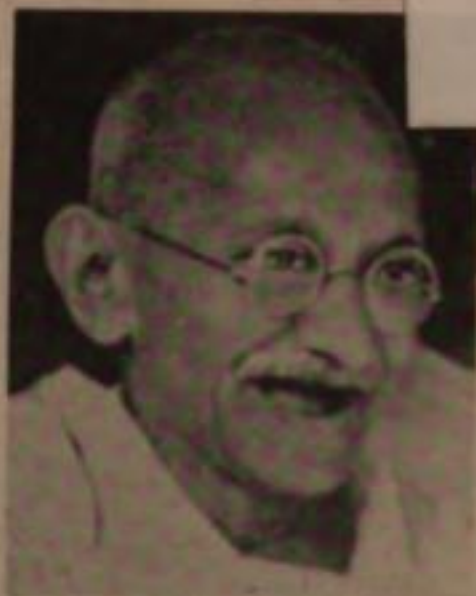


PARTITION OF INDIA

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GANDHI



JINNAH

Legend and Reality



WAVELL

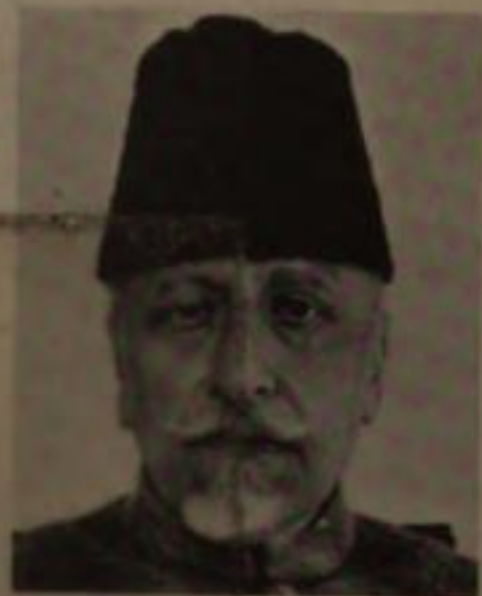


MOUNTBATTEN

Reprinted with
an additional
Introduction

H. M. SEERVAI

Emmenem



AZAD



NEHRU

PARTITION OF INDIA

LEGEND AND REALITY

By

H. M. SEERVAI F.B.A.

Advocate-General of Maharashtra, 1957-1974

"We shall exult if they who rule the land
Be men who hold its many blessings dear,
Wise, upright, valiant; not a servile band,
Who are to judge of dangers which they fear
And honour which they do not understand."

— WORDSWORTH

EMMENEM PUBLICATIONS

Bombay

1990

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First Published 1989
Reprinted with Introduction: 1990

Rs. 90

Published by Maneck Davar for Emmenem Publications Pvt. Ltd., Ballard House, Adi Marzban Path, Bombay 400 038 and printed by him at Press Print Services, Kurla, Bombay 400 070. Introduction printed by India Printing Works, 9 Maharashtra Chambers of Commerce Lane, Fort, Bombay 400 023. Distributed by N.M. Tripathi Pvt. Ltd., 164 Samaldas Gandhi Marg, Bombay 400 002.

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1989
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This book
is dedicated to
the men, women and children
of a united India
who in their millions
were driven to
painful and perilous migrations
and who
in their hundreds of thousands
suffered unspeakable agony
and death.

ACKNOWLEDGEMENTS

I acknowledge my indebtedness to the 12 volumes of official documents relating to the transfer of power to India, published under the title *Transfer of Power 1942-7* under the editorship of Dr. Nicholas Mansergh, and my indebtedness to Dr. Mansergh for the skill and impartiality with which he has discharged his duty as Editor-in-Chief. I have relied heavily on these volumes to dissipate the legends which obscure the reality behind the partition of India.

Just as the *Transfer of Power 1942-7* has helped its readers to see the reality of partition behind the legends which had gathered around it, so *Wavell The Viceroy's Journal* admirably edited by Sir Penderel Moon with an Introduction, Editorial Commentary, Epilogue and Notes has helped to remove the legends which had grown round Wavell's Viceroyalty and has shown Wavell's great qualities as a Viceroy and as a man. I acknowledge my indebtedness to *Wavell The Viceroy's Journal*.

I have to acknowledge a debt of a different kind to Prof. Ziegler's *Mountbatten*. This excellent official biography has given me an insight into Lord Mountbatten's character and conduct, in the light of which, with the help of Vols. X to XII of the *Transfer of Power 1942-7* I have been able to reappraise Mountbatten's brief Viceroyalty.

I acknowledge my indebtedness to Dr. Ayesha Jalal's book *The Sole Spokesman, Jinnah, the Muslim League and the Demand for Pakistan*, which suggested to me lines of thought which I had not pursued before.

My thanks are due to my wife Feroza, my son Navroz, my sons-in-law Jehangir Pocha and Pheroze Madon and my friend and personal secretary Mr. M.P.B. Nair, for the great assistance I have received from them in the preparation of this book. My thanks are also due to my friends Maneck Davar and Mino Davar of Emmenem Publications for the pains they have taken over the printing and the get up of this book.

H.M. Seervai

PREFACE

In his excellent book, *The Last Days of the British Raj* Mr. Leonard Mosley wrote : "The official documents dealing with the transfer of power in India will not be officially released until 1999, but in the interim period between that date and the present moment, I hope this book will throw some light upon events which have hitherto been obscured." Fortunately, historians and students of history did not have to wait till 1999 to know the British side of the story relating to the transfer of power. For in 1967, Prime Minister Harold Wilson announced his Government's decision that documents relating to the transfer of power to India would be published. The editors of the series of documents to be published were to be independent historians, who were to be given "unrestricted access to the records and freedom to select and edit documents for publication." Prof. Mansergh, a distinguished historian was offered, and accepted, the post of Editor-in-Chief. The reference to unrestricted access was necessary because a large part of the documents were most secret. As a result of this decision, 12 volumes of documents, entitled *The Transfer of Power 1942-7* ("*Transfer of Power*") were published under the editorship of Prof. Mansergh, between 1970 and 1983. He contributed an Introduction and Notes to each of the 12 volumes, and discharged his duty as Chief Editor with great skill and complete impartiality. Again in 1973, Mr. Penderel Moon published *Wavell, The Viceroy's Journal* which contained an almost day-to-day account of the problems which faced Wavell as Viceroy and the manner in which he tackled them from 1943 to 1947.

In 1980, on reading the fresh material which emerged from the 10 volumes of the *Transfer of Power*, and the *Viceroy's Journal*, I believed that the time had come for a reappraisal of the events during the years 1942-1947 which ended with the partition of India. Accordingly, I gave a brief historical account of the transfer of power to India in the Introduction to the undernoted book.¹ This historical account showed that many judgments passed, opinions expressed and surmises made before the official documents in the *Transfer of Power*, and the *Viceroy's Journal* were published, required to be revised, corrected or rejected and that some myths had been destroyed.

However, this brief historical account of about 35 pages was transformed in 1986 into a monograph of 150 pages. Many circumstances led to this change. First and foremost, after my account was printed, the documents in Vols. XI and XII of the *Transfer of Power*

¹ Seervai, *Constitutional Law of India*, 3rd edn.

completed the British side of the story of the transfer of power to India. Further, Vol. XII contained revelations about the part which Mountbatten played during the last few months of his Viceroyalty, revelations which made it necessary to revise radically the contemporary verdict on his services to India, a task made easier by Prof. Ziegler's official biography entitled *Mountbatten* published in 1985.

In 1985, Dr. Ayesha Jalal published *The Sole Spokesman, Jinnah, the Muslim League and the Demand for Pakistan*. Her book was derived from a Doctoral thesis submitted to Trinity College, Cambridge, of which she was a fellow. Her carefully researched and well documented thesis propounded the paradox that "It was the Congress that insisted on partition. It was Jinnah who was against it." In this context she developed a related theme, namely, that what Jinnah was really after was "parity" between Hindus and Muslims in the Central Legislature and the Central Executive as the only effective safeguard against a permanent domination of the Muslims by an overwhelming and permanent Hindu majority. With the publication of the 12 volumes of the *Transfer of Power*, the *Viceroy's Journal*, Ziegler's *Mountbatten* and Ayesha Jalal's book on *Jinnah*, authentic material for a reappraisal of what happened during 1942 to 1947 appeared to be nearly complete. The present book *Partition of India : Legend and Reality* reproduces the monograph I wrote in the Introductory Chapter of the Supplement to my *Constitutional Law of India*² with changes in form necessary for a separate publication.

A part of the title of this book speaks of *Legend and Reality*, because the narrative in my book shows that many legends and myths have grown up around Gandhi, Jinnah, Nehru, Azad and Patel and around the two Viceroys, Lord Wavell and Lord Mountbatten. With the publication of *Wavell, The Viceroy's Journal*, and Vols. IV to IX of the *Transfer of Power* the legend that Wavell, although a great Commander and a good man was unfitted for delicate political discussion, was seen to be baseless. On the contrary, his stature has grown with the years; and the tribute which Azad paid to Wavell when he left India, is seen to be well deserved and just. In paying that tribute, Azad was undeterred by the fact that his colleagues, Gandhi, Nehru and Patel, were against Lord Wavell. Azad wrote : "To Lord Wavell must belong the credit for opening a closed door". And he ended his tribute by observing: "I am confident that India will never forget the services of Lord Wavell and when the time comes for the historian of independent India to appraise the relations of England and

2 See Seervai, *Supplement to the Constitutional Law of India* Vols. I and II (3rd edn.)

India, he will give Lord Wavell the credit for opening a new Chapter in these relations." How true and just this tribute was, became apparent after Wavell's departure. When Mountbatten was driving India towards partition, Wavell came into his own. For Gandhi and Nehru asked that the Cabinet Mission Plan should be enforced as an Award, although they had ignored the advice which Wavell had repeatedly pressed upon both of them to accept the Mission's Plan which gave India the last chance to preserve its unity.

On the other hand, the publication of Vols. X to XII, particularly of Vol. XII of the *Transfer of Power* and Ziegler's *Mountbatten* has had the opposite effect of lowering Mountbatten's character, conduct and stature as a Viceroy. In the present book I have spoken of his "Great Betrayal" of Punjab when at a secret meeting on 9 August 1947 he decided deliberately to withhold publication of the Radcliffe Award on Punjab till after partition, although he knew that the Award was ready to be announced on 9 August 1947. Further, I have shown that the only description which can be given of the last five days of his Viceroyalty is that "they will live in infamy". Since the events as they actually happened are now known, I have added that the contemporary verdict on Mountbatten will be reversed, and History will pass on him the dread sentence: "Thou art weighed in the balance and found wanting".

