese conquest.

The response of the Mahasabha was almost automatic. Its leaders clamoured yet more loudly for the increased enlistment of Hindus in the army, and, while they repudiated the unpractical ideology of the Congress, they poured scorn on Pakistan, 'a mere fad and a dream', and on Mr. Jinnah's threats to achieve it at any cost. 'We have faced more serious revolts in the past', said Mr. Savarkar at Lucknow on March 1, six days before Rangoon fell. 'Why hold your threat in abeyance, why not come out with it to-day? Hindus have an ancient culture and have withstood numerous revolts. They are four times the Muslims numerically and have the same arms and penal codes to defend themselves which Muslims have.' The communal temper of the Mahasabha was evidently rising, and so was the scale of its political demands. The occasion of Mr. Savarkar's speech just quoted was a meeting of his All-India Committee which demanded a proclamation of India's full independence, the abolition of the India Office, the complete Indianisation of the Central Government on a democratic basis (*i.e.*, its communal make-up determined by the numerical strength of the communities), and the transfer of the whole administration of the country to Indian hands. Meantime the Mahasabha, like the Congress, should play its part in the preparations for civil defence, but, unlike the Congress, in co-operation with the official authorities and other political organisations.[2]

[1] *Indian Annual Register*, 1941, ii, 221-2.

[2] *Tribune*, March 4, 1942.

The Liberal reaction to the crisis was naturally more sober. The annual Session of the National Liberal Federation was held at Madras from December 26 to 28, and the third Session of the Non-Party Conference at Delhi on February 22 and 23. No new proposals for a Hindu-Moslem settlement emerged, nor, it appeared, had any progress been made with the consideration of the principles of the future constitution, though that was a matter with which communal concord in the present was inextricably linked. Broadly speaking, Liberal policy was the same as it was before Pearl Harbour—the complete Indianisation of the Council including the appointment of an Indian Defence Minister besides the Commander-in-Chief—but it was now pressed on the British Government with an urgency that betrayed a more realistic and anxious recognition of the gravity of the situation than was to be observed in most other political circles. On January 3 Sir Tej Bahadur Sapru, still the acknowledged spokesman of Liberal opinion, dispatched a lengthy cable to Mr. Churchill, signed by fifteen non-party leaders, insisting that 'the heart of India must be touched to rouse her on a nation-wide scale to the call for service' and urging the acceptance of the Liberal programme—a national all-Indian Government responsible to the Crown, and a higher national status for India in international and inter-imperial relations.[1]

In the course of his presidential address to the Non-Party Conference[2] Sir Tej Bahadur Sapru explained what he meant by a National Government. It was not to be national in the sense that it would be responsible to the Central legislature, first, because normal constitutional practice must give way to the urgencies of war and, secondly, because 'we do not want it to be said that, in the guise of establishing a National Government, we have sought to concentrate all political power in the hands of any particular community or set of politicians'—an intimation, seemingly, that the Liberals did not approve of the Government being mainly composed of members of the Congress and the League. Accordingly, Sir Tej continued, the Government was not to be removable by an adverse vote of the legislature, but would be responsible only to the Crown. 'The Crown,' he went on to say 'as a beneficent institution unidentified with any political party or section of the community, can be, at a juncture like this, a great uniting force.' This statement was somewhat perplexing, for it seemed to mean that Sir Tej wanted to short-circuit the Secretary of State, whom he subjected later in his speech to somewhat intemperate abuse, and to link the Central Government directly with the King. But Sir Tej is much too good a constitutional lawyer to suppose that the King could play a personal part in Indian politics and appoint or dismiss the members of the Central Government without reference to his Ministers or Parliament. Yet, if that was not Sir Tej's meaning, if the King could act only through the Secretary of State

[1] *Statesman*, Jan. 5, 1942. A further proposal, which soon fell into the background was the establishment of non-official Executive Councils in the 'Section 93 Provinces'.

[2] *Hindu*, Feb. 22, 1942.

and Parliament, the responsibility of the new National Government would be precisely the same as that of the existing Executive Council.[1]

So much for the reaction of the principal Indian parties to the new danger in the East; and in India, to a greater extent perhaps than in some other countries, public opinion is little more than a complex of party opinions. Party loyalty is strong and party discipline strict; voices crying in the wilderness rarely get a hearing, and only two politicians of the front rank ventured at this critical time to appeal to their countrymen in other terms than those laid down in the various party resolutions.

One of these was Mr. K. M. Munshi, who had proved his capacity as Home Minister in the Congress Government of Bombay and had recently resigned his membership of the Congress because he could not agree with Mr. Gandhi in the application of non-violence to communal disorder. On January 2 and 25 he issued to the Press an appeal for the union of all parties in 'a Government with plenary power at the Centre'. The British Government, he said, should respond to 'the urgent desire which India entertains to fight shoulder to shoulder with Britain'.

British statesmen should not forget that India to-day prefers Britain, a European Power, to Japan, an Asiatic Power, not because of any innate love for Britain but because it sees in British victory alone the possibility of an honoured place for India in an international comity of free nations.[2]

The other lonely voice was Mr. Rajagopalachari's. Though still a Congressman, he had now, it seemed, become almost as independent as Mr. Munshi. Returning from the discussions in the A.I.C.C. at Wardha to his native Province—to the 'front', it might now be said—he set out on a campaign of public speaking. The burden of these striking speeches, the most striking made in India during those anxious months, may be summarised as follows.

(1) The establishment of a National Government 'in charge of everything' at the Centre, in which Congressmen should share, was the only means of stirring the Indian masses to wholehearted resistance to the Japanese. 'The secret weapon that will outwit Japan is the acknowledgement of India's indefeasible right to freedom. . . . Only a free and equal India can co-operate of her free will. Till that vital change is made none of us has the power to make the people of India enthusiastic for a war which is not theirs.' Britain, therefore, must make up her mind to 'part with power' and 'transfer full responsibility' to 'a Council of National leaders'.[3] This was a more positive acceptance of responsibility than anything contained in the Bardoli programme, and the language in which it was framed was wholly free from the

[1] In December 1942 Sir Tej Bahadur Sapru proposed another method of getting rid of Secretary of State without involving 'beneficent' or 'uniting' action by the King: see p. 13 above.

[2] *Statesman*, Jan. 5; *Hindu*, Jan. 27, 1942.

[3] *Hindu*, Jan. 24, Feb. 2, 11, 12 and 14, 1942.

bitter invective against the British Government which had been so marked a feature of almost every Congress resolution drafted by Pandit Nehru on a major issue. 'Pandit Jawaharlal Nehru', said Mr. Rajagopalachari in one of the speeches, 'may distrust the Britisher more than I do. As a preliminary I shall trust the Britisher more than he does.'[1]

(2) The speeches were vigorous war speeches. Mr. Rajagopalachari told his Madrasis, exposed as they were to the first impact of attack across the Bay of Bengal, that they must be ready to die in defence of their homes, to suffer like the Russians and adopt without flinching the 'scorched earth' policy, to fight a total war, men, women and children. This was far more realistic language than any other Congressman had used.[2]

(3) Mr. Rajagopalachari made an approach to Mr. Jinnah and the Moslem League in terms which must have startled many of his listeners. He referred to 'the principal political organisations over which such illustrious persons as Mahatma Gandhi and Qaid-E-Azam[3] Jinnah presided'. 'These', he went on, 'are not small individuals. One has become almost as famous as the other, and both of them are tremendously popular in the country.'[4] In one more speech he repeated this studied compliment to the League and its leader, but not again.[5] He had doubtless observed—and so, no doubt, had Mr. Jinnah—the silence with which his *démarche* had been treated in Congress circles. It seems likely, indeed, that he was called to order; for the Bardoli policy had pointedly omitted any suggestions of renewed negotiations with the League, and some at least of Mr. Rajagopalachari's colleagues, Pandit Nehru for example, were convinced at this time that Mr. Jinnah's power and with it the power of the League were rapidly declining. No comment is needed on the elevation of Mr. Jinnah to a height only a little lower than Mr. Gandhi's.

(4) Mr. Rajagopalachari, again, no doubt, with the Moslems mainly in his mind, took occasion to reassure the minorities as to the ultimate results of Congress policy.

> It is a mistake to imagine that the Congress is asking for Congress rule. . . . What the Congress has repeatedly made plain is that India should be ruled by representatives who periodically obtain the votes of the people. It has never asked for any totalitarian party rule. . . . What it desires is democracy.[6]

This was a flat contradiction of the thesis of Mr. Gandhi's famous article on the 'Two Parties' and his claim that the Congress was to 'take delivery' from the British Raj.[7] Some such declaration was obviously desirable if only from the standpoint of Congress party tactics; but it might have carried more conviction if Mr. Rajagopalachari could have gone one step further and interpreted representative government and democracy as not necessarily

[1] *Hindu*, Jan. 24, 1942.
[2] *Statesman*, Jan. 23, 1942; *Hindu*, Jan. 24, Feb. 14, and other speeches.
[3] Qaid-E-Azam means 'mighty ruler'.
[4] *Statesman*, Jan. 23, 1942.
[5] *Hindu*, Jan. 24, 1942.
[6] *Ibid.*, Feb. 12, 1942.
[7] See p. 242 above.

involving the British parliamentary system or the strict logic of 'majority rule'.

Throughout this period, it will have been observed, none of the Indian parties made any attempt to come together. Mr. Rajagopalachari was almost alone in intimating the need for an agreement between the Congress and the League. Everyone demanded a new move, but practically everyone insisted that it was for the British Government to make it. And it was widely hoped that Sir Tej Bahadur Sapru's cable would precipitate it. Mr. Churchill received this cable during his visit to the United States, and on January 23, soon after his return to London, he stated that he would make a considered and public reply as soon as possible. This seemed to portend something akin to a new declaration of policy, and, as the weeks went by, overshadowed by the steady and apparently irresistible approach of the Japanese towards the Indian frontier, the suspense became acute. It was broken at last when on March 11, four days after the fall of Rangoon, Mr. Churchill announced that the War Cabinet had come to a unanimous decision on Indian policy and that, in order to explain it and 'to satisfy himself upon the spot, by personal consultation, that the conclusions, upon which we all agreed and which we believe represent a just and final solution, will achieve their purpose', Sir Stafford Cripps, who had recently joined the Government as Lord Privy Seal and become a member of the War Cabinet and leader of the House of Commons, would proceed as soon as possible to India.[1]

II. The Delhi Negotiations[2]

The purpose of the British Government's new policy was defined in the first sentence of Mr. Churchill's announcement. 'The crisis in the affairs of India arising out of the Japanese advance has made Britain wish to rally all the forces of Indian life to guard their land from the menace of the invader.' This did not mean that a much greater war-effort could be expected in the purely military sense. Only a windy rhetorician could talk of raising a vast popular army out of India's countless millions. As many Indians were already volunteering for the Indian Army, week in, week out, as could be armed, equipped and trained within a reasonable time, and the Japanese were now at the gates of India. It was moral reinforcement that the British Government had mainly in mind. A great many Indians besides the members of the forces were fully participating in the war-effort, but a great many were not; and civilian morale would obviously be strengthened if the political deadlock could be broken. A truce between the Government and the nationalists and between Hindus and Moslems would not affect the educated classes only: it would make it easier to rouse the masses to do all

[1] *India* (*Lord Privy Seal's Mission*), Cmd. 6350, p. 3. The full text of this statement will be found in Appendix VIII, p. 335 below.

[2] A personal record of the negotiations by the author of this Report is given in *The Cripps Mission* (London, New York, Bombay, 1942).

they could to aid the defending forces and to harry and obstruct the invading enemy. Such a concordat was much to hope for in the situation which has just been described—too much, as it turned out. But few will question that the British Government were right to make their effort to obtain it.

It may help towards a clear understanding of the sequel if the essential factors of the political complex as it stood in this spring of 1942 are briefly recapitulated.

(1) The 'August Offer' had repeated the pledge of full Dominion Status as soon as possible after the war, and had conceded that the responsibility for framing a new constitution should be primarily Indian. For *interim* purposes an advisory Defence Council and the addition of representative Indians to the Central Executive Council were proposed.

(2) The Congress had rejected this offer. It had insisted on an immediate declaration of independence, and by that it meant not Dominion Status but a break-away from the British Crown and Commonwealth. It had also insisted that the new constitution must be framed by a Constituent Assembly on democratic principles. As to the *interim*, the 'high command' was divided. Mr. Gandhi and his pacifist followers, who were now in a minority, refused to share in any violent war-effort: they could not, therefore, co-operate with the Government: *a fortiori* any separate Congress efforts to defend the country must be non-violent. Pandit Nehru was strongly for armed resistance to Japanese invasion and for giving all possible help to China and Russia; but he no less strongly repudiated co-operation with the British Government with whom, he said, no settlement was possible. In his view Mr. Amery's insistence on the fulfilment of British obligations towards the minorities and the Princes—not to mention British financial and commercial interests in India—proved that his promise of India's freedom was insincere. Mr. Rajagopalachari agreed with Pandit Nehru in repudiating pacifism, but he did not rule out a settlement with the British Government provided it transferred real responsibility for the government and defence of India to Indian leaders. No one could state precisely what was the attitude of the rank and file of Congressmen at this time. Many of the younger members were frankly impatient of pacifist doctrine and restive under a policy of barren opposition. But it was safe to say that the party as a whole and its well-organised Press would acquiesce in the decisions of the Working Committee.

(3) The Moslem League insisted as strongly as the Congress on India's independence, but it did not ask for an immediate declaration, nor did it quarrel with Dominion Status as tantamount to full *Swaraj*. But it fiercely opposed the Congress programme for the future. So far from assenting to the framing of a constitution for all India by a Constituent Assembly, it demanded the partition of India into two or more sovereign States. These ideas about the future coloured all its ideas about the present. No *interim* constitutional change must be made which might prejudice the principle

Pakistan. Thus, if the Central Executive Council was to be enlarged, that principle must be recognised by the assignment to Moslems of half the seats thereon. Mainly because it did not concede those terms the 'August Offer' had been rejected. Granted those terms, the British Government could be assured of the wholehearted co-operation of the League—or, as Mr. Jinnah put it, of Moslem India—in the war-effort. The League did not in fact represent all Indian Moslems, but, owing to the reaction against Congress policy described in Chapter XVII, it could now speak for the majority and it included nearly all the leading politicians. Its discipline was as strict as that of the Congress, and Mr. Jinnah's 'dictatorship' was not effectively disputed; but, if the powerful moderate section of the League were to press for a policy of compromise and conciliation, it would be harder for Mr. Jinnah to resist it than it would be for Mr. Gandhi and Pandit Nehru in combination to resist the policy of Mr. Rajagopalachari.

(4) The attitude of the other parties need not be recapitulated here. They were important but not primary elements in the situation. For, if the Congress and the League came to terms, the other parties would not be strong enough to resist the general pressure for a settlement. They would be obliged, indeed, to join in it if only to protect their own present and future interests.

Such, in sum, was the position. The British Government's new proposals for dealing with it were embodied in a Draft Declaration[1] which Sir Stafford Cripps communicated to the members of the Executive Council soon after his arrival at Delhi on March 23 and to the party leaders whom he began to interview on March 25. On March 29 he published the document at one of the Press Conferences which he held every two or three days. At these Conferences, attended on occasion by as many as 200 journalists, mostly Congressmen, he fully discussed and explained the British proposals: he invited 'heckling', and was asked and frankly answered innumerable questions. These Conferences, it may be said here, were the most striking feature of the whole proceedings for more than one reason. In the first place such direct personal contact between a leading member of the British Government and representatives of the Indian public had never been established before. Secondly, the detailed discussion of the basic problems of Indian politics, hitherto conducted mainly behind closed doors, was now carried on in open daylight. Thirdly, all observers are agreed that Sir Stafford Cripps' sincerity was never doubted. (Some questions and answers from the record of these Conferences will be quoted presently.)

The proposals of the Draft Declaration may be summarised as follows.

(1) In order to achieve 'the earliest possible realisation of self-government in India', the British Government proposes that steps should be taken to create a new Indian Union which will have the full status of a Dominion with the power to secede, if it chooses, from the British Commonwealth.

[1] The text is given, on pp. 336-7 below, in Appendix VIII.

(2) 'Immediately upon the cessation of hostilities',[1] a constitution-making body shall be set up. Unless the leaders of the principal communities shall have previously agreed on some other method, this body shall be elected, under the system of proportional representation, by an electoral college consisting of the members of the lower houses of all the Provincial legislatures for which new elections would have been held. The Indian States will be invited to appoint representatives—the proportion between British Indian and States' representatives to correspond with the proportion between their total populations.

(3) The British Government 'undertake to accept and implement forthwith the constitution so framed' on two conditions. First, any Province or Provinces which are not prepared to accept the new constitution will be entitled to frame by a similar process a constitution of their own, giving them 'the same full status as the Indian Union'. Indian States will be similarly free to adhere to the new constitution or not. In either case a revision of their treaty arrangements will have to be negotiated.

(4) The second condition is the signing of a treaty to be negotiated between the British Government and the constitution-making body to cover all 'matters arising out of the complete transfer of responsibility from British to Indian hands', particularly the protection of racial and religious minorities in accordance with the British Government's past undertakings.

(5) Until the new constitution can be framed, the British Government must retain control of the defence of India 'as part of their world war-effort, but the task of organising to the full the military, moral and material resources of India must be the responsibility of the Government of India in co-operation with the peoples of India'. To that end the British Government 'desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations'.

It will have been observed that the Draft Declaration was an advance on the 'August Offer' in four respects.

(1) It conceded to the projected Indian Union the liberty to secede from the Commonwealth. That a Dominion is in fact free to secede had been confirmed by events in South Africa and Eire at the outbreak of the war,[2] but it had never been formally admitted by the British Government. Sir Stafford Cripps was at pains to drive this admission home at one of his Press Conferences.

> Will the Indian Union be entitled to disown its allegiance to the Crown?
>
> Yes. In order that there shall be no possibility of doubt, we have inserted in the last sentence of paragraph (c) (ii) the statement: 'but [the proposed treaty] will not impose any restriction on the power of the Indian Union to decide in the future its relation to the other Member States of the British

[1] Sir Stafford Cripps explained that this phrase was used instead of such phrases as 'end of the war' or 'making of peace' which might imply a longer lapse of time.

[2] See Part I, 12.

Commonwealth'. The Union will be completely free either to remain within or to go without the Commonwealth.

Will the Indian Union have the right to enter into a treaty with any other nation in the world?

Yes.

Can the Union join any contiguous foreign countries?

There is nothing to prevent it.

Thus the distinction so long made by the Congress between Dominion Status and complete *Swaraj* was bereft of any practical importance.

(2) The framing of the new constitution was now to rest not merely primarily, but solely, in Indian hands. Its acceptance was still made subject to the fulfilment of British obligations, but a definite method of securing their fulfilment was now proposed, *viz.*, the negotiation of a treaty with the constitution-making body. Moreover, while it was implicit in the 'August Offer' that a constitution on which Indians were agreed would be accepted by the British Government, this was now definitely stated.

No feature of the Draft Declaration and the Delhi negotiations was more important than the manner in which this question of the 'obligations' was handled. The Congress leaders had repeatedly asserted that the reference to them with which each promise of freedom had been coupled was a proof of its insincerity since the British Government intended to use the intransigence of the Moslems or other minorities and of the Princes, the inability of India to defend herself unaided, and also, though this would not be mentioned, the necessity of safeguarding British financial and commercial interests in India as excuses for perpetuating British rule. Now at each point this charge was shown to be invalid. The non-adherence provisions (of which more will be said in a moment) meant that the freedom of India would not be obstructed by dissent. If it could not become free as a single unit, it would become free in two or more. As to defence, Sir Stafford Cripps was again explicit.

Will Imperial troops be retained in this country?

No Imperial troops will be retained in this country except at the request of or by agreement with the new Indian Union or Unions.

What happens to the Indian Army?

So far as the new India is concerned, they can have the whole of the Army and everything else. . . . As soon as the constitution is settled, everything will be transferred to India.[1]

As to financial and commercial interests, Sir Stafford Cripps declared that the fair treatment of British trade in India would not be made a condition of the transference of power to the Union, nor would British residents in India be classed among 'the racial and religious minorities' to be safeguarded by the proposed treaty. The Union, he told the pressmen, would 'be free to take all measures which are open to a sovereign State to take'. He is understood to have informed those members of the British community

[1] This must be taken to cover the Services at present controlled by the Secretary of State. For them, as for the Indian Army, arrangements would have to be made as to the right of resignation, pensions and so forth.

whom he interviewed that he contemplated a separate commercial treaty to be negotiated on equal and reciprocal terms by the new Indian Government and the British Government. On finance, the old 'grip of the City', there was no need to say anything, since the heavy purchases made by the British Government for war purposes in India had transformed the pre-war financial relationship. Most of the 'sterling debt', *i.e.* the part of India's national debt owed in British currency, had already been wiped out; and by the end of the war Britain would clearly have taken India's place as the debtor nation.[1]

(3) The 'August Offer' had invited Indian leaders to start discussing the principles of the new constitution and the method of framing it. Nothing having come of this, the Draft Declaration proposed a plan for a constitution-making body to be adopted if no Indian plan had been agreed on before the end of hostilities. It was not the Congress plan of a Constituent Assembly directly elected on adult franchise, but a plan of indirect election through the Provincial legislatures, more likely to be acceptable to the minorities. A means, moreover, was provided of saving the constitutional discussion from the same sort of deadlock as that in which the relations between the main Indian parties had so long been involved. The non-adherence provisions of the Draft Declaration startled Indian opinion more than anything else in it; but, as Sir Stafford Cripps pointed out, it was a realistic treatment of a problem that might otherwise prove insoluble. 'If you want', he said in one of his broadcasts, 'to persuade a number of people, who are inclined to be antagonistic, to enter the same room, it is unwise to tell them that, once they go in, there is no way out.'[2] That was sound psychology, and of course it did not imply that Sir Stafford Cripps or his colleagues favoured the idea of Pakistan. The British Government had clearly stated its objective as *a* new Indian Union to form *a* Dominion under *a* new constitution for India. No one can read the Draft Declaration without recognising that the non-adherence provisions are intended only as a means of preventing in the last resort a breakdown of the whole scheme for setting India free.

(4) Finally, the Draft Declaration went further than the 'August Offer' as regards the character of the *interim* system of government. The 'Offer' had provided for the inclusion in the Central Executive Council of a 'certain number of representative Indians', the choice of whom, it was evident, would rest with the Viceroy. The Declaration invited 'the leaders of the principal sections of the Indian people' to participate in the counsels of India, the Commonwealth and the United Nations. Clearly the Viceroy could not choose these leaders: they could only be chosen by their own party organisations. Since they were to take part in inter-imperial and inter-Allied co-operation, the Liberals' claim for a more independent status for India in that field was thus conceded.

[1] The total 'sterling debt' of £276 million in April 1937 (*Reserve Bank of India Report on Currency and Finance for 1941-2*, par. 54) had been reduced by Sept. 1912 to about £73 million. At the end of March 1943, the 'sterling debt' amounted to £13·16 million only.

[2] Broadcast, March 30, 1942; *The Times*, March 31.