At the end of *Partition of India : Legend and Reality* I have made three additions which became necessary by the publication of two important books, which were published after I had written my monograph on the *Transfer of Power*. In November 1988 an unexpurgated edition of Maulana Azad's *India Wins Freedom* was published. The 30 pages suppressed in the 1959 edition of *India Wins Freedom* and now restored in the 1988 edition, threw a fresh and revealing light on the events between 1940 and 1947 which ended in the partition of India and the disasters which followed Independence Day. I have therefore added a Note at the end of my narrative in the *Partition of India : Legend and Reality* explaining the circumstances under which, and the manner in which, the 1959 and 1988 editions came to be written. I have also shown, that some of the statements made in the blurb to the 1988 edition are not correct.

Having regard to the position which Azad occupied in the Congress, and to the important part which he played during 1940-1946 in the negotiations with the Viceroy, with the Cripps Mission, and with the Cabinet Mission and Wavell, which resulted in the Mission's Plan, I have inserted at the end of this book Post Script II entitled "*Shattered Dreams*". This Post Script has been prompted by the publication in the 1988 edition of the 30 pages suppressed in the 1959

edition. In my view, these 30 pages throw a fresh light on the great men who shaped our destiny between 1940 and 1947, and, secondly, they put in their proper perspective the events that led to the tragedy and disasters of partition. I have entitled Post Script II, "*Shattered Dreams*" because it seems to me that all that Azad dreamed of for the Congress, for Hindu-Muslim unity, and for the unity of India, lay shattered at his feet. But the failure of his dreams did not detach him from the Congress or make him lose faith in India's destiny. He remained a staunch Congressman to the end, and served India inside the Union Cabinet and outside it.

I have added Post Script I entitled, "*Building Bridges*". For after I had written my monograph I read Mr. Rajmohan Gandhi's admirable and attractively written book, "*Eight Lives : A Study of the Hindu-Muslim Encounter*." As the grandson of Mahatma Gandhi and C. Rajagopalachari, or Rajaji as he was called, Rajmohan's childhood and youth was spent in close contact with leading members of the Congress and in an atmosphere hostile to Jinnah and the Muslim League. Overcoming the political influences of his youth, he has made a fair and objective study of Eight eminent Muslims who influenced the political life of India in the twentieth century. Three of these lives, namely, those of Jinnah, Abul Kalam Azad and Liaquat Ali Khan, deal with the part which they played in India's fight for freedom – Azad on the side of the Congress, led by Gandhi, and Jinnah as he emerged after 1937 as the leader of the Muslim League with Liaquat Ali Khan as his right hand man. No one can read the 63 page study of Jinnah's life without realizing that Rajmohan Gandhi has held the scales even between the Congress and the Muslim League. He has not hesitated to criticise Mahatma Gandhi for rebuffing Jinnah's appeal to Gandhi to find a nationalist solution of the Hindu-Muslim problem. Again, supporting Jinnah, Rajmohan Gandhi said: "...Jinnah was right when he accused Congress of dishonesty over the Mission Scheme, and he was right too in accusing Pethick-Lawrence and Cripps of collusion with the Congress." I have entitled Post Script I, "*Building Bridges*" because the object of his study of Eight lives is to see whether bridges cannot be built between Hindus and Muslims in India, Pakistan and Bangladesh. All who value the unity and integrity of India must acknowledge their indebtedness to Rajmohan Gandhi for his courage in writing this wise and thought-provoking book. And they should join him in the hope that "some Hindus may, God willing, find themselves moving closer to Muslims than they were, even as the writer of these pages did."

Bombay, 22 February 1989.

H.M. SEERVAI

INTRODUCTION

"Leopold Von Ranke, the first modern historian, my great-uncle . . . wrote to the scandal of his contemporaries: 'I am a historian before I am a Christian; my object is simply to find out how the things actually occurred', and when discussing Michelet, the French historian: 'He wrote history in a style in which the truth could not be told.'"

Robert Greaves, *Goodbye to All That*, p. 11.

"As I have said before, God himself has given the mind sovereignty in the material world. And I say today, that only those will be able to get and keep Swaraj in the material world who have realized the dignity of self-reliance and self-mastery in the spiritual world, those whom no temptation, no delusion, can induce to surrender the dignity of intellect into the keeping of others."

Rabindranath Tagore, *The Call of Truth*, *Modern Review* (Oct. 1921)

As a reprint of my book *Partition of India: Legend and Reality* has been called for, I would like to deal with some criticisms directed against it in some reviews. I pass by "reviews" which take the form of the reviewers flaunting their pet theories as to how a book on the Partition of India should be written.

A very young reviewer ended his review of *Legend and Reality* by saying:

"Seervai, bless his soul, is an optimist. He feels that reading and writing about the partition can only bring Hindus and Muslims closer together. May be so but should such noble pursuits be undertaken at the cost of destroying the images that a young school-boy carried with him to bed every night? Sometimes it is better not to allow reality to obscure legend."

The same theme runs through some reviews by older men who have learnt by experience that it is unwise to make a public confession that they prefer illusion to reality.

I make no apology for relying heavily on the documents published in the 12 volumes on the "Constitutional Relations Between Britain And India" entitled *The Transfer of Power 1942-7* ("the T.P. documents"). It is a remarkable publication. The 12 volumes contain a summary of documents running to 760 pages. They contain 7482 documents occupying 12,480 pages with a full index of names and subjects in each volume. The Foreword to vols. 1 and 3, and the Introduction to each volume written by Prof. Mansergh, show the trouble taken by the editors to secure all available documents on the Constitutional Relations Between Britain and India. The T.P. documents differ fundamentally from the documents forming a record of the work done, decisions taken and plans prepared for securing freedom from British rule in India by the Indian National

Congress, the Muslim League, the Hindu Mahasabha and other political organizations. Each political party ordinarily described the happenings in India and Britain on party lines. Obviously, the actions and decisions of these political parties had to be taken into account when shaping Government's policy. However, the T.P. documents show "... how British responsibility for government was discharged in war as in peace, and more particularly the reason for which and the means and the stages by which, it was decided to transfer it to Indian hands": *Transfer of Power*, Vol. I, Foreword, p. vi. Most of the T. P. documents were confidential, secret or top secret. Any book written on the partition of India before the T.P. documents were published could only make guesses as to what was happening on the British side. In Post Script II to *Legend and Reality* I have given instances where some of Maulana Azad's guesses in *India Wins Freedom* (1959) turned out right and some turned out wrong.

Since a critic has referred me to Durga Das's *India from Curzon to Nehru & After* (1969) let me give an illustration where Durga Das's statements and guesses are directly contradicted by the T.P. documents. After observing that "Wavell was treating Nehru as his Prime Minister" Durga Das observed:

"When Wavell consulted Nehru, the latter . . . told him 'How can I stop you from seeing (Jinnah) if you want to' . . . (Wavell) now proceeded to talk to Jinnah directly and Nehru missed an opportunity of cutting the League leader down to size (Had Nehru as Prime Minister firmly resisted this move, events might have taken a different course with Labour in London)": *ibid.* pp. 231-32 (italics supplied)

The reader of *Legend and Reality* will find at pp. 80-84 that the real position was completely different. The Congress accepted Wavell's invitation to form an Interim Government in terms of paras 3 and 4 of Wavell's letter to Azad dated 30 May 1946 which *expressly* denied to the Interim Government the status of a Dominion Cabinet. Consequently Nehru was *not* the Prime Minister presiding over the Cabinet: He was the Vice-President of the Executive Council, who presided when the Viceroy was absent, and who was a Minister in charge of Foreign Affairs. Again, the correspondence between Pethick-Lawrence and Cripps shows that far from the Labour Government supporting Nehru against Wavell, it supported Wavell against Nehru, because both Cripps and Pethick-Lawrence were agreed that the assurance sought by Nehru that the Viceroy would not see Jinnah re. the Interim Government could not be given. Pethick-Lawrence went further and stated that they must stand behind the Viceroy, and give him freedom to see *any political leader* in India.

This illustration, which can be multiplied manifold, shows that no

book written about the Partition of India can be correct as to what was happening on the British side without reference to the relevant volume of the T.P. documents. It is not surprising therefore that writers as different from each other as Moore in his *Escape from Empire* and Ayesha Jalal in her *Jinnah the Sole Spokesman*, Wolpert in his *Jinnah* and Prof. Ziegler in his *Mountbatten* have relied on the T.P. documents although all the 12 volumes were available to Prof. Ziegler alone. These writers have rightly proceeded on the saying, "Why gaze into the crystal when you can read the book?" The 12 volumes of the *Transfer of Power 1942-7* replaced the crystal by the book.

There are two other factors which enhance the value of the T.P. documents as a correct account of the Transfer of Power to India. The Governors of Provinces, the Viceroy, the Secretary of State for India and the members of the British Cabinet were all discharging the duties of their high offices according to the tradition of the British administration in India of complete candour of communications before final decisions were taken. Those who wrote these documents were not projecting their image on the political stage, with the exception of Mountbatten. They were discharging their duty in the full confidence that under the then current practice, the documents which they wrote would not be made available to the public till after 50 years had passed.

Further, independent historians were given unrestricted access to all documents and the power to select and publish them. Prof Mansergh, who was the Editor-in-Chief, assisted by Assistant Editors, has discharged the duty entrusted to him not only with great insight into, and historical knowledge of, what was happening in India, but he and they have done so with complete impartiality. He and his Assistants felt no temptation to protect the reputation of the Viceroy of India or of the Prime Minister of Britain. For example, when the Minutes of the Viceroy's Staff Meeting of 12 August 1947 cryptically stated "The Meeting discussed action necessary as a result of the fact that it appears impossible to publish the Award of the Boundary Commission as early as it was hoped" (*Transfer of Power*, Vol. XII, p. 603), the Editor's Note No. 1 rightly called attention to the Minutes of the Viceroy's 69th Staff Meeting which showed that Radcliffe was ready to announce the Award as early as 9 August 1947. Again, when prime Minister Attlee wrote to Pethick-Lawrence about sending out to India Mr Tom Johnson "who had some experience of India" (*ibid.* p. 798), foot note No. 3 on that page states "No mention is made of such experience in the article on Tom Johnson in the Dictionary of National Biography 1961-70

(Oxford University press, 1981)". Finally, the illuminating Introduction to each volume has been written by prof. Mansergh in a style in which truth can be told. He was not concerned with cutting down anyone to size or putting anyone on a pedestal.

Apart from the unwillingness of some reviewers to prefer reality to legend, the main criticism of *Legend and Reality* is directed to the following points:

(a) My criticism of Mahatma Gandhi for introducing religion into politics.

(b) The view I expressed that Gandhi by rejecting the Cabinet Mission Plan, which preserved the unity of India, made the partition of India inevitable.

(c) That although the Congress from its foundation till 1946 had adhered to its goal of a united India, that unity was not to be purchased at any price, and the price demanded by the Cabinet Mission Plan was too high. The grouping provisions of the Plan equated Group A, which numbered 19 crores of Hindus, with Groups B and C (which between them numbered 9 crores of Muslims) *in framing provincial constitutions*. This "parity" was "worse than Pakistan" and was unacceptable.

(d) That partition did not solve the Hindu-Muslim problem, for the Muslims remained a large minority in India and Hindus remained a relatively small minority in Pakistan.

(e) That my view that after the mid-twenties Gandhi lost interest in Hindu-Muslim unity is not correct, Jinnah must bear the blame for not promoting Hindu-Muslim unity.

(f) That I should have realized that the Congress was a national and not a Hindu organization, and it alone had the right to speak for the whole of India.

The fact that Gandhi introduced religion into politics to secure a hold on predominantly Hindu masses, and, during the Khilafat movement, to secure Hindu-Muslim unity is indisputable. The two admissions which I have set out at p. 13 of *Legend and Reality* are enough to prove it. To bring a large number of Muslims into the Congress fold on the Khilafat issue did promote Hindu-Muslim unity for a time. Gandhi placed Hindu-Muslim unity on the frail thread of the Khalif being the spiritual head of the Muslims. He did so against the advice of Jinnah, and against the views of liberal statesman like Srinivasa Sastri. But when Kamal Ataturk abolished the Khalifate, the frail thread snapped, and Hindus and Muslims parted in bitterness and anger. This bitterness and anger appeared in Gandhi's statement that

"There is no doubt in my mind, that in the majority of quarrels the Hindus came out the second best. My own experience but confirms the opinion that the

Mussalman as a rule is a bully, and the Hindu a coward. Where there are cowards, there will always be bullies" : *Legend and Reality*, p. 208.

Long before Hindus and Muslims were to part in bitterness and anger, Durga Das in his *India from Curzon to Nehru* (at p. 98) reported a conversation he had with Gandhi:

"I asked Gandhi how he would counter Jinnah's charge that his was a pseudo-religious movement likely to lead to a reactionary revivalism. Gandhi replied that his own idiom was the only one that the masses could grasp. *Villagers* responded to his call, for they *lived nearer to God than the townfolk*, and understood his message as a call to self-abnegation and self-purification. As for *revivalism*, Gandhi said he certainly wished to see among the Hindus a revival of spirit of resistance to evil and a shedding of their cowardice. Anyway, Hindu-Muslim unity was to him an article of faith and he could never be so foolish as to inaugurate a movement likely to harm this cause . . . The Muslim masses *instinctively understood the religious issue and would feel brotherly towards non-Muslims who espoused their cause*". (italics supplied)

The above passage shows clearly *why* Gandhi introduced religion into politics. It shows also that his belief that "the Muslim masses instinctively understood the religious issue and would feel brotherly towards non-Muslims who espouse their cause" was mistaken, for when the Khilafat cause disappeared the "brotherly feelings" disappeared with it.

Nehru in his *Autobiography* (1941 reprint) has made frequent references to Gandhi's introduction of religion into politics. The following references will suffice:

"Gandhiji, indeed, was continually laying stress on the religious and spiritual side of the movement. His religion was not dogmatic, but it did mean a definitely religious out-look of life, and the whole movement was strongly influenced by this and took on a revivalist character so far as the masses were concerned . . . I used to be troubled sometimes at the growth of this religious element in our politics, both on the Hindu and the Muslim side. I did not like it at all . . . Even Gandhiji's phrases sometimes jarred upon me—thus his frequent reference to *Rama Raj* as a golden age which was to return. But I was powerless to intervene, and I consoled myself with the thought that Gandhiji used the words because they were well known and understood by the masses. He had an amazing knack of reaching the heart of the people". (ibid. p. 72)

"During my tour in the earthquake areas (in Bihar), or just before going there, I read with a great shock Gandhiji's statement to the effect that the earthquake had been a punishment for the sin of untouchability. This was a staggering remark and I welcomed and wholly agreed with Rabindranath Tagore's answer to it. . . . And if the earthquake was divine punishment for sin, how are we to discover for which sin we are being punished?—for, alas! we have many sins to atone for. Why did not the earthquake visit the land of untouchability itself? Or the British Government might call the calamity a divine punishment for civil disobedience, for, as a matter of fact, North Bihar, which suffered most from the earthquake, took a leading part in the freedom movement". (ibid. p. 490)

The letter of Rabindranath Tagore, with which Nehru entirely agreed, was published in the *Harijan* of 16 February 1934 (p. 4). The

whole letter is a strong indictment of the irrationality of attributing the Bihar earthquake to the sin of untouchability. The concluding sentence sums up the whole indictment:

"We, who are immensely grateful to Mahatmaji for introducing by his wonder-working inspiration freedom from fear and feebleness in the minds of his countrymen, feel profoundly hurt when words from his mouth may emphasize the elements of unreason in those very minds—unreason which is a fundamental source of all the blind powers that drive us against freedom and self-respect".

Tagore would have said with Mathew Arnold that:

"Streams will not curb their pride
The just man not to entomb,
Nor lightning go aside
To leave his virtues room;
Nor is the wind less rough, which blows a good man's barge".

It will be said that Jinnah also led a party which made appeals to the Muslim religion. First, I cannot criticize Jinnah for advising Gandhi against encouraging fanatical Muslim religious leaders during the Khilafat movement, nor can I criticize Jinnah for telling Gandhi that it was a crime to mix up religion and politics as Gandhi had done. For quite independently of Jinnah, I believe that it is wrong to introduce religion into politics to secure mass support, because there is a price to pay, and in India we paid it in full with the partition of India. Secondly, in 1916-17 Jinnah was the principal architect of the Lucknow Pact which was designed to bring about a nationalist solution of the Hindu-Muslim problem, a solution in which both Congress and the Muslim League concurred. Later, Jinnah made other attempts to bring about Hindu-Muslim unity on nationalist lines. The two most striking attempts were made soon after the 1937 elections, when, as is generally agreed, the Congress went back on the tacit understanding that after the elections were over, coalition ministries of Congressmen and members of the Muslim League would be formed. Jinnah sent a *private* message to Gandhi through Kher for the purpose of forming a coalition government in Bombay. Kher conveyed the message to Gandhi, for, according to Kher, Gandhi was the only person who could take a final decision. Gandhi did not decide in favour of forming a coalition ministry. Again, Jinnah *publicly* appealed to Gandhi over the heads of other congressmen to tackle the problem of Hindu-Muslim unity offering his own assistance in the matter. Gandhi's reply is described by his admirer, Shiva Rao, as depressing. For Gandhi said that he was helpless and cried out to God for light. A few months later Jinnah inquired whether Gandhi had seen the light, to be told that he had not. It was only after every attempt to find a nationalist solution

for the Hindu-Muslim problem had failed that Jinnah realised that the weapon of religious appeal to the Hindus which enabled Gandhi to attract a very large following could not be ignored. An appeal to the religious sentiments cannot be confined to one community in order to organize it politically; for other large communities will make the same appeal for the same purpose. Jinnah rarely made the kind of religious appeals which were usual with Gandhi, although Jinnah's followers did so. Jinnah harped on the theme of Muslims organizing themselves economically, socially and politically in order to stand on their own feet.

I may add that my statement that by the mid-twenties Gandhi lost his interest in Hindu-Muslim unity, was based on the observation of his grandson Rajmohan Gandhi in his *Eight Lives* that:

"Even Gandhi who said that one of his functions was 'to unite parties riven asunder' was only spasmodic in his striving for a Hindu-Muslim alliance. He dramatically promoted it, . . . in 1919-22. But he seemed to lose faith after the mid-twenties and in 1929 with remarkable candour he told the Viceroy that 'however much they argued' Indian parties discussing the communal question 'could not reach a policy which would be acceptable to all'. " : *ibid* p. 312.

It has been said that in expressing the view that Gandhi and the Congress were mistaken in rejecting the Cabinet Mission Plan I have overlooked three things. First, that the Congress was not committed to unity at any price; secondly, the price demanded by the Plan was too high, and the Congress rightly refused to pay it. And, finally, the Plan was unworkable. These criticisms are mistaken. First, the Congress made every attempt to secure for the Interim-Government the status of a Dominion Cabinet in which the Governor-General is obliged to act on the advice of his Cabinet. This would have enabled the Congress to capture the total machinery of the Central and provincial Governments, including the control over the Army, the Navy, and the Air Force, which would have enabled the Congress to deal with the Muslims after the British left India. Mountbatten, who did not disguise his partiality for the Congress, made every attempt to secure for the Interim-Government the status of a Dominion Cabinet, but he failed. *At that stage*, Gandhi and Nehru realised that Mountbatten was driving India towards partition, and both Gandhi and Nehru urged that Mountbatten's proposals for partition should be dropped and the Cabinet Mission Plan should be enforced as an Award. According to the *Times of India* of 30 May 1947, in a report dated, 29 May,

"Since his return to New Delhi five days ago, Mr Gandhi had, every evening at his prayer meeting, preached against 'vivisection of the motherland' in terms 'disquietingly militant'. In the same issue it was also reported 'That the Cabinet

Mission Statement of May 16, 1946 had been accepted by the Congress and the British Government, and if either of them went back on it, it would be a breach of faith. He hoped that Britain would not depart from the letter and spirit of May 16 Statement unless the parties, of their free will, come to any agreement of variance'." : *Transfer of Power*, Vol.XI, p. 5, f.n.5.