In these four ways the British proposals of 1942 were an advance on those of 1940. They were concrete and constructive. They attempted to overcome the apparent inability of the Indian parties to agree by suggesting a practicable method of reaching agreement. Above all, they established beyond any reasonable doubt the sincerity of the British Government's intentions. The Congress had asked for a declaration of Indian independence. In effect that declaration was made when Sir Stafford Cripps explained the proposals at his fourth Press Conference on March 29. And it was not a half-hearted or equivocal declaration: it went straight and all the way. When Sir Stafford Cripps was challenged at another of his Conferences to define simply and clearly the purport of the British proposals, he answered, 'Complete and absolute self-determination and self-government for India'. 'Now that this declaration has been made', asked a pressman, 'is there any difficulty in the way of India participating in the Atlantic Charter?' 'None at all', was the reply.[1]

The declaration of independence was thus wholehearted, but, as the critics were quick to point out, it was only a provisional and prospective declaration—provisional, because, unless Sir Stafford Cripps were able, as Mr. Churchill's announcement put it, 'to procure the necessary measure of assent', the Draft Declaration would not in fact be declared: prospective, because the promised independence could not be attained until the new constitution had been framed. The first point was not so substantial as it might appear. Whatever might happen in the negotiations, the pledge of independence, once given, could scarcely be withdrawn. As will presently appear, the negotiations broke down, but the pledge was re-affirmed. The second point, the necessity of delay, might seem obvious enough. Full independence was clearly impossible until, as the outcome of a constitutional settlement, a new Indian Government had been formed to take over power from the existing Government and the various practical questions arising from the transfer had been settled. But in order to avoid any misunderstanding, Sir Stafford Cripps emphasised the point on several occasions. At his first two Press Conferences he declared that there could be no major, fundamental alteration in the scheme. At his fourth Conference there was the following interchange.

Exactly at what stage does the British Government propose to leave this country?

As soon as the constitution-making body has framed a new constitution to take the place of the old one, the British Government undertakes to accept and implement the new one; and the moment the new constitution comes into operation, the change-over takes place.

Again, in his broadcast on March 30, Sir Stafford said: 'Everyone agrees that in these troublous times we cannot, here and now, set about forging a new constitution.'[2]

[1] The Government of India had already become associated with the Charter by its adherence to the Washington Declaration of the United Nations.

[2] *Ibid.*

The negotiations began on March 25 and ended on April 10. In the course of these seventeen days Sir Stafford Cripps interviewed Mr. Gandhi, who explained that he represented only himself and not the Congress, and the leaders of all the major parties. Sir Stafford's discussions with the Congress 'high command' were carried on mainly through Maulana Azad and Pandit Nehru, but he saw several other members of the Working Committee which was sitting at Delhi throughout the negotiations.[1] Mr. Jinnah came alone for the League, but Sir Sikander Hyat Khan, Mr. Fazl-ul-Huq and other Moslems were also interviewed. The Mahasabha was represented by Mr. Savarkar and four other delegates, the Depressed Classes by Dr. Ambedkar and Rao Bahadur M. C. Rajah, and the Liberals by Sir Tej Bahadur Sapru and Mr. Jayakar. Interviews were also given to representatives of the Sikhs, the Indian Christians, the Anglo-Indian community, the European (British) Association, the Radical Democratic Party, the Justice (non-Brahmin) Party of Madras, and various Labour interests. All these parties and persons were primarily concerned with British India. The Maharajah Jam Sahib of Nawanagar, Chancellor of the Chamber of Princes, came on behalf of the Indian States together with the Maharajahs of Bikaner and Patiala, the Chief Minister of Hyderabad, and ministers of one or two other States.

There was one other body which might almost be described as taking part, mutely and at a distance, in these discussions—the Japanese army. Throughout those anxious days at Delhi the news from the front grew steadily worse. The report of the Japanese occupation of the Andaman Islands—an outpost of British India—was published on the day the negotiations began. The British evacuation of Toungoo was known on April 1, of Prome on April 3. On April 5 came the Japanese air raids on Colombo. Next day the first Japanese bombs fell on Indian soil, at Vizagapatam and Cocanada, seaboard towns of Madras. As the menace of invasion drew steadily nearer, 'Burma is lost', said the defeatists; 'can India hope to hold off these irresistible Japanese?' And even in less faint-hearted circles it was argued that Sir Stafford Cripps' appeal—and in all his public utterances he insisted that the primary purpose of his Mission was to rally the whole country to its defence—had come too late. In this sombre atmosphere, and in view of the previous course of Indian politics, especially Congress politics, it is not so surprising that the Mission failed as that it came so near success.

On the first clause of the British proposals, the declaration of independence, there was practically no discussion.[2] At the time at any rate, as has already been said, its sincerity was not questioned. Even the Congress Working Committee admitted that 'self-determination for the people of India is accepted in principle', but it was only to take effect, they complained,

[1] The Congress Working Committee was composed as follows: Maulana Azad, Dr Rajendra Prasad, Mr. Vallabhbhai Patel, Pandit Nehru, Mr. Rajagopalachari, Mr. Bhulabhai Desai, Pandit Pant, Mrs. Naidu, Dr. Syed Mahmud, Mr. Asaf Ali, Dr. P. C. Ghosh Mr. S. Deo, Mr. J. B. Kripalani, Dr. Khan Sahib, and Mr. Pattabhi Sitaramayya.

[2] On the minor question of the title 'Dominion', see Coupland, *The Cripps Mission* p. 34.

in the 'uncertain future'.[1] Mr. Gandhi was reported to have described the declaration as 'a post-dated cheque on a bank that was obviously failing'. Moreover, said the Working Committee, though 'future independence may be implicit in the proposals . . . the accompanying provisions and restrictions are such that real freedom may well become an illusion'.[2] Thus almost at once the discussion passed on to the second part of the proposals—the scheme for making the new constitution.

The Congress leaders rejected the scheme for two reasons. First, it ignored 'the ninety millions of people in the Indian States' who were to have no voice in shaping the constitution. The States, indeed, might become 'barriers to the growth of Indian freedom'. Secondly, 'the novel principle of non-accession' was 'a severe blow to the conception of Indian unity'. 'The Committee cannot think in terms of compelling the people of any territorial unit to remain in an Indian Union against their declared and established will', but compulsion must not be used against 'other substantial groups within that area'.[3] This was a clear negation of non-adherence. The Punjab, for example, was not to exercise its right of withdrawal without first joining the Union, and might not exercise it at all aganist the will of its Hindu and Sikh minorities.

The attitude of the Moslem League to the proposed constitution-making scheme was naturally the converse of the Congress attitude. Mr. Jinnah, indeed, who had so long been proclaiming his anxiety lest the British Government should be induced to acquiesce in the Congress demand for the ruling out of Pakistan from all discussion of the future, can scarcely have expected so bold an acceptance of the principle of Partition.[4] At an early stage of the negotiations it was believed that Mr. Jinnah would accept the proposals provided that the Congress accepted them, but not otherwise. When at the end the Congress rejected them, so did the League, but in very different terms. The Moslems, said the Working Committee's resolution, demand a definite pronouncement in favour of Partition. Though 'Pakistan is recognised by implication' in the Draft Declaration, its primary object is to create one Indian Union, 'the creation of more than one Union being relegated only to the realm of remote possibility'. The right of non-accession, moreover, is vitiated by the maintenance of the existing Provinces with their illogical frontiers. Nor in any case can the Moslems participate in a constitution-making body which is not elected by separate electorates and in which decisions—the Committee assumes—are to be taken by a bare majority.[5]

The Working Committee of the Mahasabha declared itself more or less satisfied with parts of the British scheme. The proposed treaty, for instance, 'ought to completely satisfy the minorities'. But the scheme as a whole was rejected mainly because of the non-adherence provisions. 'India is one and indivisible. . . . The Mahasabha cannot be true to itself and to the

[1] Cmd. 6350, p. 17. [2] *Ibid.* [3] *Ibid.*

[4] For Sir Stafford Cripps' concession in the matter of voting-power, see *The Cripps Mission*, p. 36.

[5] Cmd. 6350, pp. 18-19.

best interests of Hindusthan (India)—[a significant identification]—if it is a party to any proposal which involves the political partition of India in any shape or form.' The memorandum submitted by Sir Tej Bahadur Sapru and Mr. Jayakar was less intransigent. 'The creation of more than one Union', they said, 'howsoever consistent in theory with the principle of self-determination, will be disastrous to the lasting interests of the country and its integrity and security.' An effort should, therefore, be made to obtain, before the end of the war, an inter-communal agreement for the maintenance of Indian unity on a federal basis. If that failed, and Provinces should manifest 'overwhelming wishes' for separation, then the proposed experiment might be tried, provided that no decision for non-adherence should be valid without a 65 per cent. majority in the Provincial legislature concerned—a proviso that meant that, unless the Provincial boundaries were readjusted, the Moslem majorities in the Punjab and Bengal would be unable to decide the issue by themselves.[1] The fiercest protest against the non-adherence provisions came from the Sikhs. 'We shall resist by all possible means', they said, 'separation of the Punjab from all-India Union.' If a Province were allowed to secede by a bare majority vote of its people, why should not a minority area have the right 'to form an autonomous unit'?[2]

The other minorities were not so much concerned with Partition. The firmest stand was taken by the representatives of the Depressed Classes who denounced the scheme for its failure to provide the necessary safeguards for their interests.

> The proposals are calculated to do the greatest harm to the Depressed Classes and are sure to place them under an unmitigated system of Hindu rule. Any such result which takes us back to the black days of the ancient past will never be tolerated by us, and we are all determined to resist any such catastrophe befalling our people with all the means at our command.[3]

The representative of the Anglo-Indians expressed a similar anxiety as to the prospects of his community under Indian rule unless it were specially safeguarded for many years to come. The Indian Christians adopted much the same attitude as the Congress, but expressed it in more moderate language. Mr. Joshi, the Labour leader, spoke in similar terms. The only clear acceptance of the British proposals came from Mr. M. N. Roy, whose active but not very powerful Radical Democratic Party had been preaching for some time past that the only thing that mattered was to fight the Axis. The representatives of the British resident community gave their backing to the proposals except on one point. They showed great concern at their exclusion from the communities to be covered by the treaty for the protection of minorities; for this suggested that they were no longer to be recognised as one of the 'statutory' Indian communities and to share their rights, but to be put on a different footing as foreigners from that of the other minorities.[4]

[1] Cmd. 6350, pp. 29-30. [2] *Ibid.*, 23. [3] *Ibid.*, 22.

[4] See the debate in the House of Lords on July 30, 1942 (*Hansard*, cxxiv, 111-54), and especially Lord Hailey's explanation of the implications of Dominion Status (col. 129-36).

The representatives of the States were not associated with the discussions in the same way as the representatives of British India. The immediate object of the Mission was to make possible the formation of a war-time National Government of British-Indian politicians, and in that the Princes, though interested, were not directly involved. But the scheme for making a new constitution after the war applied to all India, and with that they were deeply concerned. They were ready, said their representatives, to take their part in constitution-making, but only on the understanding that in any constitution their sovereignty and treaty rights would be safeguarded; and some anxiety was expressed at the reference in the Draft Declaration to an inevitable revision of treaty-arrangements. They asked, too, if States which were unwilling to join the proposed Union might constitute a Union of their own.[1] There was nothing, indeed, to show—and in the circumstances it was not, perhaps, to be expected—that the Princes were any less reluctant now than they had been for some years past to contemplate surrendering their rights to the extent required for the establishment of a real all-India system of government.

Thus this last chapter in the story of India's advance towards self-government was in tune with those that had gone before. The nearer India had drawn to freedom, the sharper had become the divisions in her own ranks. Since the extreme peril of invasion had failed to bring the parties together, it was scarcely, perhaps, to be expected that the Cripps Mission would. Nevertheless it seems remarkable that the parties, which, as has been seen, were sharply disagreed about the future of India, should have stated their opinions only to the British envoy and not to one another. No inter-party conference was held to explore the possibilities of an agreed response to the British proposals. Sir Stafford, said Mr. Amery in the House of Commons, 'flew many thousands of miles to meet the Indian leaders in order to arrive at an agreement with them. The Indian leaders in Delhi moved not one step to meet each other '[2]

Displayed as it was at an early stage of the negotiations, this disagreement on the British scheme for constitution-making in the future might have seemed to negate the possibility of a present settlement. Sir Stafford Cripps had said that the proposals ought to be regarded as a single interrelated plan. But, if the main parties were willing to postpone their controversy about the future, and, having put on record their rejection of the constitutional part of the Draft Declaration, to accept the rest of it and join 'without prejudice' in the immediate war-effort, it would clearly be right to interpret this as 'the necessary measure of assent'. The first purpose of the Mission, after all, was to obtain just such a union of parties for the defence of India: the constitutional scheme was primarily a means to that end. Nor did the opponents of the scheme take the view that their repudiation of it had put a stop to the negotiations as a whole. Mr. Jinnah, for

[1] Cmd. 6350, p. 16.

[2] *Hansard*, April 28, 1942: H. of C., cccIxxix, 910.

instance, was evidently withholding his decision until the Congress leaders had made theirs; and the Congress leaders, though they handed in their resolution rejecting the proposals as early as April 2, refrained from publishing it and were clearly willing to continue the negotiations. So for eight more days the Mission carried on.

Till the very last day the discussions were confined to the final paragraph of the Draft Declaration, the paragraph which dealt with defence and invited the co-operation of the Indian peoples and parties. They started not unfavourably. The Congress leaders seemed prepared to acquiesce in the British Government's control of the defence of India 'as part of their world war-effort' and in the Commander-in-Chief's retention of his seat in the Central Government. On the British side it was suggested that, except the Commander-in-Chief and the Viceroy, all the members of the Central Government should be Indians and that the responsibility for the Defence Department should be divided between the Commander-in-Chief who would now be called 'War Member' and a new Indian 'Defence Member'. This was a highly technical question, and it was not unnatural, with the Japanese already on the frontier, that those sections of the Department which, it was proposed, should remain in General Wavell's charge should be more important than those to be entrusted to the Indian Member. In any case too much could be made of that point. As Sir Stafford explained, in war time the whole Government deals with defence. Finance, communications and transport, civil defence, supply, industry and labour—all those departments were almost as closely concerned with the war-effort as the Defence Department itself, and all of them, it was understood, would be in Indian hands.

On April 3, Maulana Azad and Pandit Nehru had an interview with General Wavell. On that day Colonel Louis Johnson arrived at Delhi as the head of an American Economic Mission and acting in that capacity as President Roosevelt's 'personal representative'; and from April 5 onwards, with Sir Stafford Cripps' assent, he took an informal but active part in the negotiations. A number of formulae were discussed. The last of them was submitted to the Working Committee early on April 8, and for two days it was in almost continuous session. On the first day it was widely reported that the formula had been accepted, and there was no mistaking the general satisfaction, Indian as much as British, that prevailed at Delhi—at any rate outside party doors—at the prospect of a settlement On April 9 it was known that Mr. Savarkar, while maintaining his opposition to the constitutional scheme, desired the Mahasabha to take its place in the National Government, now seemingly in sight. It was rumoured that Mr. Jinnah had actually nominated the League's representatives on it. But, meantime, the Congress Working Committee had said nothing, and, when Maulana Azad and Pandit Nehru saw Sir Stafford Cripps that evening, they brought the negotiations to an end. Next day (April 10) the Working Committee's final rejection of the British proposals was communi-

cated to Sir Stafford in a letter from Maulana Azad, which, together with the document of April 2, was published on April 11. On April 12 Sir Stafford left Delhi on the first stage of his flight to England.

III. The Congress Demand

On the eve of the breakdown it had been supposed on the British side that. once an agreement had been reached on defence, there would be no further obstacle to a general settlement. The Draft Declaration, it was hoped, would be accepted in principle, apart from the scheme for constitution-making, and steps could thereupon be taken to form a National Government. But the Congress representatives, while still expressing their dissatisfaction with the proposed division of the Defence Department, had now raised a much wider issue—the character of the National Government as a whole. It must function, they declared, as a Cabinet in the full sense of the word. If that involved a revision of the constitution, well and good.

The Committee do not think that there is any inherent difficulty in the way of constitutional changes during the war. Everything that helps in the war not only can be but must be done with speed. That is the only way to carry on and win a war. No complicated enactments are necessary. A recognition of India's freedom and right to self-determination could easily be made if it was so wished together with certain other consequential but important changes. The rest can be left to future arrangements and adjustments. I might remind you that the British Prime Minister actually proposed a Union of France and England on the eve of the fall of France. No greater or more fundamental change could be imagined and this was suggested at a period of grave crisis and peril. War accelerates change. It does not fit in with static conceptions.

As to the kind of change they wanted the Working Committee was quite explicit. Maulana Azad's letter to Sir Stafford continued as follows.

Unfortunately to our disadvantage you had referred both privately and in the course of public statements to a National Government and a Cabinet consisting of Ministers. These words have a certain significance and we had imagined that the new government would function with full powers as a Cabinet with the Viceroy acting as a constitutional head; but the new picture that you placed before us was really not very different from the old, the difference being one of degree and not of kind. The new government could neither be called, except vaguely and inaccurately, nor could it function as, a National Government. It would just be the Viceroy and his Executive Council with the Viceroy having all his old powers. We did not ask for any legal changes, but we did ask for definite assurances and conventions which would indicate that the new government would function as a free government, the members of which act as members of a Cabinet in a constitutional government. . . . While we cannot accept the proposals you have made, we want to inform you that we are yet prepared to assume responsibility provided a truly National Government is formed. We are prepared to put aside for the present all questions about the future, though as we have indicated we hold definite views about it. But in the present the National Government must be a Cabinet Government with full power, and must not merely be a continuation of the Viceroy's Executive Council.[1]

[1] Azad to Cripps, April 10, 1942: Cmd. 6350, pp. 11-12.

The Congress demand, the Maulana added, 'may be considered to be the unanimous demand of the Indian people'—a statement that did not accord with the facts to be found in the last few chapters of this Report.

Sir Stafford Cripps' answer was as follows.

The real substance of your refusal to take part in a National Government is that the form of government suggested is not such as would enable you to rally the Indian people as you desire. You make two suggestions. First that the constitution might now be changed. In this respect I would point out that you made this suggestion for the first time last night, nearly three weeks after you had received the proposals, and I would further remark that every other representative with whom I have discussed this view has accepted the practical impossibility of any such legislative change in the middle of a war and at such a moment as the present. Second, you suggest 'a truly National Government' be formed which must be 'Cabinet Government with full power'. Without constitutional changes of a most complicated character and on a very large scale this would not be possible as you realise. Were such a system to be introduced by convention under the existing circumstances the nominated cabinet (nominated presumably by the major political organisations), responsible to no one but itself, could not be removed and would in fact constitute an absolute dictatorship of the majority. This suggestion would be rejected by all minorities in India, since it would subject all of them to a permanent and autocratic majority in the cabinet. Nor would it be consistent with the pledges already given by His Majesty's Government to protect the rights of those minorities. In a country such as India where communal divisions are still so deep an irresponsible majority Government of this kind is not possible. Apart from this, however, until such time as the Indian people frame their new constitution, His Majesty's Government must continue to carry out its duties to those large sections of the Indian people to whom it has given its pledges. The proposals of His Majesty's Government went as far as possible short of a complete change in the Constitution which is generally acknowledged as impracticable in the circumstances of to-day.[1]

Replying to this letter on April 11, Maulana Azad denied that the Working Committee had agreed that 'no constitutional changes could be made during the war', and referred to the picture of a National Government given him at his first interview by Sir Stafford. 'You told me then that there would be a National Government which would function as a Cabinet and that the position of the Viceroy would be analogous to that of the King in England *vis-à-vis* his Cabinet.' The incorporation of the India Office in the Dominions Office had also been suggested.[2] But, of course, 'analogous to' does not mean 'identical with'. It had been generally assumed that, if a National Government were formed, it would function as far as possible as if it were a Cabinet; but, without a major legal change, the Viceroy could not be exactly in the position of the King. He would remain, as the law required, a member of the Government, responsible with its other members to the Secretary of State and Parliament, and he would retain his overruling power. But, apart from legal terms, the analogy would hold good in so far as Government

[1] Cripps to Azad, April 10, 1942: *ibid.*, p. 13.
[2] Azad to Cripps, April 11, 1942: *ibid.*, pp. 14-15.

decisions would normally be those of the majority of the Council. So, it is true, were the decisions of the existing Council; but there would be a substantial difference *de facto* between the new Council and the old. In the first place the new Council would consist, apart from the Viceroy and the Commander-in-Chief, entirely of Indians. Secondly, all those Indians would be party leaders, and chosen, therefore, by their parties and not by the Viceroy. Thirdly, the new Council would contain representatives of the two greatest and strongest parties, the Congress and the League, which had not been represented in the old.[1] Fourthly, the agreed establishment of a National Government at the Centre would imply the return of the Congress members, to the Central legislature and the regular attendance of the League members, so that all the Members of Council, though not responsible to the legislature, would be able to count on the support of their party followers for legislative purposes. An agreed National Government at the Centre would also imply the assumption of office by Ministries in the Congress Provinces, presumably on a similar basis of co-operation between the Congress and the League.

To anyone who weighed these points the practical difference between the proposed National Government and the existing Executive Council was unmistakable. There was no reason to expect dissension in a body which would have owed its existence to the urgent need of presenting a united front to the enemy on the Indian frontier; but, if there should be dissension, the new Members of Council, backed by their well-disciplined parties in the legislature and outside it, would obviously be in a stronger position than their predecessors. If a majority of the Council were at variance with the Viceroy and if in the last resort he were to overrule them, they could resign and so destroy the whole system of war government by agreement and co-operation at the Centre which the British Government had so long striven to bring about, and also, if they chose, throw back the Provinces in which their parties had majorities to Governor's rule.

Thus the British proposal involved a real transfer of power to the Indian party leaders, both in the day-to-day control of their departments and in the business of the Council as a whole. But it would be change in practice only, not in law. 'You cannot change the constitution', Sir Stafford Cripps had said at one of his earlier Conferences: 'all you can do is to change the conventions of the constitution.'[2] But the Congress leaders were not content with a convention in the sense in which Sir Stafford had used the word, in its ordinary constitutional sense of 'custom' or 'usage': they wanted a binding agreement ruling out the exercise of the overruling power. And this, of course, was impossible under the existing Act. For the Viceroy to divest himself of any of the powers entrusted to him would be a breach of the law as laid down in the Ninth Schedule.[3] Thus the Congress leaders' demand for full Cabinet government, with no overruling power at all, was in fact a demand

[1] It was rumoured that Mr. Jinnah was prepared to accept an allocation of 4 seats to the Congress, 4 to the League, and 3 to the other minority parties.

[2] For the possible introduction of *quasi*-Cabinet government by usage, see p. 229 above.