Again, the Viceroy's personal Report No. 8 dated 5 June 1947 observed:

"Since Gandhi returned to Delhi on the 24 May, he has been carrying out an intense propaganda against the new plan, although I have always been led to understand he was the man who got Congress to turn down the Cabinet Mission Plan a year ago, he was now busy trying to force the Cabinet Mission Plan on the country": *ibid.* p. 106.

As to Nehru, at a Meeting of the British Cabinet held on 28 May 1947 presided over by Mr. Attlee as Prime Minister, Mountbatten reported:

"Pandit Nehru's view was that the proposals set out in the draft announcement (for partition) should now be abandoned; that the Cabinet Mission's Plan should be imposed as a settlement and that the Interim Government should be immediately treated by convention as Dominion Government subject to the Viceroy's overriding authority in regard to the protection of minorities interests": *Transfer of Power*, Vol. X, p. 1013 at p. 1014.

So, the two most powerful men in the Congress did not find the Plan unworkable, nor did they think that it demanded too high a price for preserving the unity of India.

At this place it is necessary to clarify the use of the word "parity". Gandhi appears to have used "parity" in the sense that according to him, Group A, which numbered 19 crores of Hindus, and Groups B and C which between them numbered 9 crores of Muslims equated Group A with Groups B and C for the purpose of forming provincial Constitutions in a minimal Federal Constitution. However, in the context of the Hindu-Muslim problem, "parity" had usually a different meaning, namely, equality of representation between caste Hindus and Muslims in the Legislature and the Executive. In this usual sense the Mission's Plan did *not* provide for parity. For, the framing of the "minimal" Federal Constitution was entrusted to the Constituent Assembly in which the Congress had an overwhelming majority of 204 out of the 296 seats allotted to British India. The question of parity therefore shifted from the Constituent Assembly to the Federal Constitution which the Assembly would frame for the whole of India. The partition of India put an end to that question. However, the importance of the question is emphasized by some of the reservations made by the Muslim League in its acceptance of the Mission's Plan, namely, "The ultimate attitude of the Muslim League will depend on the final outcome of the labours of the

Constitution-making Body and on the final shape of the constitutions which may emerge from the deliberations of that Body jointly and separately in its three sections”.

It is that the Partition of India solved no problem because a large Muslim minority still remained in India, and a relatively smaller Hindu minority still remained in Pakistan. It is clear that after the overwhelming success of the Muslim League in the elections of 1945-46 there was a serious Hindu-Muslim problem to be solved. The long discussions which the Cabinet Mission had with leaders of the Congress and the Muslim League, showed that the problem to be solved was how to bridge the gulf between the League's demand for Pakistan and the Congress's demand for a united India. The Cabinet Mission Plan offered a solution. On the one hand it rejected Pakistan and on the other hand its 'grouping provisions' offered real safeguards to the League against a permanent domination by the Hindu majority in a united India. When the Congress rejected the Plan because the grouping provisions created 'parity' between Group A and Groups B and C taken together, one solution of the problem to be solved was gone. Was there no solution to the problem except the partial solution of partition or a bitter and bloody civil war? For partition did provide a *partial solution*, since those Muslims who wanted a separate State of their own could remain in the Muslim majority Provinces which went to Pakistan, and a large number of Muslims from Hindu majority provinces could and did migrate to Pakistan.

This partial solution brings us to the main problem which had to be solved to avoid partition. How were the fears of the Hindus in Muslim majority Provinces of being dominated by a permanent Muslim majority to be removed? And the same question arose for Muslims in Hindu majority Provinces. Could any real safeguards be devised in order to remove this fear? The dust of political controversy obscured the fact that in the 'grouping provisions' in a 'minimal federation' the Mission Plan provided just such safeguards. This solution was not perfect as the Mission recognized and said. Nevertheless the grouping provisions replaced the safeguards under the G.I. Act, 35, namely, separate electorates with a weighted reservation of seats for certain minorities, and the Governor's 'special responsibility' to protect the interest of minorities. The working of the G.I. Act, 35 showed that these safeguards were illusory.

A recently published book entitled *Remembering My Father* by Sisir Kumar Bose highlights the efforts which Sarat Chandra Bose made in May 1947 to preserve Bengal as a united and independent State, instead of being partitioned. The correspondence passed

between Sarat Chandra Bose and Mahatma Gandhi is instructive, for it contains Gandhi's solution to the problem of removing the fears of the large Hindu minority in a united Bengal. Sarat Chandra Bose had met Gandhi in Calcutta and informed him of a proposed scheme which had the approval of the leaders of the Congress and the Muslim League. Gandhi had spoken to Bose of the necessary safeguards which a Constitution for a united Bengal must provide for the Hindu minority (45:55). On 23 May, Sarat Chandra Bose forwarded to Gandhi a copy of the main terms of the proposed Constitution for a united Bengal, and asked for Gandhi's advice, help and support for the proposed scheme. In his reply dated 24 May 1947, Gandhi said among other things: 'There is nothing in the draft stipulating that nothing will be done by mere majority. *Every act of the Government must carry with it the cooperation of at least 2/3rd of the Hindu minority in the Executive and the Legislature*'; (italics supplied). See also Pyarelal, *Mahatma Gandhi, The Last Phase* Vol. II pp. 185-6. In insisting on the above provision, Gandhi went to the heart of the problem, namely, that *the Muslim majority in Bengal must be prepared to share real power with the Hindus*. The Muslim majority required no protection, for it was not likely to act against its own interests. But the suggested clause protected the Hindu minority's interests because they could not be overridden without the concurrence of 2/3rd of Hindu members. The view I expressed in *Legend and Reality* that the Congress should have accepted the claim of the Muslims to parity has been criticized. However, the safeguards proposed by Gandhi showed that I was not mistaken; in fact Gandhi went much further and prescribed the safeguard of a 2/3rd majority. Had this wisdom dawned after the 1937 elections when Jinnah sent his private message to Gandhi to approve of coalition ministry in the Bombay Province, or even before partition was accepted, and the Mission Plan sacrificed on the altar of 'parity', the tragedy of partition and the disasters which followed thereafter, and their bitter legacy which is still with us, would have been avoided.

Before I deal with the criticism of my brief reference to the Gandhi-Jinnah talks in September 1944, I must refer to two landmarks on the road to partition: The Cabinet Mission Plan and the Mountbatten Plan for the partition of India. The Mission Plan preserved the unity of India in the manner I have described in *Legend and Reality* and in this Introduction. The partition of India created two independent Dominions, and later the two independent sovereign States of India and Pakistan. Each State had its own armed forces and full control over its communications and its foreign policy over the territory assigned to it under the Radcliffe Award. The

Award by an agreed body of arbitrators became in effect the Award of Radcliffe. And the British Government had the power to enforce that Award as part of the scheme for the partition of India.

As to the Gandhi-Jinnah talks which took place at Jinnah's residence between 9 and 26 September 1944, I mentioned the fact that they had failed. And since they played no further part in the transfer of power to India, I did not go into the details of those talks because they would have distracted the reader's attention from the central theme of *Legend and Reality*. However, in a review of *Legend and Reality*, Mr. Rajmohan Gandhi wrote: "Seervai withholds what Gandhi offered and Jinnah demanded . . . during these talks Gandhi was prepared, on two conditions, to concede an autonomous Pakistan area identical to the area Jinnah obtained in 1947". The criticism does disservice to Gandhi and proceeds on a failure to analyze critically the documents relating to the Gandhi-Jinnah talks. These will be found in a Booklet of 104 pages ("the Booklet") published by the *Hindustan Times* in October 1944 entitled *Gandhi-Jinnah Talks, Text of Correspondence and other Relevant Matter with a Preface by C. Rajagopalachari*. The Booklet makes sad reading. It shows that the Gandhi-Jinnah talks were foredoomed to failure, and when they failed, they further embittered the relations between the Congress and the Muslim League.

What was the starting point of the Gandhi-Jinnah talks? It was the "C.R. Formula" which according to C. Rajagopalachari gave the Muslim League the substance of the League's Lahore Resolution of 1940, later called "the Pakistan Resolution". Jinnah did not give his personal support to the C.R. Formula, but offered to place it before the Working Committee of the Muslim League. Thereupon, Rajagopalachari broke off personal negotiations, and released the correspondence between himself and Jinnah so as to awaken public opinion. The C.R. Formula and the Lahore Resolution of 1940 are set out at the end of this Introduction. The C.R. Formula shows that it did not give Jinnah the substance of the Lahore Resolution. However, the present discussion relates to Rajmohan Gandhi's statement that "during the Gandhi-Jinnah talks Gandhiji was prepared, on two conditions, to concede an autonomous Pakistan area identical to the area Jinnah obtained in 1947". Therefore, we must inquire, what did Jinnah obtain on partition? Jinnah obtained, first, areas of Indian territory in which, in most cases, the majority of the population were Muslims; secondly, those areas formed part of Pakistan as an *independent sovereign State*. Gandhi's offer would not have given Jinnah the *territory* comprised in the sovereign State of Pakistan. It is generally assumed that the C.R. Formula and the

Gandhi Formula were, in effect, identical. But this is contradicted by the documents contained in the Booklet on the Gandhi-Jinnah Talks. To Jinnah's question, "What is the meaning of 'absolute majority'?" (Booklet, p. 4) Gandhi replied: " 'absolute majority' means a clear majority over non-Muslim elements as in Sind, Baluchistan or the Frontier Province." (ibid. p. 6) Reaffirming his definition, Gandhi again wrote to Jinnah: "Rajaji tells me that 'absolute majority' is used in his formula in the same sense as it is used in ordinary legal parlance, wherever more than two groups are dealt with. *I cling to my own answer.* You will perhaps suggest a third meaning and persuade me to accept it." (ibid. p. 9. italics supplied) It is clear, therefore, that on the fundamental basis of division of territory between the two States, C. Rajagopalachari defined 'absolute majority' in its legal sense, whereas Gandhi gave it a special meaning, viz., "a clear majority over non-Muslim elements as in Sind, Baluchistan or the Frontier Province". This meant a Muslim majority of about 70% or more in the area to be demarcated. If Rajmohan Gandhi had studied the population statistics (given in the Booklet) of the N. W. Frontier Province, Baluchistan, Sind, Punjab and Bengal, he would have found, for example, that applying Gandhi's definition of an absolute majority, the Lahore district in which Muslims constituted 60.69% of the population, and the Sialkot district in which Muslims constituted 62.10% (ibid. p. 101) of the population would have had to be assigned to India, *and not to Pakistan.* On Rajagopalachari's definition of absolute majority they would have had to be assigned to Pakistan. The Lahore and the Sialkot districts formed part of Pakistan on partition.