[3] See p. 228 above.

for a new and far-reaching Act of Parliament; and since Sir Stafford had made it clear, in private and in public, beyond a shadow of doubt, that no such Act could be passed during the war, the demand was tantamount to an ultimatum breaking off negotiations.[1]

It should be sufficiently evident from previous chapters of this Report why the immediate conversion of the Executive Council into a Cabinet, equipped both *de facto* and *de jure* with 'full powers', was impossible. For it would mean that the final stage in India's advance to full national freedom had been crossed in a single stride. It would mean that the Government of British India, freed not only from the Viceroy's overruling power but also from responsibility to the Secretary of State, would have become as independent as the Government of a Dominion or of Britain itself. It would mean that, apart from the control of military operations during the war, the British Parliament had handed over to it all those residual responsibilities enumerated in Chapter XIX. Clearly this could not be done until the manner in which those responsibilities were to be discharged in future had been settled by discussion with the parties concerned and until the future relations between British India and the States had been similarly determined. Clearly the indispensable preliminary to India's full enfranchisement was some such constitutional and diplomatic procedure as the Draft Declaration had proposed. Nor was it barring the path to freedom to insist on that necessity. The Declaration itself not only implied that all the inherent difficulties could be overcome, but proposed a method of overcoming them. Quite obviously it could not be done in one sudden jump. It would take time, but the process was to begin immediately after hostilities had ceased, and how long it took thereafter would depend on the Indian leaders themselves. The Congress has many British friends—Sir Stafford Cripps conspicuously among them—who, while not always agreeing with Congress policy, can understand the impatience with which Congressmen, and other Indians too, have been waiting to acquire the right to determine their own destiny and the resentment they feel that in this supreme crisis in history India should not be able to play her part with the same entire freedom as other nations. Nevertheless some of those friends must have regretted that, with the war at its height and Japan at the gates, the Congress leaders could not bring themselves to wait a little longer for the full independence now promised with such manifest sincerity.

[1] Mr. L. Fischer in the *Nation* (New York) of Sept. 19 and 26, 1942, charged Sir Stafford Cripps with having made a promise and subsequently withdrawn it at the bidding of the British Government. This is wholly untrue. See Mr. Graham Spry's reply in the *Nation* of Nov. 14, 1942, and Lord Halifax's denial on December 8, 1942 (*The Times*, Dec. 9).

CHAPTER XXII

MR. GANDHI'S REBELLION

THE general disappointment at the failure of the Cripps Mission was unmistakable. Most of those Indians who desired a maximum effort of defence against Japan—and there were many Congressmen among them—had keenly desired a settlement which would have meant at least a provisional agreement between India and Britain and at least a suspension of party strife till the end of the war. Might not the association of the leaders of the Congress and the Moslem League in the same National Government, pledged to the common task of defending India, have gone far to check the rising tide of communal antagonism? A few years of such joint service of India by Hindu and Moslem politicians, and surely the problem of achieving a post-war settlement without disruption would have been greatly eased. The higher the hopes, the greater the disappointment. If, on the one hand, the realities of Indian politics had been displayed to the Indian public in those few months more clearly than ever before—and that was something to the good—on the other hand the failure to face those realities intensified the old mood of bitterness and frustration.

Mr. Jinnah, for his part, promptly re-opened battle on both his fronts. The League, he told the Press on April 14, repudiated the British plan because 'Pakistan was not conceded unequivocally and the right of Moslem self-determination was denied'. As for the Congress ultimatum, it was an attempt at 'short-circuiting the paramount and vital issue in the name of the national demand'—the game which the Congress had always played and the League had always resisted. The immediate independence of India, a Cabinet nominated by the major parties, the Viceroy and the Secretary of State deprived of their power to interfere—that means putting India 'at the command of the majority and at the command of the Congress'. 'It would be a Fascist Grand Council, and Moslems and other minorities would be entirely at the mercy of the Congress.' To concede the Congress demand and to talk of discussing the future constitution after the war was absurd. 'There will be nothing left to discuss except details.'[1]

The Congress 'high command', for their part, aware that the rôle they had played at Delhi was widely criticised, defended themselves by attacking Sir Stafford Cripps. The Congress newspapers depicted Sir Stafford as at the best a bungler who had misled the Working Committee and at the worst a Machiavellian agent of British reactionaries. 'The Cripps Mission', said the extremist *National Herald*, 'was the result of American pressure. It was a stage-managed show to buy off world opinion and to foist preconcerted failure on the people of India.'[2] Mr. Gandhi described the British plan as 'on the face of it too ridiculous to find acceptance anywhere'.[3] 'Sir Stafford

[1] *Statesman*, April 16, 1942. [2] April 24, 1942. [3] *Harijan*, April 19, 1942.

Cripps', said Pandit Pant, 'has been sedulously propagating lies, faithfully following in the steps of Mr. Amery and others, only his methods are more subtle and insidious.'[1] Sir Stafford's proposals for a National Government, said Mr. Asaf Ali, were 'only a salted mine'.[2] Even Pandit Nehru, whose previous personal relations with Sir Stafford were known to have been closer than those of any other Congressman, presently joined in the chorus of denunciation. 'It is sad beyond measure', he said, commenting on a trans-Atlantic broadcast delivered by Sir Stafford after his return to England, 'that a man like Sir Stafford Cripps should allow himself to become the devil's advocate.'[3]

Once more it was only Mr. Rajagopalachari who took a moderate line. He was known to have favoured the acceptance of the proposals at Delhi, and he realised that the negotiations had confirmed the doctrine he had preached before the Mission came—that the main obstacle to the creation of a national front against Japan was Hindu-Moslem discord. On April 23 he addressed a small gathering mainly of his old Congress supporters in the Madras legislature, and carried two resolutions for submission to the A.I.C.C., the first recommending the acceptance of Pakistan in principle as the basis of a settlement between the Congress and the League, the second proposing the restoration of responsible government in Madras Clearly the 'parting of the ways' was coming nearer.

The A.I.C.C. met at Allahabad from April 29 to May 2. The small attendance, less than 200 out of 389, may have been due to uneasiness and uncertainty in Congress circles as to what had happened at Delhi. In any case the Committee followed the lead of the 'high command', as it has always done, and that lead, as it has always been when the party was in serious difficulties, was back to Mr. Gandhi. Though he had left Delhi when the negotiations were only halfway through, enjoining the Working Committee to make up its own mind, his own unequivocal rejection of the British proposals was notorious, and at Allahabad he repeated the victory he had won at Delhi. The core of the main resolution, which was carried almost *nem. con.*, was as follows.

> India's participation in the war was a purely British act. . . 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 event have been with the victims of aggression. . . .
>
> The A.I.C.C. is convinced that India will attain her freedom through her own strength and will retain it likewise. The present crisis as well as the negotiations with Sir Stafford Cripps make it impossible for the Congress to consider any schemes or proposals which retain, even in partial measure, British control and authority in India. Not only the interests of India, but also Britain's safety and world peace and freedom, demand that Britain must abandon her hold on India. It is on the basis of independence alone that India can deal with Britain or other nations.

[1] *Hindustan Times*, April 27, 1942.
[2] *Ibid.*, April 22, 1942.
[3] *National Herald*, July 30, 1942.

The Committee repudiates the idea that freedom can come to India through interference or invasion by any foreign nation, whatever the professions of that nation may be. In case an invasion takes place, it must be resisted. Such resistance can only take the form of non-violent non-co-operation as the British Government has prevented the organization of national defence by the people in any other way. The Committee would therefore expect the people of India to offer complete non-violent non-co-operation to the invading forces and not to render any assistance to them.[1]

In the course of a police raid on the A.I.C.C. office,[2] notes of the discussions in the Working Committee before the A.I.C.C. meeting were seized, and these revealed that Mr. Gandhi had submitted his own draft of the resolution. It insisted that India's conflict with Britain was eternal, but that she had no quarrel with Japan. 'The Committee', ran one sentence, 'desires to assure the Japanese Government and people that India bears no enmity either towards Japan or towards any other nation.' 'If India were freed', ran another sentence, 'her first step would probably be to negotiate with Japan.'[3] Pandit Nehru, it appeared, had protested that the whole tenour of Mr. Gandhi's draft was in favour of Japan and revealed a belief that the Axis Powers would win the war. The final draft was thus a compromise, but its text, as quoted above, betrayed which side had prevailed. In fact the division in the 'high command' between the pacifists and the non-pacifists had been healed. Pandit Nehru had surrendered. Up to this point he had consistently preached violent resistance to the Japanese: he had spoken to that effect when Sir Stafford Cripps was at Delhi and even later. Now he had subscribed to 'non-co-operation' as the only method of defence against invasion.

The unity of the 'high command' in submission to Mr. Gandhi was further strengthened by the fate of Mr. Rajagopalachari. The second of his two resolutions was withdrawn at the A.I.C.C. meeting. The first, recommending a Congress-League accord, was rejected by 120 votes to 15, and a counter-resolution, declaring that

> any proposal to disintegrate India by giving liberty to any component State or territorial unit to secede from the Indian Union or Federation will be highly detrimental to the best interests of the people of the different States and Provinces and the country as a whole and the Congress, therefore, cannot agree to any such proposal

was carried by 92 votes to 17.[4] Mr. Rajagopalachari told the Press on May 4 that he was going to continue his campaign. To obtain the transfer of power from Britain, he said, India must be united, and that primarily meant a settlement with the Moslem League. 'I cannot achieve anything by negotiating with the League myself. I must convert the Congress and the

[1] *The Times*, May 4, 1942.
[2] The raid was made because some of the other resolutions of the A.I.C.C. had been banned as likely to be seriously detrimental to the war-effort, and it was believed that copies of them were stored at the office for secret circulation.
[3] *The Times*, Aug. 5, 1942.
[4] *Leader*, April 30, 1942.

people of India to my views.'[1] Another series of speeches in his native Province followed. In one of them he directly challenged Mr. Gandhi. Though Britain, he said, had committed many crimes against India, she could not add to them by leaving India in chaos to become a certain prey to foreign aggression.[2] Such open insubordination provoked a threat of 'disciplinary action', and, without waiting for it, Mr. Rajagopalachari announced his intention to resign his membership of the Congress and also his seat in the Madras Assembly 'in order to be absolutely free to continue his campaign to convert the Congress'.[3] At a meeting of the Congress members of the Provincial legislature on July 15 he formally resigned. Once more the strength of Mr. Gandhi's authority was made evident. Only seven of his colleagues followed the ex-Premier into exile, and by overwhelming majorities the meeting rescinded the previous pro-Pakistan resolution and confirmed the resolutions of the A.I.C.C.

Thus Mr. Gandhi was now the undisputed master of the Congress movement, and the path he intended it to follow was revealed in a series of outspoken articles in *Harijan* and of interviews with pressmen, especially the American correspondents who had come to India in greater numbers now that it was a base for American forces. Before the A.I.C.C. meeting at Allahabad he had already begun to propound his new solution of the Indian problem—the immediate withdrawal of the British from India. 'If the British left India to her fate,' he wrote on April 26, 'as they had to leave Singapore, non-violent India would not lose anything. Probably the Japanese would leave India alone.' The American troops must go with the British. 'We know what American aid means. It amounts in the end to American influence, if not American rule, added to British.' The plea for evacuation was repeated on May 3 and again on May 10.

> The time has come during the war, not after it, for the British and the Indians to be reconciled to complete separation from each other. . . . I must devote the whole of my energy to the realisation of this supreme act. . . . The presence of the British in India is an invitation to Japan to invade India. Their withdrawal removes the bait. Assume, however, it does not; free India will be better able to cope with the invasion. Unadulterated non-co-operation will then have full sway.

'America could have remained out of the war,' he wrote on May 17, 'and even now she can do so if she divests herself of the intoxication her immense wealth has produced.' 'Leave India in God's hands,' he said on May 24, 'in modern parlance, to anarchy, and that anarchy may lead to internecine warfare for a time or to unrestrained dacoities. From these a true India will rise in place of the false one we see.' But he was being much questioned at this time by American journalists about the effect on China and the cause of the United Nations if India were abandoned as a base of defence and

[1] *The Times*, May 5, 1942. [2] *Hindu*, June 16, 1942.
[3] *Leader*, July 10, 1942. Mr. Bhulabhai Desai resigned from the Working Committee early in July.

counter-attack against Japan, and in the next few issues of *Harijan* he shifted his ground. Allied troops, he wrote on June 7, might remain 'under a treaty with the Government of a free India and at the United Nations' expense for the sole purpose of repelling a Japanese attack and helping China'. At the same time he expressed the hope that non-violence would prove to be the predominant factor in determining the fortunes of war. 'This non-violence will no longer take the shape of non-co-operation, but will express itself in India's ambassadors going to the Axis Powers not to beg for peace, but to show them the futility of war.' In the next two issues he again conceded that, though the Indian Army would be automatically disbanded, Allied forces might continue to operate in India on terms laid down by the new National Government. Finally, on June 28, he confessed to having left a 'gap' in his earlier scheme. 'I could not guarantee fool-proof non-violent action to keep the Japanese at bay. Abrupt withdrawal of the Allied troops might result in Japan's occupation of India and China's sure fall. I had not the remotest idea of any such catastrophe resulting from my action.'

The Working Committee met at Wardha on July 6 with Mr. Gandhi in attendance. The main resolution, which was passed and published on July 14,[1] made it clear that, if Mr. Gandhi had changed his mind as to the immediate withdrawal of Allied troops from India, he still insisted on the immediate abdication of Britain's share in Indian government.

'British rule in India must end immediately,' said the resolution in its opening sentence, not only because foreign domination is an evil in itself, but because 'India in bondage' can play no effective part in defending herself and saving the world 'from Nazism, Fascism, militarism and other forms of imperialism'. Throughout the war, the resolution went on, the Congress has done its best not to embarrass the Government in the hope that 'real power would be transferred to popular representatives'. But 'the abortive Cripps proposals showed in the clearest possible manner that there was no change in the British Government's attitude towards India and that the British hold on India was in no way to be relaxed'. The result has been a dangerous growth of ill-will towards Britain and of 'satisfaction at the success of Japanese arms'. The Congress is 'anxious to avoid the experience of Malaya, Singapore and Burma', and desires to resist aggression and to 'make India a willing partner in a joint enterprise of securing freedom for the nations and peoples of the world'.

Two paragraphs followed anticipating the probable results of British abdication on the communal question and on the future course of Indian politics as seen, it is evident, through Pandit Nehru's eyes.

> The Congress representatives have tried their utmost to bring about a solution of the communal tangle. But this has been made impossible by the presence of the foreign Power, and only after the ending of foreign domination and intervention can the present unreality give place to reality and the people

[1] *The Times*, July 16, 1942.

of India, belonging to all groups and parties, face India's problems and solve them on a mutually agreed basis.

The present political parties, formed chiefly with a view to attract the attention of and influence the British Power, will then probably cease to function. For the first time in India's history the realisation will come home that the Princes, *jaghirdars*, *zamindars* and propertied and moneyed classes derive their wealth and property from the workers in the fields, factories and elsewhere, to whom essentially power and authority must belong.

Next, the resolution explained how the immediate transfer of power from Britain to India was to be effected.

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.

Finally, the resolution asked for the acceptance of 'the very reasonable and just proposal herein made, not only in the interest of India, but also that of Britain and of the cause of freedom to which the United Nations proclaim their adherence'.

Should, however, this appeal fail, the Congress cannot view without the gravest apprehension the continuation of the present state of affairs involving a progressive deterioration in the situation and the weakening of India's will and power to resist aggression. The Congress will then be reluctantly compelled to utilise all the non-violent strength it might have gathered since 1920, when it adopted non-violence as part of its policy, for the vindication of political rights and liberty. Such a widespread struggle would inevitably be under the leadership of Mahatma Gandhi. As the issues raised are of the most vital and far-reaching importance to the people of India, as well as to the peoples of the United Nations, the Working Committee refers them to the All-India Congress Committee for final decision. For this purpose the A.I.C.C. will meet in Bombay on August 7, 1942.

Startling though it may seem on a first reading, this resolution was the logical sequel to what had gone before. It made explicit the demand for immediate independence implicit in the Working Committee's answer to Sir Stafford Cripps' proposals; and it gave final and concrete expression to the Congress doctrine that India can safely be given that independence before she has obtained a system of government under which it can be exercised. All the well-known obstacles to an agreement as to what sort of system it should be are brushed aside. It is taken for granted that, the moment the existing Government had ceased to function, 'responsible men and women' would somehow form a new Government which would command the obedience of all British India and maintain its relationship with the States. As to the future constitution Mr. Gandhi was vague. 'We may quarrel among our-

selves,' he wrote on July 12, 'or may adjust our quarrels and agree to set up an ordered rule on behalf of the people. It may be a democratic constitution or an unadulterated autocracy or oligarchy. . . There is no end to the possibilities.' And again (July 26): 'After the restoration of India to the nation, there will be no Central Government. The people's representatives will have to construct it.' But more important than these speculations about the future was the fact that, if Mr. Gandhi's demand were conceded, there would be no Central Government *now*, and, until those 'responsible men and women' established it, there would be no legal authority for the maintenance of peace and order anywhere in British India and no machinery for maintaining in the field the Allied forces now confronting the advancing Japanese on the frontiers of Assam and Bengal. As to how it was to be established, Mr. Gandhi made only one point clear. The Congress was to 'take delivery' from the existing Government and then do its best to promote unity. Writing on August 2, he quoted what Maulana Azad had said: 'The Congress does not desire to take power for itself but for all. If real power is handed over to the Congress, surely it will approach other parties and persuade them to join.'

The gravest feature of the resolution was the threat to use all the Congress 'non-violent strength' against the Government if it refused to abdicate, and it is one more proof of Mr. Gandhi's power that this threat was backed by Congress leaders who not so long ago had learned from their own experience as Ministers what tragic results might follow from any organised defiance of the law. It was impossible to foretell to what lengths 'mass civil disobedience' might go. In 1930-31 it had brought about a very serious situation in several parts of India; and Mr. Gandhi himself, who had more than once before admitted that he could not guarantee that, once a large-scale non-violent movement had been launched, there would be no violence, now admitted it again. 'I do not want rioting as a direct result', he said on July 19.[1] 'If in spite of precautions rioting does take place, it cannot be helped.' Nor would it suffice to keep the peace and prevent bloodshed if every Congressman obeyed the dictates of *ahimsa*; for the general challenge to authority would tempt not only the lawless elements throughout the country but also the organised underground revolutionary bodies on the extreme Left to make the most of their opportunities. At any time the danger of such developments would have been obvious enough, and this was a time when, as soon as the weather permitted, a Japanese invasion of India was expected. It was with these considerations in mind, no doubt, that Maulana Azad hastened to explain that the resolution was not an ultimatum;[2] but for twenty years past the President of the Congress has never been its 'sovereign',[3] and Mr. Gandhi's interpretation of the resolution was quite uncompromising. 'There is no room left for negotiation',

[1] *Harijan*, July 19, 1942.
[2] *Times of India*, July 16, 1942.
[3] See pp. 90-93 above.

he told the journalists at Wardha on July 14: 'either they recognise India's independence or they don't. . . . There is no question of "one more chance". After all, this is open rebellion.'[1]

The Working Committee's resolution was greeted with a chorus of dissent and alarm. No party other than the Congress, no individual politician outside its ranks, approved of such a stark defiance of the Government at so critical a time. It was an attempt, said Mr. Jinnah, 'to coerce the British Government to surrender to a Congress Raj'. 'Britain', he added, 'dare not sacrifice the Moslems.' Later on, he described the 'Quit India' campaign as 'a manifestation of an angered and desperate mentality', and asked if this was the best contribution that Mr. Gandhi could make to India in the evening of his life.[2] Towards the end of July he declared his intention of summoning the Working Committee of the League to discuss the 'most dangerous and serious situation' created by Mr. Gandhi's challenge to the British Government and to Moslem India.[3] Mr. Savarkar and other Mahasabha leaders, while sharply critical of the British Government, called on their followers to give no active support to the Congress policy.[4] The Council of the National Liberal Federation expressed its anxiety with its customary restraint. 'The Council trusts', it said, 'that no civil disobedience movement will be started as it will be prejudicial to the best interests of the country in respect of defence and other matters.'[5] Though it was clear that the Congress had committed itself to nothing short of British abdication, Sir Tej Bahadur Sapru continued to plead for modifications in the existing constitution, and, at the end of July, when the crisis was approaching its climax, he appealed for the abandonment of civil disobedience and the summoning by all the party leaders of a Round Table Conference to bring about an immediate settlement and to set up the machinery for the discussion of the future constitution. 'It is my emphatic opinion', he declared, 'that no one has got the right to gamble with the lives and safety of 400 million people at a time when our internal discussions and civil strife must bring joy and encouragement to the hearts of the Japanese.'[6] This proposal was backed by Mr. Jayakar,[7] but Pandit Nehru had already turned it down: it was unacceptable, he said, to the Congress without prior recognition 'of our basic standpoint of an immediate declaration of independence'.[8] Other Liberals took the same line as Sir Tej. The Congress policy, said the veteran Mr. Srinivasa Sastri, meant 'a good deal of misery all round'. It was 'creating anarchy hoping that some settled form of government would take its place'.[9] 'Britain dare not go back on her word', said Sir K. V. Reddi, the non-Brahmin leader in Madras. 'Can't we wait for a year or two more?'[10] 'I yield to none', said Dr. Ambedkar on behalf of the Depressed Classes, 'in my desire for the freedom of this country . . . but it would be madness to

[1] *Times of India*, July 15, 1942. [2] *Ibid.* [3] *Ibid.*, July 15 and Aug. 1.
[4] *Ibid.*, Aug. 11. [5] *Ibid.*, July 6.
[6] *Ibid.*, July 27, and *Reuter*, Bombay, July 28. [7] *Reuter*, Bombay, Aug. 4.
[8] *Times of India*, Aug. 1. [9] *Leader*, Aug. 9. [10] *Ibid.*, July 22.

weaken law and order when the barbarians are at our gates.'[1] 'We will not allow this country to be betrayed', said the President of the National Democratic Union, 'by a misguided visionary like Gandhi.'[2] 'We Indian Communists', said Mr. P. C. Joshi, General Secretary of the Indian Communist Party, 'are trying to convince our fellow patriots that the course of action suggested by Congress leadership does not lead to freedom, but cuts the nation away from freedom's battle and divides progressive forces in Britain and India.'[3] Of many individual protests two may be cited here. The resolution, said Sir Sikander Hyat Khan, 'aims, to put it mildly, at creating pandemonium'. It was 'a gross betrayal of our country' and of the Indian soldiers fighting to preserve its freedom.[4] 'The withdrawal of the Government', wrote Mr. Rajagopalachari in a letter of protest to Mr. Gandhi, 'without simultaneous replacement by another must involve the dissolution of the State and society itself.' The first need was Hindu-Moslem agreement as to a National Government to take over power. Without that, the proposed campaign would only benefit the Japanese.[5]

Meantime the Central Government held its hand. Some observers questioned the wisdom of allowing the Congress leaders to go on preaching rebellion and making their plans to bring it about, but the Government, as it afterwards declared, was hoping that, when the Wardha resolution came up for confirmation on August 7, the ultimatum at the end of it might after all be withdrawn in view of its universal condemnation not only by non-Congress Indians but also in the British and American Press. When the day of decision drew near, Mr. Amery repeated in the House of Commons the pledge he had given on the morrow of Sir Stafford Cripps' return to England —while the Draft Declaration had been withdrawn, the broad principles of it stood as the settled policy of the British Government and Parliament— but at the same time he warned the Congress leaders that there would be no compromise with rebellion.[6] The Labour Party had already declared its attitude. On July 22 its National Executive Committee had appealed to the Indian peoples to make a further effort to reach a settlement between themselves and with the British Government, and had expressed its anxiety at the possibility of a civil disobedience movement. 'Such a movement,' it had said, 'the very contemplation of which is a proof of political irresponsibility, might imperil the fate of all freedom-loving peoples and thereby destroy all hopes of Indian freedom.'[7] British public opinion in general was reflected in the statement issued to the Press by Sir Stafford Cripps on August 6.[8]

[1] *Ibid.*, July 28. [2] *Reuter*, Bombay, Aug. 2. [3] *Ibid.*, Aug. 3.
[4] *Ibid.*, Lahore, Aug. 1, 1942: Cairo, Aug. 11. [5] Text in Appendix IX, p. 337 below.
[6] *Hansard*, H. of C., cccl xxii, 671-5. For the previous pledge, see H. of C. (April 28), cccl xxix, 912, and for Mr. Churchill's later repetition of it, H. of C. (Sept. 10), cccl xxxiii, 302.
[7] *The Times*, July 23, 1942. After the events of August 8 and 9, the Executive Committees of the Labour Party and Trades Union Congress declared that 'the establishment of a free India in the post-war world is secure' and that agreement on this principle was 'a mighty historic achievement', and condemned 'the present attempt to organise a civil disobedience movement in India as certain to injure seriously the hope of Indian freedom . . and give encouragement and comfort to the common enemy', *The Times*, Aug. 13, 1942.
[8] *The Times*, Aug. 6, 1942.

Chaos in India at this moment would not affect India only. It would affect vitally the whole war against the Axis Powers . . . I cannot believe that it is the desire of the Indian people—and I know it is not the desire of many of them—to use this time of difficulty in order to extract compliance with the views of one section of opinion, however large and important. . . . I remember Mr. Gandhi saying some years ago that, once given the certainty of Indian freedom in the future, he cared little how long the period of transition lasted. The certainty has now been given, and the period of transition has been reduced to 'while hostilities last'. Is it not then unreasonable to demand suddenly that there should be no period of transition at all, and to make that demand at a moment of peculiar difficulty for the United Nations? . . . We make no threats, but we must assert unequivocally our duty to India, to the great minorities, and to the United Nations to preserve law and order until hostilities cease and we can then give, as we have promised, the fullest opportunity for the attainment of self-government by the Indian people.

On August 5 the Congress Working Committee passed a new resolution[1] for submission to the now imminent meeting of the A.I.C.C. It confirmed the Wardha resolution and repeated its main arguments, but in view of the controversy of the last few weeks it added one or two new points. To meet the charge that the Congress was backing out of the war and becoming 'isolationist', the resolution declared that a free India would become an ally of the United Nations, using its armed as well as its non-violent forces in the common cause, and would willingly join a federation of free nations to maintain the future peace of the world. To conciliate the minorities it was pointed out that the Congress was not 'embarking on a mass struggle' to obtain power for itself. 'Power, when it comes, will belong to the whole people of India.' The Provisional Government will be 'a composite Government representative of all the important sections of people in India'; and the constitution to be drafted later on by the Constituent Assembly should be 'a federal one with the largest measure of autonomy for the federating units and with residuary power resting in these units'—an important departure from the unitarian doctrine preached by the Congress leaders in earlier years. No less significant was the stress now laid on the responsibility of the United Nations as a whole and not of Britain only for the liberation of India. 'By freedom in India will Britain and the United Nations be judged . . . India in bondage continues to be a symbol of British Imperialism, and the taint of that Imperialism will affect the fortunes of all the United Nations.' The Wardha resolution had appealed to Britain: the new one appealed 'to Britain and the United Nations'.

The ultimatum was not tempered. It was asserted, indeed, that developments since the Wardha meeting had confirmed the futility of all promises or guarantees for the future and the necessity for the immediate withdrawal of British rule from India. After repeating and sanctioning the proposals for 'mass struggle on non-violent lines on the widest possible scale' under Mr. Gandhi's command, the resolution appealed 'to the people of India to

[1] *Times of India*, Aug. 6, 1942.

face the dangers and hardships that fall to their lot with courage and endurance, and hold together under the leadership of Gandhi and carry out his instructions as disciplined soldiers of Indian freedom'.

On August 7 this resolution was submitted to the A.I.C.C. meeting at Bombay, which was attended by about 250 of its members. Mr. Gandhi was there as usual, and he made it clear that he was in full accord with the Working Committee or they with him. In a long speech he pleaded that he was 'a greater friend of the British now than he ever was', and for that very reason he was bound 'to point out their mistakes to them'. But he did not suggest a compromise. 'We shall get our freedom by fighting', he said: 'it cannot fall from the skies.'[1]

There was little opposition. Dr. Subbarayan, an ex-Minister from Madras, asked that the Congress should take the initiative in bringing about an agreement with the Moslem League, since 'a mass movement launched without communal harmony might lead to chaos and disorder'. Pandit Balkrishna Sharma, speaking for Labour, declared that the proposed campaign was untimely with the Japanese on the frontier and that it would not obtain the full support of Indian Trade Unionists. But these arguments had no effect. The few amendments moved were negatived, and, when on the afternoon of August 8 the resolution was put to the vote, only 13 votes were cast against it. Mr. Gandhi accepted the decision as 'the chief servant of the nation'.

> The voice within me tells me I shall have to fight against the whole world and stand alone. . . . Even if all the United Nations oppose me, even if the whole of India tries to persuade me that I am wrong, even then I will go ahead, not for India's sake alone but for the sake of the world. . . . I cannot wait any longer for Indian freedom. I cannot wait until Mr. Jinnah is converted. . . . If I wait any longer, God will punish me. This is the last struggle of my life.[2]

Early on August 9 Mr. Gandhi, the members of the Working Committee and some other Congress leaders were arrested,[3] and the A.I.C.C. and all the Provincial Congress Committees, except in the North-West Frontier Province, were banned.[4] The Central Government, said the official *communiqué*,[5] had been aware for some days of the preparations being made by Congressmen for a campaign of lawlessness, including attempts to interrupt communications, to foment strikes, to tamper with the loyalty of Government servants and to interfere with recruitment.

> The Government of India have waited patiently in the hope that wiser counsels might prevail. They have been disappointed in that hope. To a challenge such as the present there can only be one answer. The Government of India would regard it as wholly incompatible with their responsibilities to the people of India and their obligations to the Allies that a demand should be discussed, the acceptance of which would plunge India into confusion and

[1] *Leader*, Aug. 8, 1942.
[2] *Ibid.*, Aug. 10, 1942.
[3] Under Rule 26 of the Defence of India Rules.
[4] Under the Criminal Law Amendment Act of 1908.
[5] *The Times*, Aug. 10, 1942.

anarchy internally and would paralyse her effort in the common cause of human freedom.

The *communiqué* went on to remind the people of India of the British Government's guarantee of self-determination directly after the war and to deny the capacity of the Congress to override the realities of Indian politics and establish the freedom of India at a stroke. The action, it was added, which the Government was bound to take to uphold law and order and safeguard the war-effort would be 'preventive' rather than 'punitive'.

It was afterwards made known that the Central Government's decision had been unanimous. The Executive Council, it will be remembered, had recently been expanded, and, as it happened, the three official Members (apart from the Viceroy) were absent.[1] Thus the decision was taken by the Viceroy and the twelve unofficial Members, all of whom, except Sir E. C. Benthall, were Indians.

For some time before the Bombay resolution Mr. Gandhi had been trying to win over the Moslem League to a combined attack on British rule. 'Why blame the British for our own limitations?' he wrote a few days after the breakdown of the Cripps Mission. 'Attainment of independence is an impossibility *till we have solved the communal tangle.*'

If the vast majority of Muslims regard themselves as a separate nation, having nothing in common with the Hindus and others, no power on earth can compel them to think otherwise. And if they want to partition India on that basis, they must have the partition, unless Hindus want to fight against such a division. So far as I can see, such a preparation is silently going on on behalf of both parties. That way lies suicide. Each party will probably want British or foreign aid. In that case good-bye to independence. . . . I dare not contemplate the actuality. I should not like to be its living witness. I would love to see a joint fight for independence. In the very process of securing independence it is highly likely that we shall have forgotten our quarrels. But if we have not, *it will then only be the time to quarrel if we must.*[2]

The contradiction between the two italicised passages is plain. The first declares that communal agreement must precede independence, the second that agreement—or disagreement—must wait till independence has been won. And it was soon clear that in the meantime Mr. Gandhi was not prepared to accept the one condition on which a Hindu-Moslem accord was now practicable—an acceptance in principle of the Moslems' right of self-determination. A fortnight after the article quoted above was published, the A.I.C.C. met at Allahabad, and Mr. Gandhi was evidently in agreement with the resolutions which on the one hand demanded the withdrawal of British rule and on the other hand flatly ruled out of discussion any proposal of partition. Nor did he prevent, as he doubtless could have prevented if he

[1] Sir Jeremy Raisman was on a visit to England. Sir Reginald Maxwell was ill. The Commander-in-Chief was overseas.

[2] *Harijan*, April 18, 1942. Italics not in the original.

had wished, the subsequent virtual expulsion of Mr. Rajagopalachari from the party on that issue.

As the day of decision drew near, one more effort was made to win over the League. Writing on August 2, Mr. Gandhi quoted with approval a statement of Maulana Azad that 'he had no objection to Britain handing over power to the Muslim League or any other party provided it was real independence', since, as he pointed out, no single party could function properly without the co-operation of other parties.[1] Finally, a few hours before his arrest, he wrote to a Moslem business-man in Bombay:[2]

Provided the Muslim League co-operated fully with the Congress demand for immediate independence without the slightest reservation, subject of course to the proviso that independent India will permit the operations of the Allied armies in order to check Axis aggression and thus help both China and Russia, the Congress will have no objection to the British Government transferring all the powers it to-day exercises to the Muslim League on behalf of the whole of India.[3] And the Congress will not only not obstruct any government that the Muslim League may form on behalf of the people, but will even join the government in running the machinery of the Free State.

But, when Mr. Gandhi wrote that letter, the decisive resolution had already been carried by the A.I.C.C. He had not 'waited for Mr. Jinnah', and in any case Mr. Jinnah was not likely to acquiesce in the immediate withdrawal of British authority in India—an authority pledged to protect the rights of minorities and equipped by law to do so through the 'safeguards' and the power of ultimate control—'without the slightest reservation' as to the position of the Moslems in the future Free State. As it was, when the arrest of the Congress leaders was known, he issued a statement deeply regretting that the Congress had declared war on the Government, regardless of all interests other than its own, and appealing to Moslems to keep completely aloof from the movement and to await the formulation of the League's policy by the Working Committee.[4]

On August 20, when the outbreak of disorder was at its height, the League Working Committee, meeting at Bombay, passed a lengthy resolution[5] repeating its leader's condemnation of the 'open rebellion' launched by the Congress, which had now resulted 'in lawlessness and considerable destruction of life and property'.

It is the considered opinion of the Working Committee that this movement is directed not only to coerce the British Government into handing over power to a Hindu oligarchy and thus disabling them from carrying out their moral obligations and pledges given to the Musalmans and other sections of the peoples of India from time to time, but also to force the Musalmans to submit and surrender to Congress terms and dictation.

Since the war began and even earlier, the resolution continued, the sole objective of the Congress had been to secure power for itself. While claiming

[1] *Harijan*, Aug. 2, 1942. [2] *Times of India*, Aug. 20, 1942.
[3] This passage shows that the Congress was demanding the surrender not only of British authority in British India but also that of the Paramount Power.
[4] *Times of India*, Aug. 10, 1942. [5] *Ibid.*, Aug. 21, 1942.

the right of self-determination 'for "India", which is a mere Congress euphemism for a Hindu majority', it had denied that right to the Moslems; and the A.I.C.C. resolution at Allahabad had 'closed the door to the settlement of the communal problem, which is a condition precedent to the attainment of the freedom and independence of India'.

The negotiations of Sir Stafford Cripps with the Congress broke down not on the issue of independence but because of the refusal of the British Government to hand over the Muslims and the minorities to the tender mercies of the Congress. Any acquiescence in this on the part of the British would have been strenuously resisted by the minorities and particularly by the Muslim nation with memories of tyranny in the Congress-governed Provinces still fresh and vivid in their minds.

Baulked in their effort to cajole Sir Stafford Cripps to agree to the transfer of power to the Congress caucus, they decided upon a slogan—'Quit India'—accompanied by the threat of mass civil disobedience. This slogan is mere camouflage and what is really aimed at is the supreme control of the government of the country by the Congress.

The Moslems, the resolution went on, were 'not a whit less insistent' than the Congress on the attainment of independence, but the purpose of the Congress was not to secure freedom for all the constituent elements in the life of India but to bring about 'the establishment of a Hindu Raj and to deal a deathblow to the Muslim goal of Pakistan'.

The resolution then recorded the Working Committee's dissatisfaction with the British Government's attitude to the Moslems. 'The appeasement of the Congress has been the central pivot of the Government's policy', with no result save rebellion. They had ignored the League's willingness to share in the administration and in the war-effort, its acceptance of 'the underlying principles of the August Offer of 1940', and its response to the Japanese challenge. But Moslem co-operation was still possible, the Moslem masses could still be roused to a maximum war-effort, provided they were certain of attaining Pakistan. The League, therefore, now called upon the British Government without delay 'to pledge themselves that they will abide by the verdict of the plebiscite of Musalmans and give effect to the Pakistan scheme' in accordance with the principles of the Lahore resolution of 1940.

In conformity with the Congress precedent this appeal was extended to other Governments besides the British.

Having regard to the oft-repeated declarations of the United Nations to secure and guarantee the freedom and independence of the smaller nations of the world, the Working Committee invite the immediate attention of the United Nations to the demand of 100 millions of Muslims of India to establish sovereign States in the zones which are their homelands and where they are in a majority.

The resolution concluded as follows:

In these circumstances the Working Committee of the All-India Muslim League, after anxious and careful consideration, call upon the Muslims to abstain from any participation in the movement initiated by the Congress and

to continue to pursue their normal peaceful life. The Working Committee hope that no attempt shall be made from any quarter to intimidate, coerce, molest or interfere in any manner with the normal life of the Muslims, otherwise the Muslims will be compelled to offer resistance and adopt all such measures as may be necessary for the protection of their life, honour and property.

The hope expressed in that last paragraph was fulfilled. The Moslems obeyed their orders, and the Congress law-breakers, acting, no doubt, on similar orders, carefully abstained from any provocative conduct. Throughout the trouble there was no such outbreak of Hindu-Moslem strife as had almost invariably accompanied similar trouble, whether of political or economic origin, in the past. And amid much that was disheartening in the record of those weeks of turmoil this at least was of good augury for India's future. For it meant that, if the leaders were determined on it, communal passion could be held in check.

A summary account may now be given of the course of the 'rebellion'.[1]

(1) Mr. Gandhi's final message to his followers after his arrest was 'Do or die!',[2] and two or three days later serious disorders broke out simultaneously in parts of Bombay, Madras, the Central Provinces and Bengal, and on a graver scale in Bihar and in the east of the United Provinces. There were lesser outbreaks later on in Orissa and Assam. In the Punjab, Sind and the North-West Frontier Province there was relatively little trouble. Disturbances were also reported from a number of States, but, though in a few cases firing had to be opened on riotous mobs, they were negligible on the whole in comparison with those in British India, and everywhere the situation was quickly brought under control.

(2) The attack was directed in the first instance against communications —the railways and the telegraph and telephone system. Mobs, often thousands strong, set fire to railway stations, signal boxes and post-offices. Smaller gangs tampered with the permanent way and cut telegraph and telephone wires. By the middle of September about 250 railway stations had been destroyed or damaged, and of some 550 post-offices attacked 50 had been burnt out and over 200 seriously damaged. Most of the railway system in Bihar and the adjoining districts of the United Provinces was temporarily put out of action, and for a considerable time Bengal and Assam were completely isolated from the rest of Northern India. Communications with Madras were also interrupted. Thus the British and Indian forces defending the north-east frontier against the Japanese were deprived of their main channels of reinforcement and supply. War industries were similarly cut off from their chief source of coal which is located in Bihar.

(3) Besides the assault on communications, attacks were made on upwards of 155 police-stations and other Government buildings, most of which were destroyed. Municipal and private property was not altogether

[1] Based mainly on the Statement made by the Home Member of the Central Executive Council (Sir Reginald Maxwell) to the Central Assembly on Sept. 17. *Legislative Assembly Debates*, vol. iii, no. 2, pp. 141-51.

[2] *Ibid.*, p. 145.

spared, but there was very much less indiscriminate looting and arson than might have been expected.

(4) Attempts were also made to compel civil servants to betray their trust. At Chimur (which is less than 50 miles from Wardha) 'the sub-Divisional Magistrate, the Circle Inspector of Police, the Naib-Tahsildar and a constable were offered their lives if they promised to join the Congress and resign from Government service. They refused and were then murdered in cold blood and their bodies burnt.' Similar incidents occurred at other places. Over 30 policemen were killed, some of them caught without arms and murdered.

(5) The large-scale attack on communications was defeated by the end of August. The second phase of the campaign consisted mainly of isolated acts of sabotage and the secret distribution of inflammatory leaflets; but there were one or two outbreaks of destructive violence, the most serious of which was in the Midnapur district of Bengal, a notorious centre of terrorism in past times. By the end of the year the force of the rebellion seemed to have been exhausted, and there was apparently no likelihood of any further serious threat in the immediate future to the maintenance of order and the defence of the frontier.

(6) Throughout the trouble the conduct of the civil services was, with very few exceptions, exemplary. 'One of the high lights of the situation', said the Government spokesman in the Central Assembly, 'has been the manner in which not only the police, on whom the deadliest attacks usually fell, but also all ranks of Government servants—even the humblest—have, in the country as a whole, stood firm and done their duty.'[1]

(7) Troops were used in support of the police, mainly in the earlier phase and especially in Bihar. The casualties were 11 killed and 7 wounded.[2] Aircraft were used for reconnaissance, and on five occasions, after warnings had been unheeded, they fired on mobs engaged in destroying the railway line. No bombs were dropped.

(8) The number of insurgents killed in conflict with the troops and police were reported in mid-September as 658. By the end of November the figure had risen to 940. The cost of the destruction and disturbance has been officially estimated at about £1 million.

It may be pointed out, in conclusion, that the 'rebellion' was in no sense a national uprising. The area of the disturbances was limited, and the numbers engaged in them, though relatively large in some places, were a minute fraction of the local population. The Congress obtained no help from any other organised political party. Those from outside its ranks who did take part in the campaign were mostly drawn from those lawless elements which have always lurked in the background of Indian society—*goondas* or hooligans, ready to make the most of any assault on the law and its upholders,

[1] *Loc. cit.*, p. 147.

[2] Two R.A.F. officers, travelling on leave, were taken from a train, killed, and their bodies paraded through the town and thrown into a river.

and members of revolutionary organisations, waiting underground for a chance to overthrow the Government.

No doubt the revolt would have been more widespread and better organised if the Congress 'high command' had been allowed to perfect their plans for it and to choose their time for launching it. But that does not mean that, as Congress apologists asserted, the outbreak was not Congress' doing but a spontaneous popular reaction to the arrest of Mr. Gandhi and other patriots. In reply to that assertion the Government spokesman in the Central Assembly pointed out that the disorders had begun simultaneously at widely separated points, that the worst trouble had been located in a vital strategic area, that expert technical knowledge had been displayed and special tools used in the assault on communications, and that discrimination had been shown in the conduct of sabotage from which, for instance, the plant and machinery of private industrialists were exempted—all of which seemed to be evidence of design and preparation. In several places, moreover, well-known Congressmen were observed inciting and directing the work of destruction.[1]

It may be left to historians of a later day to pass a final judgment on the tragic events of 1942. What more directly concerns this Report is the nature of the issue between Mr. Gandhi and the British Government. And about that there can be no reasonable doubt. The issue was not whether India should attain her independence, but only when and how it should be attained. The British Government insisted that a constitutional settlement was a necessary prelude to its abdication, since otherwise there would be no Government commanding the allegiance of the main elements in Indian political life to which its responsibilities, legal and moral, could be finally transferred, and it proposed that all possible steps should be taken to bring about such a constitutional settlement immediately after hostilities had ended. Mr. Gandhi demanded immediate abdication without a prior settlement. The Congress was at once to 'take delivery' of all British authority —both in the government of British India and in the exercise of Paramountcy over the States—in the belief that at least a provisional settlement would be quickly effected, but at the risk, it was admitted, that the other parties concerned might not come to terms with the Congress and that the ultimate upshot might be anarchy or civil war.

In the anxious period that followed the Congress leaders' arrest there

[1] *Legislative Assembly Debates*, vol. iii, no. 2, pp. 143-4. It was also argued that the disorders could not have been promoted by the Congress because they were not 'non-violent'. Against that may be set Mr. Gandhi's admission that his civil disobedience movement might result in rioting and the militant tone of his language on the eve of the outbreak. The Madras Government discovered and published a document drafted by the Andhra Provincial Congress Committee (in which Mr. P. Sitaramayya, a member of the Congress Working Committee, is the leading personality) and secretly circulated to all the District Congress Committees. It was headed with Mr. Gandhi's slogan, 'Do or die!', and it outlined a plan of campaign to be developed in successive stages, the fifth of which was to include the cutting of telephone and telegraph wires, the removal of rails and the demolition of bridges. Other items in the programme were 'to impede the war efforts of the Government' and 'to run parallel Government in competition with the British Government'. (On this last point see pp. 93 and 103-5 above.) *Ibid.*, pp. 148-9: *The Times*, Aug. 29, 1942.

was no sign of any 'second thoughts' among the rank and file. The only recognition of the need for a Hindu-Moslem agreement came, as before, from outside the Congress camp. Mr. Rajagopalachari renewed his appeal for the acceptance of the principle of Pakistan and he had a long discussion with Mr. Jinnah; but, as he had himself confessed, he could not speak for the Congress. Another attempt to negotiate with the Moslem League was made by Dr. Syama Prasad Mookerjee, but he was even less able to speak on that issue for the Mahasabha. The Hindu Press gave little backing to these efforts, and the Hindu platform, now that the chief Congress spokesmen had been muzzled, was mainly occupied by the Mahasabha, which, while it maintained its antagonism to Congress policy, maintained still more fiercely its antagonism to the policy of the League. When its members gathered from all parts of India for the Session at Cawnpore at the end of the year, there was nothing to show that the grievous events of the autumn had tempered in the slightest degree their uncompromising militancy. To judge from Mr. Savarkar's presidential address it had, if anything, been stiffened. Never, indeed, had his language been quite so provocative. The Moslems' duty, he said, was allegiance to the nation. Their rights and responsibilities were the same as those of other minorities, and they would be similarly represented on a democratic basis at the Centre. But the 'outrageous and treacherous' demand for Pakistan would not be tolerated. What nation would hand over its strongest frontiers to 'the very people who have seceded from the central State and who have been cherishing a hereditary desire to dominate the whole State'? There must be no secession, no right of Provincial self-determination. Such claims would be put down as treason by the united strength of the Central Government just as a movement for 'Negrostan' would be punished by the American nation.[1]

A few days earlier, as it happened, Lord Linlithgow had made a speech at Calcutta[2] in which, after expressing the hope that it might be 'still possible for the various parties to come together and co-operate in forming an executive Government', he argued at some length the case for maintaining the unity of India—a real unity, founded on a genuine agreement between her component parts—to enable her to deal successfully with her internal post-war problems and to take her full place in the world at large. Naturally this passage in the speech was warmly welcomed by Mr. Savarkar—just as it was sharply questioned by the organs of the League—but this did not mean that the Mahasabha was any friendlier to the Government than it was to the League. One of its resolutions asserted once again that the existing political deadlock was due 'mainly to the British Government's refusal to take the initiative and transfer power to Indian hands'; and another resolution declared that the Mahasabha was determined, despite its previous repudiation of the Congress' August policy, to resort to 'an active movement to compel Great Britain to recognise India as an independent nation as well as to defend the integrity of India against the Moslems' Pakistan proposal'.[3] But,

[1] *The Times*, Dec. 31, 1942. [2] *Ibid.*, Dec. 18, 1942. [3] *Ibid.*, Jan. 5, 1943.

though the Working Committee was authorised to formulate plans for the mobilisation of Hindu resources by April 30, it was not suggested that the 'active movement' was to be necessarily an illegal movement, and at one point in his address Mr. Savarkar had intimated that in his opinion the opportunity for a political settlement was not yet in sight.