Before the talks started, Gandhi had said that "an ocean separated you (Jinnah) and me, in outlook." (ibid. p. 6) When the talks ended that ocean separated them still. Gandhi made his opposition to an *independent sovereign State* of Pakistan clear beyond doubt in a press conference on 28 September 1944. Gandhi said: "But if it means an utterly independent sovereign State so that there is to be nothing in common between the two (States) I hold it is an impossible proposition. *That means war to the knife...*" (ibid. p. 45 italics supplied) to which Jinnah replied, "Here is an apostle and a devotee of non-violence threatening us with a fight to the knife..." (ibid. p. 52). The above analysis of the documents in the Booklet on Gandhi-Jinnah Talks establishes only one conclusion — that Gandhi did not offer to Jinnah a sovereign State of Pakistan which Jinnah obtained on partition. To have referred to Gandhi's "offer" during his talks with Jinnah would have been a distracting irrelevance in *Legend and Reality*, the central theme of which is the transfer of

power from British to Indian hands. However, if Gandhi had offered to Jinnah the same, or practically the same, sovereign State of Pakistan which Jinnah got on partition, I would have referred to Gandhi's offer, and would have said that Jinnah and the Muslim League must bear the blame for the bestial massacres and the cruel mass migrations which preceded and followed Partition on 15 August 1947. In connection with the "offer" which Gandhi made to Jinnah, I have analysed the documentary evidence relating to the Gandhi-Jinnah Talks in some detail. I have done so because Rajmohan Gandhi's criticism about my "omission" to mention that "offer" in *Legend and Reality*, and his violent attack on Maulana Azad in his recent booklet *India Wins Errors*, raise serious doubts about his capacity to sift documentary, and even more, oral evidence, in pursuit of what he believes to be the truth.

It has been said that I failed to recognize that the Indian National Congress was a national and not a Hindu organization and consequently it alone had the right to speak for the whole of India. To avoid needless controversy, it is enough to recall the radically altered position of the Congress *vis-a-vis* the Muslim League after the 1945-46 elections. This changed position was recognized in the following formula which Gandhi and Jinnah signed on 4 October 1946:

"The Congress does not challenge, and accepts that the Muslim League now is the authoritative representative of the overwhelming majority of the Muslims of India. As such, and in accordance with democratic principles, they alone have today the unquestionable right to represent the Muslims of India. But Congress cannot agree that any restriction or limitation should be put upon Congress to choose such representative as they think proper, from amongst the members of the Congress as their representatives." *Legend and Reality*, p. 57. (italics supplied)

In a letter which Nehru wrote to Jinnah, after saying that the formula was not happily worded, Nehru accepted the position set out in the words I have italicized above. The formula was not ultimately adopted, but the facts there set out corresponded to admitted and indisputable facts.

After the 1945-46 elections it was impossible to say that Congress was a national body entitled to speak for the whole of India, for it had no right to speak for between 8 to 9 crores of Muslims. It followed that no settlement could be made by the Congress for the transfer of power without accommodation with the Muslim League. The Cabinet Mission Plan recognized this fact and tried to strike a balance between preserving the unity of India and removing the legitimate fears of the Muslims.

Some reviewers of *Legend and Reality* are agreed that the

documents and the evidence I have marshalled as to Mountbatten's failure to publish Radcliffe's Punjab Award as early as possible have established Mountbatten's responsibility for the massacres and migrations which followed on partition. One reviewer who works in a Research institute has said that I was only too right in the assessment of Mountbatten and he added:

"The way this man hustled everybody into a bloody partition was a tragedy, Mr. Seervai particularly arraigns him for deliberately delaying the publication of the Radcliffe Award by a week—to save the Independence Day celebrations from being marred by controversy, and to spare Britain the odium of violence before August 15, when it was legally still in charge. But it is difficult to attribute the killings to the delay in the award. *The Indian State was a living organism; It was being cut up. This made the bleeding inevitable whether the border agreement came earlier or later.*" (italics supplied)

The words I have italicized show an obvious infirmity, namely, that they substitute an abstract fatalistic inference for indisputable facts on record. For, till 9 August 1947, the Governor of Punjab, Sir Evan Jenkins, the Punjab Partition Committee, Mountbatten himself and Radcliffe, all accepted the position that every day earlier that Radcliffe could manage to get the Punjab Award announced would lessen the risk of disorder which was expected to break out on the publication of that Award. The 4 or 5 extra days gained by an early publication of the Award would have enabled Mountbatten to exercise the enormous powers vested in him to arrange for armed military convoys to escort those who wanted to leave Pakistan for India and India for Pakistan. Such a step would have greatly reduced the bloodshed and the painful and disorganized mass migrations which followed on publication of the Award after 15 August 1947 as a result of Mountbatten's culpable inaction.

I have found one serious difficulty in describing the part played by Mahatma Gandhi, Maulana Azad, C. Rajagopalachari and other eminent leaders in the transfer of power between 1940 and 1947. Pyarelal, in *Mahatma Gandhi: The Last Phase* has pointed out that difficulty in a striking manner:

"There were serious gaps in the information; many phases of delicate and intricate discussions between Gandhiji and his colleagues and negotiations with the representatives of the British Government that preceded and followed independence-cum-partition were *unrecorded*. Sometimes the record existed but was either inaccessible or else withheld; at times the actors in the drama, as they put it, were so 'terribly discreet' that later they themselves were unable to explain cryptic references in their recorded correspondence, or recall the events and happenings to which they referred." (ibid. pp. xvii- xviii, italics supplied)

Reverence and affection for the great leaders of the Congress have led Indian authors at times, not to publish letters which would

injure those leaders' reputation. Thus, Azad's letter of 2 August 1945 to Gandhi and Gandhi's discourteous and offensive reply of 16 August have neither been printed by Azad himself, nor by Pyarelal in his *Gandhi*, nor by Tendulkar in his *Mahatma*, nor by Sitaramayya in the *History of the Congress*. Menon, who had access to both the letters and who gave an accurate summary of Azad's letter to Gandhi in his *Transfer of Power*, has suppressed Gandhi's reply; See *Legend and Reality*, p. 39, f.n. 30. The two letters are printed in the *Transfer of Power*, Vol. VII at pp. 155-57 and 172 respectively. Again, Rajagopalachari's letter of 20 July 1946 to Pethick-Lawrence, asking, in substance, for the grouping provisions of the Mission's Plan to be altered in favour of the Congress, and Azad's letter of 22 July 1946 to Cripps demanding the early setting up of an Interim Government if peaceful settlement was not to founder, are not to be found in any of the above mentioned works; see *Legend and Reality*, p. 230 and *Transfer of Power*, Vol. VIII at p. 95.

In 1988, in Chapter I of the Supplement to the *Constitutional Law of India* (3rd edn.) I wrote a monograph on the Transfer of Power to India in the light of materials which had become available by 1985. In that monograph I referred to Azad's autobiography *India Wins Freedom* (1959 edn.) because Azad was President of the Congress between 1940 to 10 July 1946 and, as such, played an important part in negotiations relating to the Cripps offer of 1942, and also in important negotiations with the Cabinet Mission and the Viceroy which culminated in the Cabinet Mission Plan. He continued to play an important part thereafter as a member of the Congress Working Committee.

Mr Rajmohan Gandhi published in 1986 his book entitled *Eight Lives: A Study of the Hindu-Muslim Encounter*, (later published as a Penguin paperback entitled *The Muslim Mind*.) Rajmohan Gandhi wrote that the book was made possible by a grant made, and the other facilities afforded, to him by the Woodrow Wilson Centre for Scholars, Washington, D. C. Further, he had the help of two research assistants. Therefore, *Eight Lives* is the work of a research scholar under the auspices of a Research Foundation.

Rajmohan Gandhi wrote *Eight Lives* because he hoped and believed that a study of the lives of eminent Muslim leaders, *each of whom had believed at one time in Hindu-Muslim compatibility*, (ibid. p. 318) would promote a better understanding between Hindus and Muslims. For, when he wrote *Eight Lives* there were 90 million Muslims in India (11% of India's population); 11 million Hindus in Bangla Desh (12.1% of the population of Bangla Desh); and 1.25 million Hindus in Pakistan (about 1.4% of the population of

Pakistan): p. 5, *Eight Lives* which ended on the hopeful note: "Reflecting on (the qualities of the 8 eminent Muslims) some Hindus may, God willing, find themselves moving closer to Muslims than they were, even as the writer of these pages did."

In his *Eight Lives*, Rajmohan Gandhi devoted Chapter VII to a study of Azad (pp. 219-56). As others had done before him, Rajmohan Gandhi freely quoted Azad's *India Wins Freedom*. The Notes to Chapter VII of *Eight Lives* show that he referred to *India Wins Freedom* about 40 times. The Chapter on Azad deals briefly with Azad's views as a theologian and his interpretation of the Quran. However, the largest part of the study of Azad is naturally devoted to Azad's part in the struggle for India's freedom, especially between 1940 and July 1946 as President of the Congress and thereafter as a member of the Congress Working Committee. From Rajmohan Gandhi's study, Azad emerges as a figure of great nobility, to which Rajmohan Gandhi paid the following glowing tribute:

"The *quom's* leadership would have been in the palm of Azad's hand if to his remarkable assets—his *Al Hilal* capital, his link with Mecca, his ancestry, his scholarship and his flair as a writer and orator—he had added but one more ingredient, support for separatism. *His integrity came in the way, and he spurned the crown.* Culture went with integrity." (ibid. p. 250. italics supplied)

Whilst paying this glowing tribute, Rajmohan Gandhi did what a biographer ought to do—he pointed out what he believed were the failings of Azad:

"Pride was Azad's failing . . . in the less attractive form of I-was-wiser-than-the rest. . . *India Wins Freedom* was written during hours snatched from the demanding schedule of India's Education Minister, and written, . . . by one suddenly anxious about what the future would think." (ibid. p. 251)

As to the value to be attached to *India Wins Freedom*, 1959 edn., Rajmohan Gandhi wrote:

"The haste and anxiety, and the fact that he relied on his memory, have produced some one-sided judgments and also several simple inaccuracies. *While a valuable item for any student of independence and partition, India Wins Freedom has to be supplemented, and in places corrected, by other works.*" (ibid. p. 251. italics supplied).