Neither party in the war, either Axis or the Allies, have as yet secured any results so decisive as to invest them with an unquestionable superiority. Consequently, the best policy for all nations situated as the Hindus are is to continue to sit on the fence and watch the results, keeping ourselves all the while as well organised, as well informed, and as tactfully ready to take as much advantage as possible from the final results when the war ends.[1]

In another passage of his speech Lord Linlithgow dealt with the charge which has appeared so often on previous pages of this Report and had now been reiterated by the Mahasabha—the charge that all the trouble in India was due to Britain's refusal to part with power.

I would say exactly the contrary. These troubles are due to Britain's expressed readiness to part with power. It is because agreement cannot be reached between the conflicting interests in this country as to who is to take over the responsibilities which Britain is only too ready to transfer to Indian hands that the deadlock has arisen. It is from no reluctance on our part to transfer them.

An impartial study of the facts recorded in this Report—and the author has tried to state them with the objectivity required of him by his calling—confirms the truth of this diagnosis of what constitutes the real crux of the Indian problem. As India, step by step, has advanced towards the goal of full self-government, so, almost automatically, Hindu-Moslem antagonism has increased until, when the end of the road is clearly in sight, it threatens to break the country into pieces. This has engendered a sense of disappointment and frustration in India, and not in India only. Since the last World War, when the freedom of India was more clearly envisaged as the aim of British policy than it had ever been since the days of Macaulay and Munro and Henry Lawrence,[2] the great majority of the British people have wished that aim to be achieved as soon as possible. That was not prompted only by their allegiance to the old liberal tradition, nor only by a dislike of governing other people against their will. One result of that war—as natural a result as the new definition of Britain's Indian policy—was the final evolution of the relations between Britain and the Dominions into a partnership of free and equal nations, attested by the Declaration of 1926 and the Statute of Westminster of 1931. The British peoples took some pride in that. The Commonwealth of Nations, they believed, was a great contribution to the twofold cause of unity and freedom in the world. But its value would be still greater, it was felt, if India, as her leaders of an earlier day

[1] *The Times*, Jan. 15, 1943.

[2] See Part I, 18-20, 52-4.

had hoped, could take her place within it.[1] Would not the voluntary adherence of India to the Commonwealth, linking Asia with Europe and the New World in one free international society, be the happiest possible ending to the story of the British Raj?

There were many who believed that the Act of 1935 would enable Indian statesmen, if they so desired, to achieve that consummation, before many years had passed, by the growth of usage and convention on the 'Colonial Model'.[2] But those hopes were not fulfilled. The Act of 1935 was rejected. It was not its rejection, however, that seemed to show that, for the time being at any rate, the analogy with the Dominions had broken down. (The Act was itself a breach of Colonial precedent since, though representatives of India were fully consulted, it was mainly British work, whereas all the Dominions except New Zealand had framed their own national constitutions.) Where the analogy seemed at the moment to be failing was in the apparent inability of the Indian leaders to agree even on the main principles of their future government. Without reaching such agreement the Dominions could not have obtained their independence. Nor could it have been reached without a readiness to compromise and a process of give and take between all the parties concerned. But it was reached. In 1866 British and French Canadians agreed on a federal system for all British North America, and in 1867 the Dominion of Canada came into being. In 1891 the Australian States tried to reconcile their discordant interests within a looser federal scheme: they failed, but in 1899 they succeeded, and in 1901 the Commonwealth of Australia was established. In 1909 the Dutch-speaking and English-speaking South Africans, though it was only seven years since the close of a long and bitter war, agreed on a unitary constitution, and in 1910 the Union of South Africa was proclaimed. Only in Ireland was agreement unobtainable; and, until it is obtained, Ireland cannot achieve its independence as one nation. But in all those other countries the constitutional settlement was followed by national independence as soon as their peoples wanted it. It was not a question of Britain giving them their freedom. Once they were agreed on how they would use it, it was theirs to take.

Despite that historical lesson the paradox of Indian politics persists. On the one hand the outbreak of a second conflict between tyranny and freedom all the world over has greatly strengthened the desire that India should be free. It has sharpened the eagerness of educated Indians to see their country purged at last of all foreign control and standing on its own footing beside other countries, with a government that is Indian in the same full sense as the government of neighbouring China is Chinese; and it has whetted the impatience of the British people for the coming of India's liberation to prove to their own satisfaction that their purpose and their promises have been fulfilled and to bear witness to a doubting world that the

[1] See Part I, 37. In 1922 Mr. Srinivasa Sastri, one of the foremost Indian statesmen of that time, said: 'The British Commonwealth stands unique in the world for the reconciliation of East and West.' *The Times*, May 15, 1922.

[2] See Part I, chap. iv and pp. 146-7.

imperialism of a bygone age is dead. Yet the stronger grows the desire, the darker seem the prospects of its fruition. It may be, however, that they are not in reality so dark as they appear. For something at least has been gained from the controversy and conflict of the last few years. To understand the nature of a problem is half way to solving it, and the nature of the Indian problem is now clearer than it was. It is no longer a political problem in the wider sense. The relationship between Britain and India has ceased to be the major question, since it has been shown that the final transfer of power presents no insuperable difficulties. The major question now is the relationship between Indians and Indians: and the problem which has always had its constitutional side is now seen to be little else than constitutional. For the issue is simply whether a system or systems of government can be devised under which the different sections and communities of India, Provinces and States, Hindus and Moslems and the rest, can agree to live together. And, though for a time the air may still be rent by the battlecries of party warfare, it is hard to believe that, plainly confronted by that plain issue, the common sense of Indian patriots will not in the end prevail.

SUMMARY OF PART II

1. The Provincial and other parts of the Act of 1935 came into force in 1936-7, but the establishment of the Federation was delayed by the reluctance of the Princes to acquiesce in the requisite infringements of their sovereignty. Thus, while the Provinces obtained a new measure of autonomy, the Centre remained, apart from one or two minor changes, the old Centre as set up by the Act of 1919.

2. The Act of 1935 was attacked by the two major political parties in India. Both the Congress and the Moslem League repudiated the federal scheme; but, while the League was prepared to work the Provincial constitution 'for what it was worth', the Congress rejected the whole of the Act and decided that, while Congressmen should fight the elections and enter the new legislatures in order to promote the welfare of the Indian masses, they should combat the constitution and seek to end it.

3. The elections were held in the winter of 1936-7 and resulted in decisive Congress majorities in seven Provinces—Madras, the United Provinces, the Central Provinces, Bihar, Orissa, the North-West Frontier Province, and (in conjunction with one or two pro-Congress groups) Bombay. When the Congress leaders were invited to form Ministries, they declined to do so unless the Governors would undertake not to use the 'safeguards'. Minority Ministries were accordingly installed; but, as a result of further discussion from which it appeared that a breach between a Governor and his Ministers was likely to occur only on a major issue, these *interim* Ministries were replaced, in July 1937, by Congress Ministries which remained in office till they resigned in October and November 1939. A coalition Ministry under a Congress Premier, established in Assam at the end of 1938, also resigned at that time. In those Provinces responsible Government was thereupon suspended and the administration taken over by the Governors under Section 93 of the Act of 1935.

4. In Bengal, the Punjab and Sind non-Congress Ministries took office in April 1937, and were still in power at the end of 1942. Up to the end of 1938 and from the autumn of 1939 onwards, except for a period of 'Governor's rule' in the first half of 1941, a non-Congress Ministry also held office in Assam and, after November 1941, in Orissa.

5. In all these non-Congress Provinces responsible government has operated more or less in accordance with the intentions of the Act of 1935. The responsibility of Ministers to their legislatures has not been weakened by the operation of the 'safeguards'. Only three times has a Governor taken open action against or without his Ministers' advice. In Assam and Sind, owing to party intrigues in the legislatures, the Ministries have always been unstable and have frequently changed. The strongest Ministry has been that of the Punjab which, though the Hindus and the Sikhs have been represented in it, has rested mainly on the support of the predominantly Moslem Unionist Party. In Bengal the strength of the Ministry has been determined by the extent to which the Moslem majority in the Province has been united in support of it. Thus, though intercommunal coalitions in form, these Governments have been regarded by their opponents as communal Governments, and party divisions have continued to operate on communal lines.

6. The new constitution has worked best in Bengal and the Punjab. Their legislatures have enacted a number of useful measures, and in the field of administration their Governments have stood their sternest test, the maintenance of law and order. But communal tension has steadily increased and there have been several serious outbreaks of Hindu-Moslem strife. The record of Assam and Sind both in legislation and in firm administration has been poorer. It is too soon to assess the achievement of the non-Congress Government in Orissa.

7. The character of the government of the Congress Provinces was different

from that of the others. The Indian National Congress is not a political party in the ordinary sense. It is a revolutionary organisation pledged to obtain the complete independence of India and to that end to destroy the existing constitution and to frame a new one by means of a democratic Constituent Assembly. Its policy is 'unitary' in that it insists on the indivisibility of India and keeps all its members under the strict control of its Central 'high command', *i.e.*, the Working Committee, nominated by the President. It is also 'totalitarian', since the Congress, though dominated by Mr. Gandhi and other members of the Hindu intelligentsia, claims to represent all communities and classes and to be the only authentic embodiment of Indian nationalism. The effect of this on Congress Provincial government was twofold. (i) The Provincial autonomy intended by the Act was negated, since the Congress Ministries were closely supervised and controlled by the 'high command'. (ii) The Congress Governments were 'pure' Congress. Coalitions with minority parties were banned.

8. The Congress Governments were handicapped at the outset by their lack of experience in administration, by their ideological preconceptions, and by the tendency of their party committees and of individual Congressmen to act as if they were part of the Government; but by the end of their twenty-eight months' period of office most of the leaders had learned, and had taught the rank and file, how the machine of government should be worked. In the field of law and order, in which the most disquieting feature was the grave increase of communal antagonism, they had recognised the necessity of firmly repressing disorder. In the field of social policy they had put into effect a substantial part of their electoral programme. In particular they had carried drastic measures of agrarian reform, had begun to apply the policy of complete Prohibition, and had initiated important developments in education. Their financial policy, like that of the non-Congress Governments, was orthodox while they were in office, but they evaded the problem of the future cost of Prohibition and extended social services. There was only one open dispute over the 'safeguards'. Realising that the self-government bestowed on them did in fact enable them to do much to promote the welfare of the people and anxious to do more, the Congress Ministers allowed the policy of 'combating' the constitution to fall into the background, and many of them were known to have obeyed with reluctance the 'high command's' order to resign in October 1939. The fact that the Congress, after so many years of barren opposition, had accepted the responsibilities of office and become a constructive force in Indian politics had been generally welcomed; and, except in Moslem and some other minority circles, it was generally regretted that the work the Congress Governments were doing for the people of the Provinces should have been interrupted for reasons which had little directly to do with them.

9. On the morrow of their victory at the polls the Congress 'high command' had determined to strengthen their position throughout India in two ways—by forcing the pace of constitutional advance in the States and by absorbing minority parties, especially the Moslem League, into the Congress organisation. As to the States, the previous policy of abstaining from direct interference was abandoned, and a large-scale agitation was set on foot which reached its peak in the winter of 1938-9. Some success was obtained: in a number of States steps were taken along the path which had led to full responsible government in British India. On the other hand, the Congress assault tended to confirm the Princes' hesitation to be linked with British India in a federation, and the prospect of a more democratic *régime* had stimulated, as in British India, the growth of communal discord.

10. The Congress attempt to absorb the Moslem League not only failed: it produced a strong reaction. Under Mr. Jinnah's leadership the League launched a vigorous campaign against the Congress Governments as the agents of a purely Hindu Raj to which the Moslem minorities would be permanently subjected. Its organisation in rural areas was greatly extended; it won a growing number

of by-elections; and it conducted inquiries into the so-called 'atrocities' perpetrated against Moslems under Hindu rule. Finally Mr. Jinnah declared that democracy based on 'majority-rule' could not work in India, and, when the Congress Governments resigned, he ordered the observance of a 'day of deliverance' and said they must never come back.

11. The Moslem reaction was not confined to the Provincial field. The League now preached the doctrine that the Moslems of India were not a minority community but a separate nation, repudiated the goal of federation, and finally, in the spring of 1940, committed itself to the policy of 'Pakistan', *i.e.*, that the areas in north-west and north-east India in which Moslems were in a majority should become separate sovereign States.

12. This widening of the communal gulf was accompanied by a marked increase of rioting and bloodshed. It was generally agreed that Hindu-Moslem hostility had never been so bitter and that, if the Congress Governments had lasted longer, disorders would have broken out on an unprecedented scale.

13. Since the Central Government was still responsible only to the Secretary of State and Parliament, the proclamation of war by the Viceroy (Lord Linlithgow) was not subject to the prior assent of the Central legislature; but, in the absence of their Congress members, both Houses accepted it without question and passed with little opposition the emergency legislation required for the war. The Governments and legislatures of the non-Congress Provinces similarly accepted the proclamation and thenceforward took their full part in the war-effort. The Princes promptly pledged the resources of 'Indian India' to the common cause. As time went on, the scope of India's share in the war steadily increased. The Indian Army, which was engaged from the outset in Africa and the East, was expanded by voluntary recruitment to a strength of over one million by 1942. There was a similar great increase in the production of munitions and other war-supplies. Nor must the contributions of countless private individuals in money or in work, nor the loyal service of innumerable Indian officials, be omitted from an estimate of India's war-effort.

14. But the largest and most powerful political organisation in India has taken no part in it. Some time before 1939 the Congress leaders had declared that India must not be entangled in an 'imperialist war', and on the eve of the outbreak they had ordered the Congress members of the Central legislature to boycott the next session as a protest against the precautionary dispatch of Indian troops to Aden and Singapore. When war was proclaimed, while denouncing Nazi aggression, they asserted that India had been dragged into the war without her consent and could not fight for freedom unless she herself were free, and insisted that India must be declared 'an independent nation' and accorded the largest possible measure of actual independence at once. To these demands the Viceroy, after interviewing all the leading politicians of all parties, replied by re-affirming the pledge of Dominion Status as the aim of British policy in India, undertaking that the Act of 1935 should be reconsidered after the war in the light of Indian opinion, and proposing to establish in the meantime a consultative defence council representing the States and all parties in British India. The Congress 'high command' denounced this statement as a 'reiteration of the old imperialist policy', and, declaring that in view of it the Congress could not support Britain in the war, ordered the resignation of the Congress Provincial Governments as a first step in non-co-operation.

15. None of the other chief political parties followed the Congress lead. The Hindu Liberals and the Hindu Mahasabha maintained that India should support the democratic cause without bargaining. The Moslem League, while not repudiating the Viceroy's statement, intimated that its future policy would be determined by the extent to which it was assured of the Government's intention to safeguard the rights of the minorities.

16. The pattern which Indian party politics thus assumed at the beginning of the war was destined to remain unchanged in its main lines by subsequent developments. There were two periods at which it seemed possible that Congress aloofness from the war-effort might be overcome—the period of the *blitzkrieg* in Europe in 1940 and the period of the Japanese advance on India in 1941. But on both occasions the ultimate outcome was an intensification of Congress hostility to the British Government. Nor was Hindu-Moslem antagonism softened by the prospect of a German victory or of a Japanese invasion.

17. In June and July 1940 the Congress leaders affirmed that the Congress would be willing to take part in organising the defence of India if her independence were immediately declared and a National Government established at the Centre commanding the confidence of the Central legislature. This involved a temporary break with Mr. Gandhi who consistently upheld his doctrine that defence must be wholly non-violent.

18. A few weeks later the British Government made their so-called 'August Offer'. Its main points were as follows. (i) Indian self-government implied inter-communal agreement, since the British Government could not transfer full power to an Indian Government whose authority was denied by any powerful section of Indian opinion. (ii) For the framing of a new constitution after the war Indians (and not, as in the past, the British Parliament) should be primarily responsible. (iii) Meantime it was hoped that all parties would co-operate in the war-effort and thus pave the way for India's attainment of free and equal partnership in the British Commonwealth.

19. The Congress 'high command' rejected these proposals and reverted to the leadership of Mr. Gandhi who, after vainly soliciting permission to preach openly against participation in the war-effort, launched a non-violent civil disobedience movement (*satyagraha*) under his personal control. Numbers of Congressmen were arrested and sentenced to short terms of imprisonment, but the movement excited little public interest, and by the end of 1941, when the Congressmen still in prison were released, it had practically petered out.

20. In July 1941 the Advisory National Defence Council was appointed, and at the same time the Central Executive Council was enlarged. It had previously had seven members besides the Viceroy, four of whom were British and three Indian. Now it had twelve members besides the Viceroy, eight of whom were Indian and four British. But the hope that Indian party leaders might be appointed had been frustrated by the Viceroy's failure to secure an inter-party agreement. Not only had the Congress gone into open opposition, but Mr. Jinnah, applying the 'two-nation' principle, had insisted that at least half the seats on the Council should be allocated to the League and that nothing should be done to prejudice the position of the Moslems with regard to the post-war settlement. The two other main parties—the Liberals and the Mahasabha—asked for a National Government, manned wholly by Indians and freed from control by the Secretary of State and the India Office; but the Liberals made no practical contribution towards bringing about a Hindu-Moslem agreement, while the Mahasabha widened the breach by insisting in provocative terms on the Moslems' acceptance of a minority status in an undivided Hindustan.

21. The Japanese advance towards the Indian frontier in the spring of 1942 effected little change in the attitude of the Indian politicians. The Congress leaders refused to modify their previous demands. Only Mr. Rajagopalachari, ex-Premier of Madras, advocated an agreement with the League as the prerequisite of a National Government. The League, for its part, reiterated its claim for Pakistan as the only acceptable solution of the constitutional problem. In these circumstances Sir Stafford Cripps, Lord Privy Seal and a member of the British War Cabinet, flew out to India in March to discuss with the party leaders a new Draft Declaration of British policy. Its main points were as follows.

(i) The British Government proposed that steps should be taken to create a new Indian Union with the full status of a Dominion and freedom to secede from the British Commonwealth if it chose. (ii) On the cessation of hostilities a constitution-making body would be set up, representing both the Provinces and the States, and the British Government undertook to accept and implement the constitution framed by it provided (*a*) that any Province or Provinces, which were not prepared to accept the new constitution, should be entitled to form a separate Union and that the States should be similarly free to adhere to the new constitution or not, and (*b*) that a treaty should be negotiated between the British Government and the constitution-making body to cover all matters arising out of the complete transfer of authority from British to Indian hands. (iii) In the meantime the British Government must retain control of the defence of India 'as part of their world war-effort', but the task of organising the full military, moral and material resources of India would be the responsibility of the Indian Government in which it was hoped once more that the party leaders would join.

22. After a fortnight's discussion Sir Stafford Cripps' negotiations with the party leaders broke down. All parties rejected the British proposals for post-war constitution-making, but for different reasons. The Congress' main objection was that under the non-adherence clauses Pakistan was a possibility, the League's that it was only a possibility and not a certainty. But the breakdown of the negotiations was not due to disagreement as to the post-war constitution, on which it was generally accepted that discussion might be postponed, but to disagreement as to the character of the National Government which it had been hoped might be formed at once. The Congress leaders insisted that, while the British Commander-in-Chief would be left in control of military operations, in all other respects the Government must be 'a Cabinet Government with full power'. Sir Stafford Cripps rejected this demand because (*a*) it would involve a major constitutional change in the middle of the war—and he had explicitly ruled this out from the outset of the discussions—and (*b*) it would involve a majority dictatorship to which none of the minorities would consent.

23. There was widespread disappointment at the failure of the Cripps Mission, and the political situation rapidly deteriorated. While Mr. Jinnah denounced the Congress for attempting to establish a 'Congress Raj', the Congress repudiated Mr. Rajagopalachari's attempt to come to terms with the League and he was compelled to resign from the party. Meantime the 'high command', over which Mr. Gandhi's mastery was now again undisputed, demanded the immediate abdication of all British authority in India. Mr. Gandhi at first proposed that the British and American troops should also be evacuated, but later he agreed to their remaining in India with the consent of a free Indian Government. This Government would be formed by agreement between the parties as soon as the existing Government had surrendered its powers to the Congress. If these proposals were not accepted, a mass civil disobedience movement would be launched under Mr. Gandhi's leadership. This would, he said, be 'open rebellion'.

24. On August 8 the proposals were confirmed by the All-India Congress Committee, and next day, on the unanimous decision of the Central Government (which had again been enlarged in July and now contained, besides the Viceroy, three British officials, one British non-official and eleven Indians), Mr. Gandhi and other Congress leaders were arrested and the Congress organisation banned throughout most of British India. A few days later disorder broke out on a serious scale, but it was limited in area and confined to Congressmen, revolutionary extremists and hooligans. All the other parties condemned the 'rebellion' and held aloof from it. Its effect was gravest in Bihar and the eastern part of the United Provinces where the communications of the forces defending the frontiers of Bengal and Assam were completely interrupted for some time. By the end of September the worst of the outbreak was over, but sporadic disturbances continued.

25. The issue between the British Government and Mr. Gandhi was not the attainment of India's independence but the time and method in which it should be attained. The British Government held that a constitutional settlement was a necessary prelude to its abdication since otherwise there would be no Indian Government commanding the allegiance of India as a whole to which it could transfer its powers and obligations, and it proposed that everything possible should be done to bring about such a settlement immediately after the war. Mr. Gandhi demanded immediate abdication without a prior settlement. When British authority both in British India and over the States had been surrendered to the Congress, it would set about establishing a provisional Government by agreement with the other parties.

APPENDIX I

THE CONSTITUTION OF THE INDIAN NATIONAL CONGRESS

(As amended by the Bombay Meeting of the All-India Congress Committee in June 1939.)

Article I—Object.

The object of the Indian National Congress is the attainment by the people of India of *Purna Swaraj* (Complete Independence) by all legitimate and peaceful means.

Article II—Constituents.

The Indian National Congress will comprise :—

(1) Primary members enrolled under Article III;
(2) Village, Ward, Town, Taluka, Thana, Mandal, Tahsil, Subdivision, District, or other local Committees;
(3) Provincial Congress Committees;
(4) Annual Session of the Congress;
(5) All-India Congress Committee;
(6) Working Committee; and may comprise (*a*) committees or associations directly organised by the All-India Congress Committee or the Working Committee, and (*b*) committees organised by any provincial Congress Committee in accordance with the rules framed by it in that behalf and approved by the Working Committee.

Article III—Membership.

(*a*) Any person of the age of 18 years and over who believes in Article I shall, on making a written declaration to that effect attested by a witness and presenting an application in Form A annexed hereto and on payment of four annas, become a primary member of the Congress and be entitled to be placed on the register of Congress members kept at any office duly authorised in that behalf within the district in which he ordinarily resides or carries on business :

Provided that no person shall be a primary member of more than one committee at the same time.

(*b*) The application shall be handed in personally or sent by post or messenger.

(*c*) It shall state the full name, father's name, or in case of a married woman husband's name, age, sex and occupation of the applicant, as also the village, the Taluka, the district and the province in which he ordinarily resides or carries on business.

(*d*) The official receiving the application shall note on it the date of receipt, serial number and such other particular as may be prescribed and shall send it to the office of the District Congress Committee concerned for record.

(*e*) The applicant, on being enrolled, shall receive certificate of membership as per Form C, annexed hereto, either in the language and script of the province in which he resides or in the Hindustani language written in Devanagri or the Urdu script.

(*f*) Unless otherwise directed by the Working Committee the year for the membership fee shall be reckoned from January 1 to December 31 and there shall be no reduction in the subscription to be paid by members joining in the course of the year.

Article IV—Renewal of Membership.

(*a*) A member of the Congress enrolled as per Article III shall continue to be a member of the Congress until he resigns or is expelled therefrom, provided he renews his application and pays on or before the 31st of August of every subsequent year the annual membership fee of four annas and obtains a certificate of membership. The application for renewal shall contain the name, the father's name or in case of a married woman husband's name and the place of residence of the applicant in the prescribed Form B. The official receiving such application for renewal and subscription shall make a note to that effect in the Register of members.

(*b*) The name of any member failing to make the application and to pay the annual membership fee within the prescribed time shall be removed from the Register of members.

Article V—Membership Register.

Every district Congress Committee shall maintain a permanent Register of members enrolled for each constituency within the district showing the names and particulars required by Article III (*c*) in which shall be noted from year to year the fact whether a renewal application has been made or not and the membership fee paid or not.

Article VI—Provinces.

(*a*) The following shall be the provinces with the headquarters mentioned against them :

Province	*Language*	*Headquarters*
(1) Ajmer-Merwara	Hindustani	Ajmer
(2) Andhra	Telugu	Madras
(3) Assam	Assamese	Gauhati
(4) Behar	Hindustani	Patna
(5) Bengal	Bengali	Calcutta
(6) Bombay (City)	Marathi and Gujrati	Bombay
(7) Delhi	Hindustani	Delhi
(8) Gujerat	Gujrati	Ahmedabad
(9) Karnatak	Kannada	Dharwar
(10) Kerala	Malayalam	Calicut
(11) Mahakoshal	Hindustani	Jubbulpore
(12) Maharashtra	Marathi	Poona
(13) Nagpur	Marathi	Nagpur
(14) N.W.F. Province	Pushtu	Peshawar
(15) Punjab	Panjabi	Lahore
(16) Sind	Sindhi	Karachi
(17) Tamil Nadu	Tamil	Madras
(18) United Provinces	Hindustani	Lucknow
(19) Utkal	Oriya	Cuttack
(20) Vidharbha (Berar)	Marathi	Akola

(*b*) A provincial Congress Committee with the previous sanction of the Working Committee shall have the power to change its headquarters from time to time.

(*c*) The Working Committee may, after ascertaining the wishes of the Provincial Congress or committees concerned, constitute a new province or assign to a province a district or portions of a district from another province as also assign an Indian State or States or parts thereof, to any province.

Article VII—Qualifications.

(*a*) No member shall be entitled to exercise his vote at any election unless he has been continuously on a Congress register for 12 months prior to the date of the election and only on production of a certificate of membership :

Provided however that in the case of elections to the newly formed primary

Congress Committee, a member shall be entitled to vote, even if he has been a member only for three months, for the election of the committee's office-bearers.

Note.—The condition of 12 months' continuous membership will not apply to voters in the current year, *i.e.* 1939. To them will apply the old condition of three months' continuous membership prior to the date of the elections.

(*b*) No member even if he is qualified under clause (*a*) hereof, shall be eligible for election to an office of any primary committee or to membership of any elective committee, unless he is a habitual wearer wholly of handspun and handwoven Khaddar, provided that at the time of offering himself for such elections he is not a member of any parallel committee;

(*c*) No member even if he is qualified under clauses (*a*) and (*b*) shall be eligible as a delegate to the Congress or as a member of a Provincial or a District Congress Committee, unless he has been a member of the Congress for three consecutive years at the time of the election, provided that at the time of offering himself for such election he is not a member of any other parallel committee:

Provided further that it shall be open to the Executive of the Provincial Congress Committee to grant an exemption in favour of any person regarding the aforesaid qualification for elections in 1939 and 1940.

(*d*) No person who is a member of a communal organisation, the object or programme of which involves political activities which are in the opinion of the Working Committee, anti-national and in conflict with those of the Congress shall be eligible for election to any office or membership of any elective Congress Committee.

Article VIII—Election Tribunals.

(*a*) The Executive of the Provincial Congress Committee shall unanimously or by a majority of at least three-fourths of its members, appoint yearly a Provincial Election Tribunal, no member of which shall stand as a candidate for election as a delegate or to any office or membership of an elective Congress Committee in the province, during the term of his office. The Provincial Election Tribunal shall appoint one or more persons to constitute a District Tribunal in each district, to receive and decide disputes relating to enrolment of members, preparation or maintenance of register of members and election of delegates and office-bearers and members of elective committees, provided that no person so appointed shall be a candidate for election during his term of office:

Provided that it shall not be necessary to appoint a District Tribunal in the provinces of Bombay, Delhi and Ajmer-Merwara and provided further that if there is no District Tribunal appointed in any other province for any reason whatsoever, objections will be filed before and disposed of, by the Provincial Election Tribunal.

(*b*) If any provincial executive fails to appoint, by a date specified by the Working Committee, the Provincial Election Tribunal, the Working Committee shall appoint one.

(*c*) No person who is a dealer in Foreign cloth or British goods or who carries on trade in liquor or who is addicted to drink shall be eligible for election to an executive office or elective committee of the Congress.

Article IX—Objections to the Rolls.

(*a*) The Register of members shall be brought up-to-date on or before the 15th of September every year and shall be open to inspection by any member of the Congress at the office where it is kept from 16th to 23rd September.

(*b*) Any person whose name is omitted from the Register of members, or who objects to the entry of any name therein, may submit an objection in writing, stating the reasons for challenging such entry or omission to the District Tribunal, on or before the 30th September.

(*c*) The District Tribunal, after hearing the objection and any other party concerned, may direct any name to be entered into or omitted from the Register as the case may be, on or before the 10th October.

(*d*) The District Tribunal shall maintain a record of all proceedings before it and a copy of its order directing any amendment in the Register shall be forwarded by it to the District Congress Committee concerned and the District Congress Committee shall amend the Register where required in accordance therewith. The Register, after such amendment if any, shall be final, except for any change rendered necessary by disciplinary action taken against any member by a competent authority.

Article X—Election of Delegates.

(*a*) Every Provincial Congress Committee shall prepare a roll of its primary members qualified to vote and shall send to the A.I.C.C. Office a statement in regard to it, on or before a date fixed by the Working Committee. This statement shall be in the form prescribed by the A.I.C.C. Office and shall give separately the number of urban and rural members in each district.

(*b*) Members included in the said roll shall alone be entitled to vote at the election of delegates in that province.

(*c*) In the event of a Provincial Congress Committee failing to furnish the statement in time, the province concerned may be disentitled to elect its delegates.

(*d*) On receipt of the aforesaid statement, the Working Committee shall fix the date by which the election of delegates must be held.

(*e*) Provincial Committees shall divide the Province into fixed territorial constituencies.

(*f*) Every province shall be entitled to return a number of delegates at the rate of one delegate for every one lac of the inhabitants of such province including the Indian States or agencies therein, or a fraction thereof, in accordance with the last Census.

Proviso 1.—Bombay (City) shall have a maximum quota of 25 delegates, and the province of Delhi shall have a maximum quota of 15 delegates.

(*g*) (i) Each district shall be entitled to elect not more than one delegate, for each lac of its population provided that for every delegate to be elected, there are not less than 500 primary members enrolled during the year.

(ii) The number of delegates remaining unallotted to the constituencies on account of the inclusion of the population of Indian States in any Province, shall be distributed by the executive of the P.C.C. concerned, in such manner as in its opinion would meet the requirements of the case, subject to the rule of minimum enrolment of 500 primary members for each delegate.

(*h*) The province which has not completed its election on or before the date appointed by the Working Committee, may at the discretion of the Working Committee be disentitled to be represented at the Annual Session.

(*i*) A certified list of delegates shall be submitted by the Provincial Congress Committee, not later than the date fixed by the Working Committee in that behalf.

(*j*) Every delegate so elected shall, on payment of a fee of Rs. 5 at the office of the Provincial Congress Committee of his province, receive a certificate in accordance with Form D hereto annexed, duly signed by one of its Secretaries. No delegate who has not paid the fee, shall be entitled to exercise any of his functions.

Article XI—Election Disputes.

(*a*) It will be open to any member of the Congress within a constituency to lodge a complaint about an election within the constituency before the District Tribunal within seven days of the declaration of the result of such election and the District Tribunal shall decide the complaint.

(*b*) Until the election is set aside by the District Tribunal the person elected shall be deemed to have been duly elected.

(*c*) An appeal shall lie to the Provincial Election Tribunal against any order passed by the District Tribunal within seven days of the passing of such order. The order of Provincial Election Tribunal shall be final.

(*d*) The Working Committee may lay down rules for the conduct of elections and lodging and disposal of objections and complaints and appeals.

(*e*) The Provincial Tribunal shall on its own motion or on report by a District Tribunal, have the power to direct that any person found guilty of misconduct in connexion with enrolment of members, maintenance of register of members, election or lodging of a false objection or complaint, knowing it to be so, shall be disqualified from standing as a candidate for election or be expelled from the Congress for such period as it may consider just and proper. An appeal shall lie to the Working Committee from any order passed by the Provincial Election Tribunal under this clause.

Article XII—A.I.C.C. Elections.

(*a*) The delegates in every province shall assemble in a meeting to elect from among themselves one-eighth of their number, as representatives of the province on the All-India Congress Committee; provided that no Province shall have less than five representatives on the All-India Congress Committee, except Delhi which shall have four.

(*b*) The election in Sub-clause (*a*) shall be by proportional representation by single transferable vote.

(*c*) The Secretaries of the respective Provincial Congress Committees shall issue certificates of membership of the All-India Congress Committee to the persons elected to it.

Article XIII—Provincial Congress Committee.

(*a*) The Provincial Congress Committee in each province shall consist of the delegates from the province. In case the number of such delegates is less than 30, any number required to make the number of members of the Provincial Congress Committee 30, will be elected in such manner as the constitution of the province may determine, provided that in the case of Sind and Nagpur the number may be increased by the P.C.C. to not more than 50 and in the case of Vidharbha 45 and Delhi 40. In addition to these, the President and ex-Presidents of the Congress, resident in the province and duly qualified under Articles III and VII, shall also be members of the Provincial Congress Committees.

(*b*) Every Provincial Congress Committee shall,

(i) subject to the general control and supervision of the All-India Congress Committee, be in charge of the affairs of the Congress within its own province and to that end frame rules not inconsistent with this constitution, which rules shall come into operation only with the previous sanction of the Working Committee;

(ii) submit an annual report of the Congress organisation and the work in the province to the Working Committee not later than one month before the commencement of the Annual Session;

(iii) before the new All-India Congress Committee meets as Subjects Committee under Article XVI, pay to the Working Committee the fees received from the delegates. Any other subscription that may be fixed by the latter, having regard to the population, membership and financial capacity of the province, shall be paid not later than the end of June every year. Delegates and members of the All-India Congress Committee from provinces in default shall not be permitted to take part in any of the proceedings of the Congress or any Committee thereof.

(*c*) (i) No Provincial Congress Committee and no subordinate committee shall

be recognised by the Working Committee unless it has complied with the conditions laid down in this constitution or any rules framed thereunder by the Working Committee.

(ii) On failure on the part of any Provincial Congress Committee to function in terms of the constitution, the Working Committee may form one, to carry on Congress work in that province.

Article XIV—Annual Session.

(*a*) The Annual Session of the Congress shall be held at the time and place decided upon at the preceding Session. The A.I.C.C. or the Working Committee may, however, for sufficient reason change either the venue or the date or both of the Session.

(*b*) The Annual Session shall consist of—

(i) the President of the Congress;

(ii) the ex-Presidents of the Congress, provided they are duly qualified under Articles III and VII;

(iii) the delegates elected under Article X.

(*c*) The Provincial Congress Committee concerned shall make such arrangements for holding the Annual Session as may be deemed necessary, and for this purpose shall form a Reception Committee, and may include therein persons who are not its members.

(*d*) The Reception Committee shall collect funds for the expenses of the Session, make all necessary arrangements for the reception and accommodation of delegates and visitors and for the printing of the report of the proceedings of the Session.

(*e*) The receipts and disbursements of the Reception Committee shall be audited by an auditor or auditors appointed by the provincial Congress Committee concerned, and the statement of accounts together with the auditors' report shall be submitted by the Provincial Congress Committee to the Working Committee, not later than three months after the termination of the Annual Session. Any surplus funds remaining with the Reception Committee shall be divided equally between the All-India Congress Committee and the Provincial Congress Committee.

(*f*) The Reception Committee shall elect its Chairman and other office-bearers from amongst its own members.

Article XV—Election of President.

(*a*) Any ten delegates may jointly send the name of any delegate or ex-President of the Congress duly qualified under Articles III and VII, whom they propose to be elected President of the next annual session of the Congress, so as to reach the General Secretary of the All-India Congress Committee on or before a date to be fixed by the Working Committee.

(*b*) The General Secretary will publish the names of all persons so proposed and it will be open to any person whose name has been so proposed, to withdraw his candidature by informing the General Secretary of his intention to do so, within 10 days of the publication of the proposed names.

(*c*) After eliminating the name of any person who has withdrawn, the General Secretary shall publish the names of the remaining candidates and circulate them to the Provincial Congress Committees.

(*d*) On a date fixed by the Working Committee, each delegate in a province shall be entitled to record his vote in favour of one of the candidates for the Presidentship of the Congress, at a place to be fixed by the Provincial Congress Committee.

(*e*) The Provincial Congress Committee shall report to the All-India Congress Committee Office the number of valid votes recorded in favour of each candidate.

(*f*) As soon as may be after the receipt of the report the General Secretary shall

announce as President-elect the name of the candidate obtaining the largest number of votes, provided that such candidate has secured not less than 50 per cent of the votes polled.

(*g*) In case he does not get the requisite number of votes the delegates in each province shall, on a date fixed by the General Secretary, elect one out of the two persons getting the highest number of votes at the previous election and the General Secretary shall on receipt of the report from the Provincial Congress Committees of the number of votes recorded at the second election, declare the person getting the higher number of votes as the duly elected President of the Congress.

(*h*) In the event of an emergency arising by reason of any cause such as death or resignation of the President elected as above, the General Secretary shall forthwith fix a date for a fresh election by the delegates as prescribed above. In case such procedure is found not possible, the All-India Congress Committee shall elect the President.

Article XVI—Subjects Committee.

(*a*) The New All-India Congress Committee shall meet as subjects committee, under the President-elect at least two days before the Annual Session. The outgoing Working Committee presided over by the President-elect, shall submit to it the draft programme of the work for the session including resolutions recommended by the different Provincial Congress Committees.

(*b*) The Subjects Committee shall proceed to discuss the programme and shall frame resolutions for being moved in the open session. At least one day shall be allotted for the consideration of propositions of which due notice has been given by the Provincial Congress Committees or members of the All-India Congress Committee, other than Resolutions recommended by the Working Committee, in accordance with the rules prescribed in that behalf.

Article XVII—Congress Session.

At each sitting of the Congress, the order in which business shall be transacted shall be as follows :

(i) The resolutions recommended for adoption by the Subjects Committee

(ii) Any substantive motion not included in (i) and which 25 delegates request the President in writing, before the commencement of the day's sitting, to be allowed to place before the Congress; provided, however, that no such motion shall be allowed unless it has been previously discussed at a meeting of the Subjects Committee and has received the support of at least a third of the members then present.

Article XVIII—Special Session.

(*a*) The Working Committee may upon its own motion, or shall upon a joint requisition addressed to it, as provided in Article XIX (*e*), convene a meeting of the All-India Congress Committee for considering a resolution for holding a Special Session. Such resolution shall be effective if passed by the two-thirds majority of the members present. Thereupon the Working Committee shall summon a Special Session of the Congress, at such time and place as it shall determine and the Articles of the Constitution shall apply with such modification as the Working Committee may consider necessary, provided that the delegates of the preceding session shall be the delegates for such Special Session.

(*b*) The President of a Special Session shall be elected by the delegates in the manner prescribed in Article XV.

Article XIX—All-India Congress Committee.

(*a*) The President of the Annual Session, members of the All-India Congress Committee, elected under Article XII and the ex-Presidents of the Congress,

provided they are qualified under Articles III and VII, and the Treasurer of the Congress shall constitute the All-India Congress Committee.

(*b*) The All-India Congress Committee shall carry out the programme of work laid down by the Congress from session to session and deal with all new matters that may arise during its term of office.

(*c*) The All-India Congress Committee shall have the power to frame rules, not inconsistent with this Constitution, for regulating all matters connected with the Congress.

(*d*) The President of the Annual Session shall be the Chairman of the All-India Congress Committee.

(*e*) The All-India Congress Committee shall meet as often as required by the Working Committee, or on a joint requisition addressed to the Working Committee, by not less than 24 members. Such requisition shall specify the purpose for which the requisitionists desire a meeting of the All-India Congress Committee. At such meeting additional items of business may be brought up for consideration, provided due notice thereof has been given to the members. At least one full day shall be allotted for the consideration of propositions of which due notice has been given by members of the A.I.C.C. in accordance with the rules prescribed in that behalf.

(*f*) Forty or one-third of the total number of members, whichever is less, shall form the quorum.

(*g*) The All-India Congress Committee shall hold office till the meeting of the new All-India Congress Committee immediately before the next Annual Session.

(*h*) The All-India Congress Committee may from time to time affiliate to the Congress such organisations as it may deem necessary, provided such organisations are calculated to further or assist the object of the Congress.

(*i*) Every member of the All-India Congress Committee, *ex-officio* or elected, shall pay an annual subscription of Rs. 10 payable at or before the first meeting of the All-India Congress Committee. Members in default will not be permitted to take part in any meeting of the All-India Congress Committee, the Subjects Committee, or in any Session.

Article XX—Working Committee.

(*a*) The Working Committee shall consist of the President of the Congress, thirteen members including not more than three General Secretaries appointed by the President from amongst the members of the All-India Congress Committee, and a Treasurer appointed by him from amongst the delegates.

(*b*) The Working Committee shall be the executive authority and as such shall have the power to carry into effect the policy and programme laid down by the All-India Congress Committee and the Congress, and shall remain responsible thereto.

(*c*) The Working Committee shall place before every meeting of the All-India Congress Committee, the reports of its proceedings and the agenda of the meeting and shall assign at least one clear day for resolutions of which due notice may have been given by the members of the All-India Congress Committee, other than those of the Working Committee, in accordance with the rules prescribed in that behalf.

(*d*) The Working Committee shall appoint one or more inspectors to examine the records, papers and account books of all Congress organisations, which shall furnish all information and give to the inspectors access to all offices and records.

(*e*) The Working Committee shall have the power :

(i) To frame rules and issue instructions for the proper working of the Constitution and in all matters not otherwise provided for,

(ii) To superintend, direct and control all Congress Committees,

(iii) To take such disciplinary action as it may deem fit against a committee or individual for misconduct, wilful neglect or default.

(*f*) The Working Committee shall pay to the Provincial Congress Committee convening the Annual Session, one-fifth of the fees recovered from the delegates, within a fortnight of the termination of the session.

(*g*) The Working Committee shall take steps to have a regular audit of the accounts of the Provincial Congress Committees.

Article XXI—Funds.

The Treasurer shall be in charge of the funds of the Congress and shall keep proper accounts of all investments, income and expenditure.

Article XXII—General Secretaries.

(*a*) The General Secretaries shall be in the office of the All-India Congress Committee and the Working Committee.

(*b*) The General Secretaries shall be responsible for the publication of the report of the proceedings of the Annual or Special Session in co-operation with the Provincial Committee concerned. Such report shall be published as soon as possible and not later than four months after the Session.

(*c*) The General Secretaries shall prepare the report of the work of the All-India Congress Committee and the Working Committee during their period of office and submit it, with a full account of the funds which may have come into their hands, to the meeting of the All-India Congress Committee immediately before the Annual Session.

Article XXIII—Vacancies.

The office of a delegate or a member of the All-India Congress Committee or a Provincial Congress Committee shall be vacated by resignation, death or prolonged absence from India and such vacancy shall be filled by the Provincial Congress Committee concerned in the same manner in which the vacating member was chosen. A vacancy on the Working Committee shall be filled by the President.

Article XXIV—Fractions.

Where there is a question of considering the value of fractions, a fraction of one-half or more shall be treated as one, and less than one-half as zero.

Article XXV—Language.

(*a*) The proceedings of the Congress, the All-India Congress Committee and the Working Committee shall ordinarily be conducted in Hindustani. The English language or any provincial language may be used if the speaker is unable to speak Hindustani or whenever permitted by the President.

(*b*) The proceedings of the Provincial Congress Committee shall ordinarily be conducted in the language of the province concerned, Hindustani may also be used

APPENDIX II

BANDE MATARAM

An English translation by Sri Aurobindo Ghose

1

MOTHER, I bow to thee!
Rich with thy hurrying streams,
Bright with thy orchard gleams,
Cool with the winds of delight,
Dark fields waving, Mother of might,
Mother free.

2

Glory of moonlight dreams,
Over thy branches and lordly streams,
Clad in thy blossoming trees,
Mother, giver of ease,
Laughing low and sweet,
Mother, I kiss thy feet,
Speaker sweet and low,
Mother, to thee I bow.

3

Who hath said thou art weak in thy lands,
When the swords flash out in seventy million hands,
And seventy million voices roar
Thy dreadful name from shore to shore?
With many strengths who art mighty and strong,
To thee I call, Mother and Lord!
Thou who savest, arise and save!
To her I cry who ever her foemen drave
Back from plain and sea
And shook herself free.