Departing from chronology I believe that the reader will find it difficult to believe that the man who thus accurately described the value of *India Wins Freedom* is the same man who wrote later that *India Wins Freedom* ". . . does not deserve a place in libraries and reading rooms, not at any rate in shelves marked 'history' or 'politics' ". (*India Wins Errors*, p. 96. italics supplied). I will revert to this book later.

In Post Script I to *Legend and Reality* entitled 'Building Bridges' I paid a tribute to *Eight Lives*, observing that Rajmohan Gandhi had tried to hold the scales even between the Congress and its great leaders and the Muslim League led by Jinnah and Liaquat Ali Khan. And I expressed my appreciation of the services Rajmohan Gandhi had rendered to our country by writing *Eight Lives* with the praiseworthy object of promoting better understanding between Hindus and Muslims in India, in Bangla Desh and in Pakistan. In this reprint of *Legend and Reality* I have retained this tribute and not the less so because Rajmohan Gandhi has made an unfair and violent attack on Azad in *India Wins Errors* — an offensive parody of *India Wins Freedom*.

Several writers who wrote about the men and events leading to the partition of India referred to Azad's *India Wins Freedom* (1959 edn.) without feeling any need to wait for an unexpurgated edition to be published in 1988, restoring 30 pages which had been suppressed in the 1959 edition. As the unexpurgated edition was published after my monograph on the *Transfer of Power* had been published, I inserted a "Note" to *Legend and Reality* in which I referred to the blurb of the 1988 edn. which said that ". . . all the words and phrases in the original (have been) reproduced . . .", and I showed that this statement was not correct. In Post Script II to *Legend and Reality* entitled "Shattered Dreams" I referred to, and brought out the implications of, Humayun Kabir's Preface dated 2 April 1958. In it he explained that large parts of the 30 pages *suppressed in the national interest* fell into four broad classes: (a) the Syed Mahamud episode; (b) remarks about Vallabhbhai Patel's part in the partition of India; (c) the contempt which Azad had for Krishna Menon; (d) and some personal remarks about Nehru to whom Azad paid a glowing tribute. (ibid. pp. 251-52)

About Vallabhbhai Patel's approach to the partition of India, Azad wrote in the 1959 edition:

"I was surprised and pained when Patel in reply said that whether I liked it or not, there were two nations in India. He was now convinced that Muslims and Hindus could not be united into one nation. In this way alone we can end the quarrel between Hindus and Muslims": ibid. p. 185.

These words unmistakably charge Vallabhbhai Patel with communalism which made him accept partition between India and Pakistan. In the 1988 edition of *India Wins Freedom*, Azad repeated the same charge, but in stronger language. "I was surprised that Patel was now an even greater supporter of the two-nation theory than Jinnah. Jinnah may have raised the flag of partition, now the real

flagbearer was Patel". (ibid. p. 201, 1988 edn.)

If Rajmohan Gandhi believed that Azad's charge against Patel in the 1959 edn. of *India Wins Freedom* was false and would harm Hindu-Muslim unity, in which Azad had an unshakable faith, nothing prevented Rajmohan Gandhi from saying so. But he did not. On the contrary, he wrote:

"We have seen, however, that by the end of March 1947 Patel had become keen on division and that Nehru too was reconciled to it. Azad, in his own words, 'was surprised and pained' when Patel, frustrated at every step by the polarization in the interim government, told him that 'whether we liked it or not, there were two nations in India.' Nehru spoke to Azad 'in sorrow'; still, as Azad puts it, he 'asked me to give up my opposition to partition'." (*Eight Lives*, p. 247)

Rajmohan Gandhi did not have to wait till the 1988 edition of *India Wins Freedom* which merely repeated the charge of communalism against Patel in stronger language. I have found it necessary to say this in view of Rajmohan Gandhi's recent bookie* *India Wins Errors: A Scrutiny of Maulana Azad's India Wins Freedom* in hardback and paperback editions (i to x, pp. 118). Before *India Wins Errors* was published late in 1989, extracts from it were published in the *Indian Express* (Sunday Magazine Section) on 20 and 27 August 1989. In the Preface to *India Wins Errors* Rajmohan Gandhi wrote: "I must acknowledge a debt to a small book called 'Inconsistencies of Azad' by Amalendu Ray, which I had read in the course of my study of Azad's life". (italics supplied) Since Rajmohan Gandhi's attention had been drawn to "Inconsistencies of Azad" before 1986, then, as a research scholar, it was his inescapable duty to examine those inconsistencies, and, if they were established, then to examine the whole of Azad's *India Wins Freedom* to see whether other inconsistencies, inaccuracies, or wrong statements were to be found in *India Wins Freedom*, and only then write his Chapter on Azad in *Eight Lives*. For it was his duty to see that his statements were accurate, and his opinions and criticisms were expressed honestly and in good faith. Rajmohan Gandhi on his own recent admission in *India Wins Errors* failed to discharge his duty.

In his Preface to *India Wins Errors* Rajmohan Gandhi wrote:

"When, later (after writing *Eight Lives*) I began a research into the life of Vallabhbhai Patel, I was intrigued by a remark in Azad's *India Wins Freedom*. Referring to the election of a new Congress President in 1946, Azad had said 'Gandhiji was some what inclined towards Sardar Patel, but once I proposed Jawaharlal's name, he gave no public indication of his views.' This picture of Gandhiji's preference was at variance with other accounts and I wondered where the truth lay": ibid. p. ix.

So, Rajmohan Gandhi has given us the starting point of his search

for truth. Let us now see his reasons for pursuing his search for truth in *India Wins Errors*. The reasons are mainly these: (a) The prestige of Azad, "is thus an element in Hindu-Muslim relations in the story of our freedom struggle and Islam's theological debates"; (b) "... flaws in the book ought, in any case to be pointed out for the sake of truth, which is more important than the reputation, no matter how crucial, of any man"; (c) "Azad's prestige is in fact one of two powerful reasons— *India Wins Freedom's* wide distribution being the other for a careful scrutiny of the book's statements." The same statements made by a lesser man in a book with a small circulation could have been safely ignored; (d) "Excerpts from *India Wins Freedom* have entered numerous scholarly studies and reference volumes and are bound to continue to do so. Thus, the noted jurist H. M. Seervai cites *India Wins Freedom* almost 20 times in his section on the Transfer of Power in his *Constitutional Law of India*. The editors of the *Selected Works of Jawaharlal Nehru* seem to have relied upon it for their notes . . . , and the editor of Wavell's Diary have done likewise in the *Viceroy's Journal*. The present writer has himself unquestionably used several sentences from *India Wins Freedom* in *Eight Lives*. Some of these sentences have been found erroneous". (ibid. p. 2): (e) "Some of these corrections will assist Hindu-Muslim relations But when (some of the charges) are ill-founded, allegations of communalism do not serve the cause of Hindu-Muslim friendship and prove that they lack basis can only help that cause." (f) "Some of the errors in *India Wins Freedom* fuel the suspicion and fears against which Azad revolted. Removing them can only help the objective dear to Azad of Hindu-Muslim friendship":(g) "If we also accept Azad's view that Patel frequently acted as a communalist, then we are close to adopting the line spread by the Muslim League in the 40's that Hindu supremacy was Gandhi's and Congress's true and secret aim". (ibid. p. 3)

I am constrained to say that the above reasons given by Rajmohan Gandhi for trying to meet Azad's charge of communalism against Patel are a mere pretence, because Rajmohan Gandhi had before him the 1959 edition of *India Wins Freedom* in which Azad had unmistakably charged Patel with communalism. If, when he wrote *Eight Lives* he believed that Azad's charge against Patel was false, and would injure the cause of Hindu-Muslim unity in which Azad passionately believed, Rajmohan Gandhi had the most ample time to say so. But his pursuit of truth, which he says is more important than any person's reputation, did not extend to exposing in *Eight Lives*, Azad's "false" charge against Patel. Rajmohan Gandhi's silence is explained by the fact that he would have found it impossible to

defend Patel from a charge of communalism. For, reputable writers other than Azad had charged Patel with communalism. Their books had a wide sale. These books were published long before *Eight Lives* was written, and except for Lt. Gen. Toker's, *While Memory Serves*, they have been referred to in *Eight Lives*.

Thus in *Wavell, The Viceroy's Journal*, (1973) Wavell made the following entry under 17 March 1947:

"Patel was very friendly at the finish, and we have always dealt on frank terms and have respected one another. He is entirely communal and has no sense of compromise or generosity towards Moslems, but he is more of a man than most of the Hindu politicians": *ibid.* p. 429.

Again, Brecher in his biography of Nehru (1959) wrote:

"On the communal problem, the two (Nehru and Patel) were temperamentally and intellectually at opposite poles.....Patel was a staunch Hindu by upbringing and conviction. He never really trusted the Muslims and shared the extremist Hindu Mahasabha view of the 'natural' right of the Hindus to rule India. For him there was only one true nationalist Muslim—Jawaharlal! The clash on this issue came into the open during the riots of 1947, when Patel openly questioned the loyalty of the Muslims who had remained in India and Nehru, along with Gandhi, came to their defence": *ibid.* p. 392.

Lt.-Gen. Sir Francis Toker was a distinguished General who was Officer in Charge of the Eastern Command. He recorded from day to day his impressions as such officer during the last two years of the British Raj later published in his book *While Memory Serves* (1950). His Command had to deal with the R.S.S. as a communal body engaged in perpetrating deeds of sadistic and brutal violence against Muslims. He wrote:

"We asked that the Indian Govt. should declare the R.S.S. illegal and that its parent body, the Mahasabha should be dealt with as enemies. Our request was refused. As I transcribe my records on the 31st January 1948 the radio is telling us of the last rites by the Jumna River for the dead Mahatma, killed I predict by one extremist of the Mahasabha, one of the R.S.S. Sangh, . . . Later reports from India have shown that the Mahatma was assassinated by a member of this nefarious body": *Tucker*, p. 461.