4

Thou art wisdom, thou art law,
Thou art heart, our soul, our breath,
Thou the love divine, the awe
In our hearts that conquers death.
Thine the strength that nerves the arm,
Thine the beauty, thine the charm,
Every image divine,
In our temples is but thine.
Thou art Durga, Lady and Queen,
With her hands that strike and her swords of sheen.
Thou art Lakshmi lotus-throned
And the Muse, a hundred-toned.
Pure and perfect without peer
Mother, lend thine ear.

5

Rich with thy hurrying streams,
Bright with thy orchard gleams,
Dark of hue, O candid fair,
In thy soul, with jewelled hair
And thy glorious smile divine,
Loveliest of all Earthly lands,
Showering wealth from well-stored hands
Mother, Mother mine!
Mother sweet, I bow to thee
Mother great and free!

APPENDIX III

THE DEVELOPMENT OF PROVINCIAL FINANCIAL AUTONOMY

The history of provincial finance in India has been a process of gradual devolution of financial powers from the Secretary of State through the Govern-

ment of India to the Local (now Provincial) Governments. Before the reforms of 1919 there was a single budget for the whole of India and the Provincial Governments had no independent powers of taxation, the Central Government being the only taxing authority except for the very limited powers of taxation enjoyed by local bodies. Expenditure also was till 1871 controlled down to the smallest detail by the Government of India. This extreme centralisation resulted in a great rigidity in Provincial finance and was a constant source of friction, and between 1871 and 1919 the powers of the Provincial Governments were gradually increased. Immediately before the introduction of the reforms of 1919 the system of division of revenue designated certain heads such as opium, salt, customs, commercial undertakings, etc., as wholly Central; revenue from Civil Departments, Provincial works, Provincial rates, etc., was held to be wholly Provincial; and there was a third category of 'divided heads', the revenue from which was shared between the Centre and the Provinces and which consisted mainly of Land Revenue, Excise, Income-tax, Stamps, Forests and Registration.

With the introduction of a new policy of responsible government in the Provinces under the Act of 1919, it became necessary to have a more clear-cut division between Provincial and Central items of revenue and expenditure. The 'divided heads' were abolished and the revenue was now allocated under the following main heads. To the Centre, opium, salt, customs, income-tax, railways, posts and telegraphs and military receipts: to the Provinces, land revenue, including irrigation, stamps (judicial and commercial), registration, excise and forests. It was also decided to give to the Provinces a share of the income-tax revenue equal to a quarter of an anna on every additional rupee of the income assessed over and above the amount of income assessed in the datum year 1920-21. The abolition of the 'divided heads' of revenue and the provincialisation of certain heads such as land revenue and stamps would have resulted in a large deficit in the Central budget, but a committee appointed under the chairmanship of Lord Meston dealt with this difficulty by introducing a system of contributions payable by the Provinces to the Centre in order to bridge the gap. This system of contributions was strenuously opposed by the Provincial Governments, but, while the Bengal contribution was wholly remitted from 1922-3, it was not until 1925-6 that the gradual improvement in the finances of the Central Government made it possible for the latter to reduce the amount of the contributions which the other Provinces were asked to pay. In 1927-8 no contributions were actually levied, and in 1928-9 these contributions were finally abolished.

The extent of the annual benefit thus afforded to Provincial revenues from Central revenues may be gauged from the following figures.

Contributions payable by Provincial Governments to the Central Government under the Meston Award

(*In lakhs of rupees**)

Province	Annual contribution
Madras	3,48
Bombay	56
Bengal	63
United Provinces	2,40
Punjab	1,75
Burma	64
Central Provinces and Berar	22
Assam	15
Total	9,83

* A lakh of rupees = £7,500.

In the field of expenditure, the Provincial legislatures were free to spend what they liked on the 'transferred' subjects, but expenditure on the 'reserved' subjects was subject to some degree of control by the Government of India. Provincial Governments were also given certain powers of borrowing either in India or abroad on the security of their revenues; but these powers were limited and circumscribed. Loans were to be raised only for expenditure on any work or permanent asset of a material character in connexion with a project of lasting public utility, and only if the expenditure was so large that it could not reasonably be met from current revenue. Further, no loan could be raised in India without the previous sanction of the Governor-General in Council nor in England without a similar sanction of the Secretary of State, and all borrowing was to be done on behalf of, and in the name of, the Secretary of State.

The Central Government acted as bankers for Provincial Governments, there being only one public account, and the Provincial Governments had no cash balances of their own. They had an unlimited right to overdraw their accounts with the Central Government provided that the amount overdrawn was made up before the close of the financial year. The liability for providing ways and means during the year was thus entirely thrown on the Central Government.

The financial settlement thus introduced was, like the Constitution itself, a halfway house between a unitary and a federal system. In so far as the allocation of revenues was concerned, the system was completely federal in that a clean separation of revenues was made between the Central Government and the Provinces, but in the sphere of expenditure, audit and accounts, borrowing and allied matters, Provincial Governments continued to depend largely on the Central Government.

The Constitution of 1935 carried this process of decentralisation, which had been started as long ago as 1871, very much further. The sources of revenue of the Provincial and the Central Governments, as also their fields of expenditure, were clearly demarcated, the Provincial Governments were given unlimited rights to borrow in the open market (except when they were in debt to the Central Government, when that Government's previous sanction was necessary); they were to institute separate banking accounts of their own with the Reserve Bank of India and were thus made solely responsible for their own ways and means position; and they were also free to make their own arrangements with regard to audit and accounts.

The Act prescribes in great detail the allocation of the various sources of revenue. These sources may be divided into four categories. (A) Taxes levied and other revenue acquired by the Federation and retained by it; (B) Taxes levied by the Federation but divided between the Federation and the Provinces; (C) Taxes levied and collected by the Federation but assigned to the Provinces; and (D) Taxes levied and collected by the Provinces. The main items in class (A) are corporation tax; profits on currency and coinage; income from the federal railways; income from the posts and telegraphs (including telephones, wireless, broadcasting and other like forms of communications); import duties and military receipts. In class (B) are taxes on income other than agricultural income; salt duties; duties of excise on tobacco and other goods manufactured or produced in India except (*a*) alcoholic liquors for human consumption, (*b*) opium, Indian hemp and other drugs, narcotic and non-narcotic, (*c*) medicinal and toilet preparations containing alcohol or any substance included in sub-para (*b*), and export duties (with special provision for the Jute Export Duty). Part of the duties on salt, federal duties of excise and export duties may be paid out to the Provinces but only if an Act of the Federal legislature so provides. No such act of the Federal legislature has yet been passed and all these sources of income remain for the present purely Central.

Taxes levied and collected by the Federation but assigned to the Provinces

include duties in respect of succession to property other than agricultural lands; stamp duties in respect of bills of exchange, cheques, promissory notes, bills of lading, policies of insurance, etc.; terminal taxes on goods or passengers carried by railway or air and taxes on railway fares and freights. The object of the provision by which these taxes are to be levied and collected by the Federation, but to be distributed to Provinces, is primarily to maintain that uniformity in rates of taxation which in regard to matters such as these is clearly desirable.

The purely Provincial sources of revenue are land-revenue; irrigation; duties of excise on (*a*) alcoholic liquors for human consumption, (*b*) opium, Indian hemp and other narcotic and non-narcotic drugs, (*c*) medicinal and toilet preparations containing alcohol or any substance included in sub-para (*b*); taxes on agricultural income; taxes on lands and buildings, hearths and windows; duties in respect of succession to agricultural land; taxes on mineral rights; capitation taxes; taxes on professions, trades, callings and employments; taxes on animals and boats; taxes on the sale of goods and on advertisements; cesses on the entry of goods into a local area for consumption, use or sale therein; taxes on luxuries including taxes on entertainments, amusements, betting and gambling; stamps and registration; dues on passengers and goods carried on inland waterways; tolls and fees in respect of any of the matters in the Provincial list but not including fees taken in any court.

The Act, it will be observed, attempts, in keeping with the theory of federal finance, to make as clear-cut a separation as possible between sources of Central and Provincial revenue in order to minimise the possibility of friction between the Federal and Provincial Governments. A complete separation of mutually exclusive heads of Central and Provincial revenue was, however, impracticable, for under any such definitive allocation and in the absence of provision for further financial adjustment between the two, either the Centre or the Provinces would inevitably have been handicapped by insufficient resources. The Act therefore provided for the sharing, from the very start, of certain sources of revenue such as the Income-tax (Section 138) and the Jute Export Duty (Section 140 (2)) and made a further provision for the payment from Central revenues of cash subventions to such Provinces as might still be in need of assistance to balance their budgets (Section 142). In so far as they were not laid down in the Act, the details with regard to these matters were left to be prescribed by an Order in Council. This Order—Government of India (Distribution of Revenue) Order, 1936—was issued on the basis of an investigation made in India by Sir Otto Niemeyer, whose 'Award' was incorporated without modification in that Order.

The main objects which Sir Otto Niemeyer kept in view in working out the details of his Award were twofold. The first was to ensure the stability of the Central finances. The financial stability and credit of India as a whole were no less essential to the well-being of the Provinces and to the success of Provincial autonomy than to the Centre itself. The second object was to make such arrangements both for the present and for the future as would enable the Provinces to start their autonomous career on an 'even keel' and to permit them, with reasonably careful financial management and prudent husbanding and development of their resources, to balance their budgets without having to prune their expenditure to a level which would have impeded the efficiency of administration or the development of the social services. The Award therefore was based less on financial theory than on the present and future needs of each Province viewed in the light of estimates of its present and future resources.

With the object of starting the Provinces on an 'even keel', Sir Otto's first recommendation was that the debt which certain Provinces owed to the Government of India should be cancelled. He recommended the cancellation of the entire debt to the Centre incurred before April 1, 1936, by the Provinces of Bengal, Bihar, Assam, N.W.F.P. and Orissa, and that part of the debt of the

Central Provinces outstanding on March 31, 1936, which represented the accumulated revenue deficits together with about 2 crores[1] of earlier indebtedness. The

Debt Cancellation and Consolidation under the Niemeyer Scheme

(In lakhs of rupees)

Province	Debt cancelled	Immediate budgetary benefit resulting from this cancellation and consolidation
Madras	—	36
Bombay	—	7
Bengal	1,91	36
United Provinces	—	1
Punjab	—	3
Bihar	2,35	21
Central Provinces	2,56	18
Assam	90	15
N.W.F.P.	3,21	12
Orissa	2,69	9
Sind	—	1
Total	13,62	1,59

Government of India at the same time consolidated the debts owed by each of the remaining Provinces and also the remainder of the debt of the Central Provinces, making the resultant consolidated debts payable in half-yearly equated instalments of principal and interest over a period of 45 years. The figures above show the extent of the benefit that accrued to the various Provinces through this measure in the reduction both of their outstanding liabilities and of their annual interest charges. The Provinces were further given the option to repay in 1945-6 half of the consolidated debt outstanding on March 31, 1945, and to repay the remaining half in 1960-61. More recently the Provinces have been permitted to repay half of the debt due in 1945-6 in instalments beginning in 1942-3.

Three points had been specifically referred to Sir Otto Niemeyer, namely, the percentage of the income tax to be distributed to the Provinces and the manner of its distribution, the percentage of the Jute Export Duty to be assigned to the jute-growing Provinces, and the extent of the subventions to the Provinces. His recommendations were as follows :—

With regard to income tax he proposed—

(*a*) that the percentage prescribed under Section 138 (1) to be assigned to the Provinces should be 50;

(*b*) that the percentage distribution of this share should be: Madras 15, Bombay 20, Bengal 20, United Provinces 15, Punjab 8, Bihar 10, Central Provinces 5, Assam 2, N.W.F.P. 1, Orissa 2, Sind 2;

(*c*) that the amount to be retained by the Centre under Section 138 (2) should be, for a period of five years, in each year either the whole of the moneys assigned by sub-section (1) to the Provinces or such amount as together with any general budget receipts from the railways would bring the Central Government's share of the divisible total up to 13 crores, whichever might be less; and for a second period of five years, in the first year five-sixths of the sum, if any, retained in the last year of the first period, decreasing by a further sixth of that sum in each of the succeeding five years.

This arrangement was amended in 1940, retrospectively, from April 1, 1939, by the Government of India (Distribution of Revenue) (Amendment) Order,

[1] One crore of rupees = £750,000.

1940, which provided that the contribution of the railways to the Central Revenues should be altogether excluded from the calculation of the financial settlement between the Centre and the Provinces. Moreover, out of the Provincial share of income tax as defined above, the Centre would retain 4½ crores, the sum which according to the budget estimate for 1939-40, would have been retained under the normal operation of the Niemeyer Award. This formula was to remain in operation from 1939-40 to 1941-2, after which the retained portion would be reduced by one-sixth each year as originally provided. On April 1, 1942, however, in terms of proviso (ii) to sub-section 2 of section 138 of the Government of India Act, the Governor-General, being satisfied that the maintenance of the financial stability of the Central Government required him to do so, directed that the sum to be retained by the Centre in 1942-3 should be the sum retained in the preceding year and that the second prescribed period should be correspondingly extended.

Both these changes were the direct outcome of the war. In the first place, it was necessary to secure to the Centre the proceeds of a war-time enhancement of railway fares and freights. Secondly, owing to the greatly increased economic activity and the enhanced scale of war taxation, the revenue from taxes on income (including the Excess Profits Tax) has expanded enormously and consequently the share payable to the Provinces under the original Award would have been similarly swollen, although the heavy and mounting burden of Defence expenditure lies solely on Central revenues. The second change was designed as a partial corrective to this anomaly.

The table below shows the amount of income tax distributed to the Provinces

Share of Net Proceeds of Income Tax assigned to Provinces

(In thousands of rupees)

Province	1937–8	1938–9	1939–40	1940–41	1941–2 Revised Estimates	1942–3 Budget Estimates
Madras . . .	1,875	2,250	4,185	6,240	11,085	12,555
Bombay . . .	2,500	3,000	5,580	8,320	14,780	16,740
Bengal . . .	2,500	3,000	5,580	8,320	14,780	16,740
United Provinces .	1,875	2,250	4,185	6,240	11,085	12,555
Punjab . . .	1,000	1,200	2,232	3,328	5,912	6,696
Bihar . . .	1,250	1,500	2,790	4,160	7,390	8,370
Central Provinces .	625	750	1,395	2,080	3,695	4,185
Assam . . .	250	300	558	832	1,478	1,674
N.W.F.P. . .	125	150	279	416	739	837
Sind . . .	250	300	558	832	1,478	1,674
Orissa . . .	237	300	558	832	1,478	1,674
Total . .	12,487	15,000	27,900	41,600	73,909	83,700

in each year since 1937-8. It will be observed that, in spite of the later amendments to the Order-in-Council, the share annually distributed among Provincial Governments has trebled since the outbreak of war and for the years 1941-2 and 1942-3 is likely substantially to exceed the amount of Rs. 6 crores which, when the original award was made, was contemplated as the probable ultimate share of the Provinces at the end of the 10-year devolution period.

The percentage of the Jute Export Duty which Sir Otto Niemeyer proposed for assignment to the Provinces was 62½. This was to be distributed in proportion to the area under jute in each of the jute-growing Provinces. The figures below show the amount received by these Provinces on this account since 1937-8.

Share of Net Proceeds of Jute Export Duty assigned to Provinces

(In thousands of rupees)

Province	1937-8	1938-9	1939-40	1940-41	1941-2 Revised Estimates	1942-3 Budget Estimates
Bengal . . .	23,781	22,127	22,197	15,917	16,000	12,500
Bihar . . .	1,366	1,712	1,934	1,448	1,571	1,241
Orissa . . .	194	92	92	88	97	77
Assam . . .	1,175	1,169	1,339	1,059	1,214	959
Total . .	26,516	25,100	25,562	18,512	18,882	14,777

Sir Otto Niemeyer's third recommendation was that the Centre should make to the Provinces the following subventions :—

United Provinces	Rs. 25 lakhs a year for five years.
Assam	Rs. 30 lakhs a year.
N.W.F.P.	Rs. 1,00 lakhs a year.
Orissa	Rs. 47 lakhs for the first year;
	Rs. 43 lakhs in each of the next four years; and
	Rs. 40 lakhs a year thereafter.
Sind	Rs. 1,10 lakhs in the first year;
	Rs. 1,05 lakhs a year for the next nine years; the amount then gradually to diminish to Rs. 55 lakhs per year, and to cease at the end of 45 years from the commencement of the Act.

These, then, were the revenues placed at the disposal of the Provinces to start them on their new career. As for expenditure, the Provinces were given complete freedom to spend as they pleased without the interference of any outside authority. The only expenditure over which the Provincial legislatures did not have the right of control was expenditure which is statutorily 'charged' to revenue under the Act of 1935; this consists mainly of expenditure on the salaries and pensions of Governors, Judges of the High Court and members of the Secretary of State's Services, debt charges, and any items which the Governor may order to be included as touching any of his special responsibilities. Apart from this there is no restriction on the expenditure of the Provinces beyond such as is automatically placed on them by the necessity to find funds either by taxation or by borrowing to finance their outlay.

They have now the right to borrow freely on the security of their revenues without any interference from any outside body, except that Provinces which are indebted to the Centre have to obtain the prior permission of the Central Government before they borrow from any source. It has, however, been statutorily provided that this consent is not to be unreasonably withheld, and in no case has it yet been refused.

Under Provincial autonomy each Province has a separate banking account with the Reserve Bank of India. In the event of a temporary deficiency of resources, the Province must either borrow from the market in the form of short-term Treasury Bills or obtain a ways and means advance from the Bank.

The auditing and accounting arrangements have remained unchanged, the Auditor-General of India and his staff of Accountants-General in each Province carrying out these functions on behalf of both the Central and Provincial Governments. The Provinces have, however, been given the right (which none of them has yet exercised) to have Auditors-General of their own so that they may, if they

so desire, cut themselves completely adrift, even in this matter, from the arrangements of the Central Government.[1]

APPENDIX IV

EXTRACT FROM A STATEMENT BY THE CHANCELLOR OF THE CHAMBER OF PRINCES ON MARCH 17, 1942

The laws of the States that are members of this Chamber have been modelled generally on the lines of British Indian laws. The criminal, civil and procedural law enforced in the States is almost identical with that obtaining in British India 91 per cent. of the population of States in this Chamber has already got the benefit of High Courts; in 97 per cent. of these the Rulers exercise only the prerogative of mercy in judicial matters. Judicial officials generally possess sufficient legal qualifications or judicial experience, and in many cases minimum qualifications have been prescribed for the appointment of judicial officers. In certain groups the relatively smaller States have been examining or have adopted suitable schemes for common judges of the High Court. The general incidence of taxation in the States has also been compared with, and found lower than, that of the adjoining British Indian provinces. Primary education is free almost throughout the territories of the States. In some cases even higher education is paid for by the State Many States maintain colleges for 'post-matric' instruction for which stipends are liberally provided for the poor students. Modern dispensaries exist in every Chamber State, equipped according to the varying needs and conditions of the States. Some of them compare favourably with the best available medical aid in British India. Many States have extensive irrigation works, canals, tanks, *bunds* and big dams constructed at State expense for the benefit of their subjects. Assistance given by the States in distress or famine, as Your Excellency is aware, has been worthy of their highest traditions. Agricultural and industrial organisation on modern lines has been a prominent feature of the recent policy of many States. . . . 90.5 per cent. of the population of our States possess local bodies with non-official majorities States with 72 per cent. of the population have got Legislative Assemblies, out of which 35·3 per cent. have a majority of elected members and 5 per cent. have equality of elected and nominated members. States representing more than half of our total population have recently reviewed and enlarged the scope of association of their subjects with their administrations. The year under report has been particularly conspicuous for the publication of up-to-date Administration Reports in most of the States, while it is receiving attention in others. . . . We do not claim perfection for all the States administrations; at the same time, the aforesaid statement of facts, based on authentic information, will show to all fair-minded persons that the Indian States are not anachronisms in the conception of a progressive State, and that our administrations are based on a rule of law associated with growing beneficent activities.

[1] In finance as in other matters the Provincial autonomy of the Provinces was qualified by emergency legislation at the outbreak of war as described in Chapter XVIII

APPENDIX V

THE CONGRESS RESOLUTION ON FUNDAMENTAL RIGHTS

A resolution on this subject was carried at the Congress Session in March 1931. An amended form of this resolution was carried by the A.I.C.C. in the following August, and this form was adopted by the Congress Session in 1933.[1]

The text is as follows :—

The Congress is of opinion that to enable the masses to appreciate what 'Swaraj', as conceived by the Congress, will mean to them, it is desirable to state the position of the Congress in a manner easily understood by them. In order to end the exploitation of the masses, political freedom must include real economic freedom of the starving millions. The Congress, therefore, declares that any constitution which may be agreed to on its behalf should provide, or enable the Swaraj Government to provide for the following :—

Fundamental Rights and Duties

(1) (i) Every citizen of India has the right of free expression of opinion, the right of free association and combination, and the right to assemble peacefully and without arms, for purposes not opposed to law or morality.

(ii) Every citizen shall enjoy freedom of conscience and the right freely to profess and practise his religion, subject to public order and morality.

(iii) The culture, language and script of the minorities and of the different linguistic areas shall be protected

(iv) All citizens are equal before the law, irrespective of religion, caste, creed or sex.

(v) No disability attaches to any citizen, by reason of his or her religion, caste, creed or sex, in regard to public employment, office of power or honour, and in the exercise of any trade or calling.

(vi) All citizens have equal rights and duties in regard to wells, tanks, roads, schools and places of public resort, maintained out of State or local funds, or dedicated by private persons for the use of the general public.

(vii) Every citizen has the right to keep and bear arms, in accordance with regulations and reservations made in that behalf.

(viii) No person shall be deprived of his liberty nor shall his dwelling or property be entered, sequestered, or confiscated, save in accordance with law.

(ix) The State shall observe neutrality in regard to all religions.

(x) The franchise shall be on the basis of universal adult suffrage.

(xi) The State shall provide for free and compulsory primary education.

(xii) The State shall confer no titles.

(xiii) There shall be no capital punishment.

(xiv) Every citizen is free to move throughout India and to stay and settle in any part thereof, to acquire property and to follow any trade or calling, and to be treated equally with regard to legal prosecution or protection in all parts of India.

Labour

(2) (*a*) The organisation of economic life must conform to the principle of justice, to the end that it may secure a decent standard of living.

(*b*) The State shall safeguard the interests of industrial workers and shall

[1] *Indian National Congress, 1933-34* (Allahabad), 66-8, 119-22, 175.

secure for them, by suitable legislation and in other ways, a living wage, healthy conditions of work, limited hours of labour, suitable machinery for the settlement of disputes between employers and workmen, and protection against the economic consequences of old age, sickness, and unemployment.

(3) Labour to be freed from serfdom and conditions bordering on serfdom.

(4) Protection of women workers, and specially, adequate provision for leave during maternity period.

(5) Children of school-going age shall not be employed in mines and factories.

(6) Peasants and workers shall have the right to form unions to protect their interests.