Pyarelal, in his *Mahatma Gandhi*, writing about the R.S.S. said:

"It was common knowledge that the R.S.S. had been behind the bulk of killings in the city as also in various other parts of India. This their friends denied. Their organisation was for protecting Hinduism; not for killing Muslims": Vol. 2, p. 439. (1958)

Referring to the grave riots in Delhi, where Gandhi was trying to restore peace, Pyarelal wrote:

"To Sardar Patel they were 'patriots though misguided' . . . He wanted Congressmen to wean them from their ways 'by their love'. He had no patience with those who were in favour of stern measures to put them down like any other

breaker of the law. In one of his speeches he observed: 'In Congress there are some in power who feel that by virtue of authority they will be able to crush the R.S.S. *You cannot crush an organisation by using the rod. After all R.S.S. men are not thieves and dacoits, they are patriots, who love their country; only their trend of thought is misdirected.*' Obviously he had not foreseen what this softness would cost the country before long. When later, the R.S.S. showed itself in its true colours, he was appalled and took prompt action—unfortunately when it was too late".: Pyarelal, *Gandhi*, Vol. 2, p. 693. (italics supplied)

The last sentence refers to the assassination of Mahatma Gandhi. Pyarelal commented, "It was an unfortunate utterance. Could the patriotic motive condone *deeds in themselves heinous?*" : *ibid.* (italics supplied) The italicized words refer to acts of bestiality and brutality perpetrated by Hindu "patriots" against Muslim men, women and children. For Patel, the Home Minister, to defend such acts as "patriotic" can only be described as communalism run wild. For not using the rod against the R.S.S. "patriots" a deadly forfeit had to be paid in the assassination of Mahatma Gandhi.

Rajmohan Gandhi shows himself a stickler for accuracy. He admonishes Azad for writing that 9 members of the Working Committee were detained in Ahmednagar when 11 members were detained there: (*ibid.* p. 39) But preaching is one thing, practice another. In *India Wins Freedom* (1988 ed.) at the end of p. 128 and almost on the whole of p. 129, Azad has described his efforts to secure the release of detenus and political prisoners, including Jaiprakash Narain and Ram Manohar Lohia. At p. 44 of *India Wins Errors* under the heading "Release of J.P. and Lohia" Rajmohan Gandhi purports to set out a small passage from p. 129; but in fact he has omitted from that passage the words and sentences which I have italicised:

"The result was that while the majority of Congress prisoners came out a small group of leftist workers of the Congress were still detained. They included Jaiprakash Narain, Ramanadan Mishra and several others.

*"I was not satisfied with this outcome of my intervention. I saw no reason why a small group of the leftists should be detained when all others were being released. The Government of India has suspicious against them, but there was no proof that they had behaved differently from other Congress workers who took part in the Quit India Movement. After the AICC met at Bombay in September, I wrote a long and detailed letter to Lord Wavell. I said that the effect in the country would be very unfortunate if this handful of political prisoners were not released. [This omission is indicated by three dots] If Lord Wavell wanted to create a proper atmosphere in the country he should agree to a general amnesty and release them. Lord Wavell finally agreed and they were all released": *ibid.* p. 129.*

Official documents bear testimony to Azad's efforts.

On 15 July 1945, as soon as the holding of elections had been announced, Azad wrote to Wavell suggesting, among other things, that Wavell should release

all detenus and political prisoners: *T.P.* Vol. V, pp. 1252-53. On 22 Aug. 1945 Azad repeated this request *T.P.* Vol. VI, pp. 119, 120. On 24 Aug. 1945 Wavell replied to Azad saying, among other things, "But I fear that there is no question at present of indiscriminate releases": *ibid.* p. 151, 152. On 10 Oct. 1945, Azad replied to Wavell's aforesaid letter: (*ibid.* pp. 331-334). Azad wrote, among other things: "For instance I feel that socialist leaders like Jaiprakash Narain, Ram Manohar Lohia, Achyut Patwardhan when restored to normal life will certainly function within the Congress, and their followers should be expected to do likewise": *ibid.* p. 333. In his reply dated 27-29 Oct. 1945, Wavell said that for reasons already given, he was unable to pass a general order absolving all abconders from liability to arrest: *ibid.* pp. 414-416 at p. 415. On 7 Nov. 1945, Azad again returned to his request for the release of prisoners: ". . . I wrote to you on 15 July and urged that in order to maintain improvement in the atmosphere, you should take steps for immediate release of political prisoners and detenus": *ibid.* pp. 454 at p. 455. On 20 Nov. 1945, Wavell wrote, among other things: ". . . I do not believe that the removal of the few remaining bans on political associations and/or release of remaining security prisoners—Nearly all men with a terrorist record—would have any appreciable effect on the situation, as your letter implies". (*ibid.* p. 511)

On 5 Dec. 1945, Casey (Governor of Bengal) wrote to Wavell about the interview which Casey had with Gandhi and said that Gandhi had asked Casey to see Azad, Nehru and possibly one or two others of Congress Working Committee: *ibid.* p. 599. On 8 Dec. 1945, Casey informed Wavell that he had seen Azad, Patel and Nehru the previous night and added: "They said that the release of all political prisoners would be evidence of goodwill on our part": *ibid.* pp. 623-624 at p. 624. Wavell reported his correspondence with Azad, and Casey reported his talk with Gandhi and his meeting with Azad, Nehru and Patel, to Pethick-Lawrence, so that Pethick-Lawrence knew full well that Azad as President of the Congress and Nehru and Patel wanted the release of all detenus and political prisoners, including Jaiprakash Narain and Ram Manohar Lohia.

Till April 1946, official documents do not show that Gandhi had made any attempt with the Viceroy or with Casey to secure the release of Jaiprakash Narain and/or Ram Manohar Lohia. However, in his letter to Pethick-Lawrence dated 2 April 1946 Gandhi wrote:

"It is the immediate release of *political* prisoners irrespective of the charge of violence or non-violence. They cannot be a danger to the State now that the necessity for independence has become common cause. It seems to be ridiculous to keep, say Shri Jaiprakash Narain and Dr. Lohia, both learned and cultured men of whom any society would be proud, nor is there any occasion for treating any person as an underground worker": *T.P.* Vol. VII, p. 82.

And in his interview with the Cabinet Delegation and Wavell on 3 April 1946, Gandhi said among other things:

"If they meant business he would advise them to take action which would produce a hearty friendship. This could not be done without the release of the prisoners now in British custody. The flower of the Indian nation were in prison—whether they were violent or non-violent did not matter, but if the Delegation was sincere it was bound to release them. Jaiprakash Narain was one of India's most learned men": *ibid.* p. 116.

However, Rajmohan Gandhi “quoted” an entry (9 April 1946) from Wavell’s *Journal*—omitting the words I have italicised below: “(Gandhi) then asked for the release of Jaiprakash Narain *whose wife is apparently one of his followers (‘adopted daughter’ he called her)*. I did not commit myself though I expect we shall have to release him shortly”: *Viceroy’s Journal*, pp. 241-242.

To seek to discredit Azad by selecting a part of a long passage and then “quote” it with omission which related to Azad’s efforts described above does no credit to Rajmohan Gandhi’s proclaimed pursuit of truth and his emphasis on accuracy in detail. That Rajmohan Gandhi should not refer to Mahatma Gandhi’s letter of 2 April 1946 and his interview of 3 April has the effect of obscuring the fact that the Delegation wanted the support of Gandhi and the Congress. The War against Germany and Japan had been won. And when Gandhi made the demand which Azad as President of the Congress had already made for the release of J.P. and Lohia, that demand could not be refused, if the Delegation wanted to secure the goodwill of Gandhi and the Congress President.

In the result, *India Wins Errors* has been written under the pretence that if Rajmohan Gandhi showed that Azad’s charge of communalism against Vallabhbhai Patel was false, it would promote the cause of Hindu-Muslim unity. Secondly, I have shown that his attempt to deny to Azad the credit to which he was entitled for his persistent efforts to secure the release of detenus and political prisoners has been based on the queer methods I have described above. This ill becomes Rajmohan Gandhi who professes to put the pursuit of truth above all other considerations, for truth is ill served by calculated omissions from Azad’s *India Wins Freedom* and Wavell’s *Journal* and by ignoring relevant official documents.

It has become necessary to deal with *India Wins Errors* at some length because, like other authors including Rajmohan Gandhi, I have relied on Azad’s *India Wins Freedom* in *Legend and Reality* in a number of places. Again, I have referred to the 1988 edn. of *India Wins Freedom* in Post Script II, “Shattered Dreams”, as throwing further light on what actually happened, and I have brought out the implications of suppressing 30 pages “in the national interest” in the 1959 edn. Rajmohan Gandhi has said that *India Wins Freedom* should have no place in libraries, certainly not on shelves marked “history” or “politics”. First, if that conclusion were correct, Rajmohan Gandhi’s *Eight Lives* and the *Muslim Mind* would also have to be withdrawn from such libraries, for in his sketch of Azad, Rajmohan Gandhi has himself drawn largely on *India Wins Freedom*!

I am not aware that he has asked for such withdrawal. Secondly, I entirely disagree with Rajmohan Gandhi's conclusion, and I adhere to what I wrote in *Legend and Reality*:

"It may be observed that when Azad wrote of what happened in his presence or in correspondence with him, his account can be accepted as correct, subject to lapse of memory or correction by relevant authentic material. However, *India Wins Freedom* was written under a serious handicap, for it was written without the knowledge to be derived from the official documents as to what had taken place on the British side in England and in India . . . (without access to the 12 volumes of the *Transfer of Power*. In several important matters Azad could only make intelligent guesses or give his 'reading' of men and events". Official documents show that some of Azad's guesses were correct; some were not: *ibid.* p. 215.

Finally, what I have said so far shows that *India Wins Errors* is unworthy of Rajmohan Gandhi who, in *Eight Lives* wrote excellent sketches of eight eminent Muslims, including Azad.