Taxation and Expenditure

(7) The system of land-tenure and revenue and rent shall be reformed and an equitable adjustment made of the burden on agricultural land, immediately giving relief to the smaller peasantry, by a substantial reduction of agricultural rent and revenue now paid by them, and in case of uneconomic holdings, exempting them from rent so long as necessary, with such relief as may be just and necessary to holders of small estates affected by such exemption or reduction in rent, and to the same end, imposing a graded tax on net incomes from land above a reasonable minimum.

(8) Death duties on a graduated scale shall be levied on property above a fixed minimum.

(9) There shall be a drastic reduction of military expenditure so as to bring it down to at least one-half of the present scale.

(10) Expenditure and salaries in civil departments shall be largely reduced. No servant of the State, other than specially employed experts and the like, shall be paid above a certain fixed figure, which should not ordinarily exceed Rs. 500 per month.

(11) No duty shall be levied on salt manufactured in India.

Economic and Social Programme

(12) The State shall protect indigenous cloth; and for this purpose pursue the policy of exclusion of foreign cloth and foreign yarn from the country and adopt such other measures as may be found necessary. The State shall also protect other indigenous industries, when necessary, against foreign competition.

(13) Intoxicating drinks and drugs shall be totally prohibited, except for medicinal purposes.

(14) Currency and exchange shall be regulated in the national interest.

(15) The State shall own or control key industries and services, mineral resources, railways, waterways, shipping and other means of public transport.

(16) Relief of agricultural indebtedness and control of usury—direct and indirect.

(17) The State shall provide for the military training of citizens so as to organise a means of national defence apart from the regular military forces.

APPENDIX VI

MOSLEM BY-ELECTIONS

Results of by-elections in Moslem constituencies for the Central and Provincial legislatures between January 1, 1938 and September 12, 1942

	Number of by-elections	Candidates elected		
		Moslem League	Congress	Independents, etc.
Central legislature { Upper House	1	—	—	1
Central legislature { Lower House	5	4	1	—
Madras { Upper House	—	—	—	—
Madras { Lower House	1	1	—	—
Bombay { Upper House	1	1	—	—
Bombay { Lower House	3	2	—	1
Bengal { Upper House	6	5	—	1
Bengal { Lower House	7	7	—	—
United Provinces { Upper House	5	3	—	2
United Provinces { Lower House	2	1	—	1
Punjab	12	12[1]	—	—
Bihar { Upper House	1	1	—	—
Bihar { Lower House	3	3	—	—
Central Provinces	2	2	—	—
Assam { Upper House	1	—	—	1
Assam { Lower House	—	—	—	—
North-West Frontier Province	4	3	1	—
Orissa	—	—	—	—
Sind	2	1	1	—
Total	56	46	3	7

[1] These seats were won by the Unionist Party in alliance with the Moslem League. See p. 182 above.

APPENDIX VII

THE 'AUGUST OFFER'

Statement issued by the Governor-General of India with the authority of His Majesty's Government on August 8, 1940 (Cmd. 6291)

India's anxiety at this moment of critical importance in the world struggle against tyranny and aggression to contribute to the full to the common cause and to the triumph of our common ideals is manifest. She has already made a mighty contribution. She is anxious to make a greater contribution still. His Majesty's Government are deeply concerned that that unity of national purpose in India which would enable her to do so should be achieved at as early a moment as possible. They feel that some further statement of their intentions may help to promote that unity. In that hope they have authorised me to make the present statement.

Last October His Majesty's Government again made it clear that Dominion Status was their objective for India. They added that they were ready to authorise the expansion of the Governor-General's Council to include a certain number of representatives of the political parties, and they proposed the establishment of a consultative committee. In order to facilitate harmonious co-operation, it was obvious that some measure of agreement in the Provinces between the major parties

was a desirable pre-requisite to their joint collaboration at the Centre. Such agreement was, unfortunately, not reached, and in the circumstances no progress was then possible.

During the earlier part of this year I continued my efforts to bring the political parties together. In these last few weeks I again entered into conversations with prominent political personages in British India and the Chancellor of the Chamber of Princes, the results of which have been reported to His Majesty's Government. His Majesty's Government have seen also the resolutions passed by the Congress Working Committee, the Moslem League and the Hindu Mahasabha.

It is clear that earlier differences which had prevented the achievement of national unity remained unbridged. Deeply as His Majesty's Government regret this, they do not feel that they should any longer, because of those differences, postpone the expansion of the Governor-General's Council, and the establishment of a body which will more closely associate Indian public opinion with the conduct of the war by the Central Government. They have authorised me accordingly to invite a certain number of representative Indians to join my Executive Council. They have authorised me further to establish a War Advisory Council which would meet at regular intervals and which would contain representatives of the Indian States and of other interests in the national life of India as a whole.

The conversations which have taken place, and the resolutions of the bodies which I have just mentioned, made it clear, however, that there is still in certain quarters doubt as to the intentions of His Majesty's Government for the constitutional future of India, and that there is doubt, too, as to whether the position of minorities, whether political or religious, is sufficiently safeguarded in relation to any future constitutional change by assurances already given. There are two main points that have emerged. On those two points His Majesty's Government now desire me to make their position clear.

The first is as to the position of minorities in relation to any future constitutional scheme. It has already been made clear that my declaration of last October does not exclude examination of any part either of the Act of 1935 or of the policy and plans on which it is based. His Majesty's Government's concern that full weight should be given to the views of minorities in any revision has also been brought out. That remains the position of His Majesty's Government.

It goes without saying that they could not contemplate transfer of their present responsibilities for the peace and welfare of India to any system of government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a Government.

The second point of general interest is the machinery for building within the British Commonwealth of Nations the new constitutional scheme when the time comes. There has been very strong insistence that the framing of that scheme should be primarily the responsibility of Indians themselves, and should originate from Indian conceptions of the social, economic and political structure of Indian life. His Majesty's Government are in sympathy with that desire and wish to see it given the fullest practical expression, subject to the due fulfilment of the obligations which Great Britain's long connexion with India has imposed on her and for which His Majesty's Government cannot divest themselves of responsibility. It is clear that a moment when the Commonwealth is engaged in a struggle for existence is not one in which fundamental constitutional issues can be decisively resolved. But His Majesty's Government authorise me to declare that they will most readily assent to the setting up after the conclusion of the war with the least possible delay of a body representative of the principal elements in India's national life in order to devise the framework of the new Constitution, and they will lend every aid in their power to hasten decisions on all relevant matters to the utmost degree. Meanwhile they will welcome and promote in any way possible every

sincere and practical step that may be taken by representative Indians themselves to reach a basis of friendly agreement, first upon the form which the post-war representative body should take and the methods by which it should arrive at its conclusions, and secondly, upon the principles and outlines of the Constitution itself. They trust, however, that for the period of the war (with the Central Government reconstituted and strengthened in the manner I have described, and with the help of the War Advisory Council) all parties, communities and interests will combine and co-operate in making a notable contribution to the victory of the world cause which is at stake. Moreover, they hope that in this process new bonds of union and understanding will emerge, and thus pave the way towards the attainment by India of that free and equal partnership in the British Commonwealth which remains the proclaimed and accepted goal of the Imperial Crown and of the British Parliament.

APPENDIX VIII

THE DRAFT DECLARATION OF 1942

Statement by the Prime Minister in the House of Commons on March 11, 1942

The crisis in the affairs of India arising out of the Japanese advance has made us wish to rally all the forces of Indian life, to guard their land from the menace of the invader. In August, 1940, a full statement was made about the aims and policy we are pursuing in India. This amounted, in short, to a promise that, as soon as possible after the war, India should attain Dominion status, in full freedom and equality with this country and the other Dominions, under a Constitution to be framed by Indians, by agreement among themselves and acceptable to the main elements in Indian national life. This was, of course, subject to the fulfilment of our obligations for the protection of minorities, including the depressed classes, and of our treaty obligations to the Indian States, and to the settlement of certain lesser matters arising out of our long association with the fortunes of the Indian sub-continent.

However, Sir, in order to clothe these general declarations with precision and to convince all classes, races and creeds in India of our sincere resolve, the War Cabinet have agreed unitedly upon conclusions for present and future action which, if accepted by India as a whole, would avoid the alternative dangers either that the resistance of a powerful minority might impose an indefinite veto upon the wishes of the majority or that a majority decision might be taken which would be resisted to a point destructive of internal harmony and fatal to the setting-up of a new Constitution. We had thought of setting forth immediately the terms of this attempt, by a constructive British contribution, to aid India in the realisation of full self-government; we are, however, apprehensive that to make a public announcement at such a moment as this might do more harm than good. We must first assure ourselves that our scheme would win a reasonable and practical measure of acceptance, and thus promote the concentration of all Indian thought and energies upon the defence of the native soil. We should ill serve the common cause if we made a declaration which would be rejected by essential elements in the Indian world, and which provoked fierce constitutional and communal disputes at a moment when the enemy is at the gates of India.

Accordingly, we propose to send a member of the War Cabinet to India, to satisfy himself upon the spot, by personal consultation, that the conclusions upon which we are agreed, and which we believe represent a just and final solution, will achieve their purpose. My right hon. and learned Friend the Lord Privy Seal and Leader of the House has volunteered to undertake this task. He carries with

him the full confidence of His Majesty's Government, and he will strive in their name to procure the necessary measure of assent, not only from the Hindu majority, but also from those great minorities, amongst which the Moslems are the most numerous and on many grounds pre-eminent.

The Lord Privy Seal will, at the same time, consult with the Viceroy and the Commander-in-Chief upon the military situation, bearing always in mind the paramount responsibility of His Majesty's Government by every means in their power to shield the peoples of India from the perils which now beset them. We must remember that India has a great part to play in the world's struggle for freedom and that her helping hand must be extended in loyal comradeship to the valiant Chinese people, who have fought alone so long. We must remember also that India is one of the bases from which the strongest counter-blows must be struck at the advance of tyranny and aggression.

My right hon. Friend will set out as soon as convenient and suitable arrangements can be made. I am sure he will command in his task the heartfelt good wishes of all parts of the House and that, meanwhile, no word will be spoken or Debates be held, here or in India, which would add to the burden he has assumed in his mission, or lessen the prospects of a good result. During my right hon. and learned Friend's absence from this House, his duties as Leader will be discharged by my right hon. Friend the Foreign Secretary.

Draft Declaration for Discussion with Indian Leaders, published March 30, 1942

The conclusions of the British War Cabinet as set out below are those which Sir Stafford Cripps has taken with him for discussion with the Indian Leaders and the question as to whether they will be implemented will depend upon the outcome of these discussions which are now taking place.

His Majesty's Government, having considered the anxieties expressed in this country and in India as to the fulfilment of the promises made in regard to the future of India, have decided to lay down in precise and clear terms the steps which they propose shall be taken for the earliest possible realisation of self-government in India. The object is the creation of a new Indian Union which shall constitute a Dominion, associated with the United Kingdom and the other Dominions by a common allegiance to the Crown, but equal to them in every respect, in no way subordinate in any aspect of its domestic or external affairs.

His Majesty's Government therefore make the following declaration :—

(*a*) Immediately upon the cessation of hostilities, steps shall be taken to set up in India, in the manner described hereafter, an elected body charged with the task of framing a new Constitution for India.

(*b*) Provision shall be made, as set out below, for the participation of the Indian States in the constitution-making body.

(*c*) His Majesty's Government undertake to accept and implement forthwith the Constitution so framed subject only to :—

(i) the right of any Province of British India that is not prepared to accept the new Constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides.

With such non-acceding Provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new Constitution, giving them the same full status as the Indian Union, and arrived at by a procedure analogous to that here laid down.

(ii) the signing of a Treaty which shall be negotiated between His Majesty's Government and the constitution-making body. This Treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands; it will make provision, in accordance with the undertakings given by His Majesty's Government. for the protection of racial and religious minorities; but will not impose any restriction on the power of the Indian Union to decide in the future its relation to the other Member States of the British Commonwealth.

Whether or not an Indian State elects to adhere to the Constitution, it will be necessary to negotiate a revision of its Treaty arrangements, so far as this may be required in the new situation.

(*d*) the constitution-making body shall be composed as follows, unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of hostilities :—

Immediately upon the result being known of the provincial elections which will be necessary at the end of hostilities, the entire membership of the Lower Houses of the Provincial Legislatures shall, as a single electoral college, proceed to the election of the constitution-making body by the system of proportional representation. This new body shall be in number about one-tenth of the number of the electoral college.

Indian States shall be invited to appoint representatives in the same proportion to their total population as in the case of the representatives of British India as a whole, and with the same powers as the British Indian members.

(*e*) During the critical period which now faces India and until the new Constitution can be framed His Majesty's Government must inevitably bear the responsibility for and retain control and direction of the defence of India as part of their world war-effort, but the task of organising to the full the military, moral and material resources of India must be the responsibility of the Government of India with the co-operation of the peoples of India. His Majesty's Government desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. Thus they will be enabled to give their active and constructive help in the discharge of a task which is vital and essential for the future freedom of India.

APPENDIX IX

MR. RAJAGOPALACHARI'S PROTEST TO MR. GANDHI, JULY 1942

A letter to Mr. Gandhi, signed by Mr. Rajagopalachari and three leading Madras Congressmen, was filed as an exhibit in a defamation suit brought by Mr. Rajagopalachari against the Madras journal, *Sunday Observer*, in January 1943. It was written about a week after the publication of the Congress Working Committee's resolution on July 14, 1942 (see p. 291 above). Its more important passages were as follows.[1]

[1] *Indian Affairs*, Feb. 16, 1943.

We have carefully read the resolution passed by the Congress Party Working Committee on the 14th July, which is to be placed before a meeting of the All India Congress Committee next month. In view of the far-reaching consequences of the adoption of the resolution, we feel it our duty, having worked with you since 1920, to place before you our considered views in this matter. While there can be no difference of point of view on India's demand for complete freedom from foreign domination, the idea of the withdrawal of the Government, to be automatically replaced by another Government, is altogether impossible.

The State is no mere superstructure, but is so intimately bound up with the functioning of every activity of the people that the withdrawal of the Government without simultaneous replacement by another must involve the dissolution of the State and society itself. It is not natural for any Government to withdraw without transferring their power to a successor by consent or without being forcibly replaced by another. The formation of a provisional Government, as well as the convening of a Constituent Assembly, is possible only if the continuity of the State is assured. We feel, therefore, that, however difficult the achievement of a Hindu-Muslim settlement may be while the British Government is here and functioning, it is essential before a demand for withdrawal can reasonably be made.

The major political organisations, namely, the Congress Party and Muslim League, should evolve a joint plan with regard to a provisional Government which can take over power and preserve the continuity of the State. Even if we imagine that the British could ever, under moral compulsion, be made to withdraw unconditionally, we are convinced that the chaos which would follow under existing conditions would not permit within any reasonable time the formation of a provisional Government such as you contemplate.

The critical international situation in which India is directly involved makes certain that the party to gain immediately by the movement will be Japan. If the movement could possibly displace the British Government by installing a National Government capable of resisting Japanese aggression, it might be worth while taking all risks attached thereto. But, as this result is not even remotely probable, it will only produce more intense and large scale repression and suffering, which will facilitate a Japanese invasion and occupation.

APPENDIX X

STATISTICS OF POPULATION AND COMMUNITIES

TABLE I

INDIA: POPULATION, 1941

	Males	Females	Total
British India	153,045,000	142,782,000	295,809,000
States and Agencies . . .	47,883,000	45,090,000	93,189,000
Total	200,928,000	187,872,000	388,998,000

TABLE II

INDIA: PRINCIPAL COMMUNITIES, 1941

(All figures are given in thousands)

Province or State	Hindus other than Scheduled Castes	Scheduled Castes	Moslems	Christians	Sikhs	Total Population
Madras	34,731	8 068	3,896	2,047	0·4	49,342
Bombay	14,700	1,855	1,920	375	8	20,850
Bengal	17,680	7,379	33,005	166	16	60,307
U.P.	34,095	11,717	8,416	160	232	55,021
Punjab	6,302	1,249	16,217	505	3,757	28,419
Bihar	22,174	4,340	4,716	35	13	36,340
C.P.	9,881	3,051	784	59	15	16,814
Assam	3,537	676	3,442	41	3	10,205
N.W.F.P.	180	—	2,789	11	58	3,038
Orissa	5,595	1,238	146	28	0·2	8,729
Sind	1,038	192	3,206	20	31	4,535
Total, British India	150,890	39,921	79,399	3,482	4,165	295,809
Hyderabad[a]	10,382	2,928	2,097	220	5	16,339
Mysore[a]	5,282	1,405	485	113	0·3	7,329
Travancore[a]	3,146	396	434	1,960	—	6,070
Kashmir[ab]	694	113	3,074	4	66	4,022
Gwalior[a]	3,463	—	241	2	2	4,006
Baroda[a]	1,963	231	224	9	0·6	2,855
Total, States and Agencies	55,227	8,892	12,660	2,834	1,526	93,189
Total, India	206,117	48,813	92,058[c]	6,317[d]	5,691	388,998

(a) The six States that appear here are those with the largest population.

(b) Including feudatories.

(c) The total population of India recorded by communities at the Census of 1941 was 386,667,000. The remainder, 2,331,000, consists of persons in the North-West Agency and tribal areas beyond the administered border, whose community could not be ascertained The conditions of the region, however, indicate that they may be regarded as Moslems. If they are counted as Moslems, the total number of Moslems in India becomes 94,389,000.

(d) The figures for Christians given in the Census overlap with those for Tribes Allowing for this, the total number of Christians is estimated at 7,250,000.

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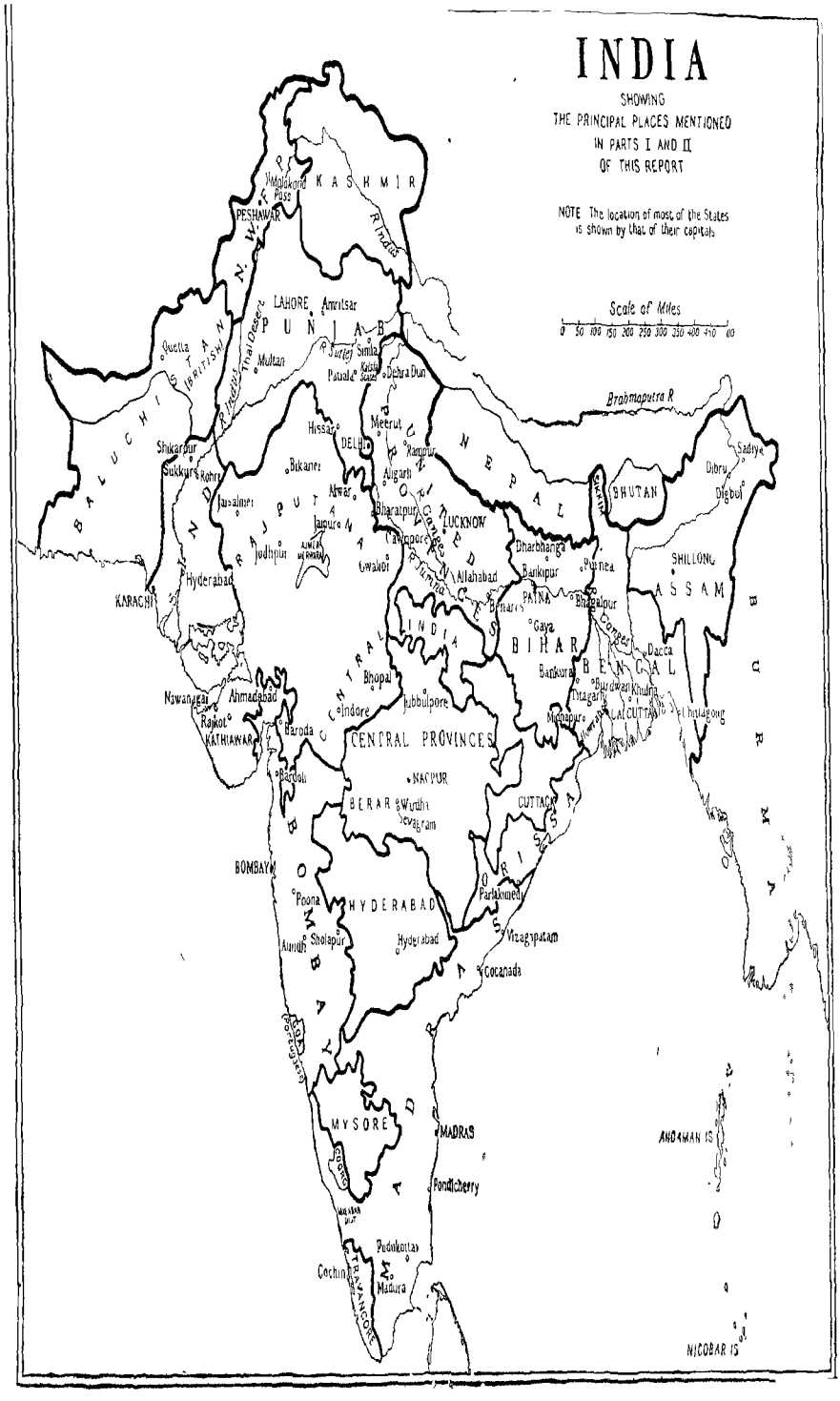
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INDIA
SHOWING
THE PRINCIPAL PLACES MENTIONED
IN PARTS I AND II
OF THIS REPORT
NOTE The location of most of the States is shown by that of their capitals
Scale of Miles
0 50 100 150 200 250 300 350 400 450 500
KASHMIR
PUNJAB
LAHORE
Amritsar
PESHAWAR
N.W.F.P.
Malakand Pass
Khyber Pass
Quetta
BALUCHISTAN
BRITISH
Multan
Indus R.
Thal Desert
Sutlej R.
Simla
Kasauli
Patiala
Dehra Dun
Brahmaputra R.
Hissar
DELHI
Meerut
Rampur
Aligarh
Bikaner
Alwar
Bharatpur
Jaisalmer
Jaipur
Jodhpur
RAJPUTANA
Ajmer
Gwalior
Cawnpore
LUCKNOW
Allahabad
Dharbhanga
Purnea
Banipur
Bhagalpur
Patna
Gaya
BIHAR
Ganges R.
Jumna R.
Sukkur
Rohri
Shikarpur
Hyderabad
KARACHI
INDUS R.
NEPAL
BHUTAN
Sadiya
Dibru
Digboi
SHILLONG
ASSAM
Dacca
BENGAL
Barakpur
Burdwan
Khulna
Calcutta
Chittagong
BAY OF BENGAL
Mowanagar
Ahmadabad
Rajkot
KATHIAWAR
Baroda
Bhopal
Indore
Jubbulpore
CENTRAL INDIA
CENTRAL PROVINCES
Mandalay
Akyab
Bassein
Rangoon
Pegu
Moulmein
Tavoy
Mergui
Andaman Is.
Nicobar Is.
Bardoli
NAGPUR
BERAR
Wardha
Wyagram
CUTTACK
Parlakimedi
BOMBAY
Poona
HYDERABAD
Aurungabad
Sholapur
Hyderabad
Vizagapatam
Cocanada
MYSORE
MADRAS
Pondicherry
Cochin
Trivandrum
Madura
TRAVANCORE