One more example will suffice to show that *India Wins Errors* is untrustworthy. At p. 77. under the heading "Azad's May 14 Meeting With Mountbatten", Rajmohan Gandhi deals with Azad's account of his interview with Mountbatten in *India Wins Freedom* at pp. 206-207 (1988 edn.) [pp. 189-90 of the 1959 edn]. Azad's interview covered two topics. The first topic was that the Cabinet Mission Plan should not be abandoned, and partition should be put off for 1 or 2 years, since Partition would be irreversible. The second topic was that if India was partitioned in the prevailing atmosphere of violence between Hindus, Muslims and Sikhs, rivers of blood would flow — on and after partition. In this connection, Azad sets out the assurance which Mountbatten gave him. The "quotation" set out by Rajmohan Gandhi at p. 77 of *India Wins Errors* does not correspond to p. 206 of *India Wins Freedom* because sentences are omitted which are germane to Azad's account, and the sentence "that the solution of the political problem may be deferred for a year or two" has been transposed from the last but one para of p. 206 to the earlier paragraph. Further, the second topic of Azad's interview is omitted. Instead of giving an account of Azad's interview on both the topics in *India Wins Errors*, Rajmohan Gandhi has inserted the following foot note to the sentence, "The whole account is pure concoction", namely, "Azad's account of this 'May 14 Meeting With Mountbatten' is extensively quoted in Seervai's *Constitutional Law of India*. Supplement, pp. 116-7". Rajmohan Gandhi's omission of the second topic of Azad's interview is deliberate, first, because few readers of *India Wins Errors* are likely to resort to the Supplement to the *Constitutional Law of India* which would not be easily available in public libraries; and, secondly, because had he quoted from the

Supplement, he would have been forced to set out a passage in which I showed that Azad's account of his interview with Mountbatten was corroborated by independent documentary evidence.

After setting out the garbled version of a "quotation" from Azad's book, Rajmohan Gandhi wrote:

"Every sentence and statement quoted above is false. Mountbatten did not follow Azad to Simla; he preceded Azad. Mountbatten arrived in Simla on May 6, Azad on May 11, Mountbatten did not go for a respite before his trip to London; he did not know at the time that he would be going to London. HMG's invitation to him to visit London was received by Mountbatten on May 15, after 'the May 14 meeting'. Finally, Azad did not meet Mountbatten in Simla on the night of 14 May. He could not have, for Mountbatten had returned to Delhi on the afternoon of May 14, having left Simla early that morning. The cable inviting Mountbatten to London reached him 12 hours after his return to Delhi. While in Simla, he was unaware of his having to go to the U.K. In fact, there is no evidence anywhere of any Mountbatten-Azad meeting in Simla, neither in the TOP volumes, nor in Alan Campbell-Johnson's diary of the Mountbatten Viceroyalty, nor in any of the newspapers of the time. The whole account is pure concoction": *India Wins Errors*, pp. 77-78. (Italics supplied)

Rajmohan Gandhi in considering whether an interview took place between Azad and Mountbatten before Mountbatten left for England on 18 May, ought to have proceeded on the opinion which he himself had expressed in his *Eight Lives*, (p. 250) namely, that Azad was a man of such integrity that he "spurned the crown" of leading the Muslim community because he would not support "separatism". A man of such integrity was not likely to "concoct" an interview.

Whether Azad had an interview with Mountbatten is a question of fact. If there is direct evidence in support of the fact, as for example, if Mountbatten himself had recorded the interview, then the fact of Azad's interview with Mountbatten is established. If, however, there is no direct evidence, the next question is whether the whole or a part of the interview is corroborated by independent evidence, then also the fact of Azad's interview with Mountbatten is established. Rajmohan Gandhi knew from my Supplement to the *Constitutional Law of India* that when Azad set out Mountbatten's assurance that he would nip violence in the bud by using the army, "tanks and aeroplanes", Azad's account stood corroborated by the Minutes of a Meeting of the Attlee Cabinet held on 23 May 1947. Rajmohan Gandhi also knew that I had set out at p. 117 of my Supplement the independent corroboration of Mountbatten's aforesaid assurance to Azad. That corroboration will be found in the present book at pp. 143-144. Attlee said at the Cabinet Meeting of 23 May.

"It was the Viceroy's considered view that the only hope of checking communal warfare was to suppress the first signs of it strongly and ruthlessly, using for this purpose all the force required, including tanks and aircraft. . . . It was

important that (the Viceroy) should also be assured that this policy had the support of His Majesty's Government. The Cabinet agreed. . . " : *T. P.* Vol. X, p. 967. (italics supplied)

Since Azad laid no claim to crystal gazing, he did not and could not know that the Attlee Cabinet had fully supported Mountbatten's assurance given to Azad that violence would be nipped in the bud by using all the force required, "including tanks and aircraft".

What I have said above is enough to destroy Rajmohan Gandhi's theory that Azad had "concocted" the whole interview. However, the matter does not rest here. Brig. H. S. Yadav (Retd.) wrote a letter which appeared in the *Indian Express* on 17 Sept. 1989.

He wrote, among other things:

"Apropos Rajmohan Gandhi's critique of *India Wins Freedom* (*Indian Express*, Aug. 20) Azad did see Mountbatten in Simla before the Viceroy went to England. I was the ADC who fixed the appointment after a man called Kabir telephoned. I cannot now recall the exact date but this can be ascertained from the old Viceroy's House records. I am afraid Rajmohan Gandhi has not done his research well, and so is not in a position to accuse Azad of falsification".

In his reply to Brig. Yadav's letter, Rajmohan Gandhi said that he adhered to the view he had expressed in *India Wins Errors* that no such interview had taken place and stated:

"My comment in *India Wins Errors* is as follows: 'Mountbatten did not follow Azad to Simla; he preceded Azad. . . Mountbatten did not go for a respite before his trip to London; he did not know at the time that he would be going to London. . . Finally, Azad did not meet Mountbatten in Simla on the night of May 14. He could not have, for Mountbatten had returned to Delhi on the afternoon of May 14, having left Simla early that morning'. The *Transfer of Power* volumes and V. P. Menon's *The Transfer of Power in India* are explicit and categorical that the invitation to visit London was received by Mountbatten on May 15, after his return to Delhi from Simla".

In face of Brig. Yadav's direct evidence that Azad did meet Mountbatten in Simla before he left for England, evidence corroborated by the Minutes of the Attlee Cabinet Meeting of 23 May, Rajmohan Gandhi's theory that the whole account was a total concoction is untenable.

Rajmohan Gandhi has based his theory that the whole of Azad's account was a concoction on circumstantial evidence. Circumstantial evidence to prove a fact is recognized as the weakest form of evidence. That evidence has been likened to a chain, for if a link is missing, the chain breaks down. Again, the strength of the chain is the strength of its weakest link. At pp. 77-78 of *India Wins Errors*, Rajmohan Gandhi sets out particular facts which constitute the links in his chain of evidence to prove that the whole of Azad's account of his interview with Mountbatten on 14 May was a concoction. How

weak the links are will appear from what follows. Let us take the first three links: Mountbatten did not follow Azad to Simla, because Azad went to Simla on 11th whereas Mountbatten went to Simla on the evening of the 6th. Secondly, "Mountbatten did not go for a respite before his trip to London." Thirdly, "(Mountbatten) did not know at the time that he would be going to London. HMG's invitation to him to visit London was received by Mountbatten on May 15, after 'the May 14 meeting'. "That Azad went to Simla on 11th May is an *ipsi dixit*, for which Rajmohan Gandhi has produced no evidence. Mountbatten did reach Simla on the evening of 6 May. So these statements do not disprove the fact that Azad went to Simla before Mountbatten, who came some days thereafter. Secondly, Mountbatten did go to Simla for a respite is shown by the following observations in Menon's *Transfer of Power in India*, p. 362: "Pending the receipt of His Majesty's Government's approval to the proposed Plan, Lord Moutbatten decided to go up to Simla for a short respite". It is true that when Mountbatten went to Simla, he had not intended to go to London. He had intended to call a meeting of Nehru, Patel, Jinnah, Liaquat Ali and Baldev Singh to meet him in Delhi on 17 May (*T.P.* Vol. X, p. 748) so that if his proposals were accepted by the leaders, the announcement about Partition could be made by the British Government on 22 May. Nehru had agreed to arrange for a meeting in Delhi of the Congress Working Committee on 16 or 17 May: *ibid.* p. 739. However, on 11 May came Nehru's "bombshell", namely, his emphatic rejection of the draft proposals for partition which Mountbatten had shown him. In view of Nehru's bombshell, on 11 May, the proposed announcement of 22 May was postponed to 2 June 1947 (*ibid.* p 762). The ostensible reason for the postponement was "Parliamentary recess" (*ibid.* p. 772). No doubt the formal invitation by Attlee to Mountbatten to go to England was received on the 15 May at 2 a.m. in Delhi. However, soon after the postponement of the meeting to 2 June was announced on 11 May, the ostensible reason did not deceive journalists and politicians, and they made the reasonable guess that Mountbatten would have to go to England to discuss the fresh proposals with Attlee's Cabinet. Liaquat Ali in his interview with Mountbatten on 15 May said "That is the only solution. I knew you would have to go. When I met Muslim editors yesterday, they informed me that they were certain that the reason for the postponement of the meeting of leaders was to enable you to go home": *ibid.* p. 825. This shows that journalists and politicians did not wait for Attlee's formal invitation to reach Mountbatten but rightly guessed that he would have to go to London to meet Attlee's Cabinet.

The next two links in Rajmohan Gandhi's theory are: "Azad did not meet Mountbatten in Simla on the night of 14 May. He could not have, for Mountbatten had returned to Delhi in the evening of 14 May, having left Simla early that morning." Secondly, "In fact there is no evidence anywhere of any Mountbatten-Azad Meeting in Simla neither in the TOP volumes nor in Alan Campbell-Johnson's Diary of the Mountbatten Viceroyalty, nor in any of the newspapers of the time." Here again, Rajmohan Gandhi has produced no evidence in support of his *ipsi dixit* that Mountbatten left Simla early and returned to Delhi on the evening of May 14, Neither the TP documents Vol. X nor Menon's *Transfer of Power* contain any such statement. It must not be forgotten that for 6 weeks Mountbatten worked on an average for 17 hours a day. *Ziegler*. p. 378. Finally, the fact that the interview between Azad and Mountbatten is not recorded anywhere does not establish that no such interview took place. After Mountbatten returned to Delhi on 14 May he gave an interview to Suhrawardy, who, in his letter dated 15 May to Sir E. Meville recorded the fact of the interview: *T. P.* Vol. X, p. 829, f.n.1. In his letter of 15 May to Burroughs, the Governor of Bengal, Mountbatten wrote, among other things, "On my return from Simla on the 14th May, I had a long talk with Suhrawardy and his Minister for Land Revenue": *T. P.* Vol. X, p. 849. f.n. 2 on that page states that "No full record of Lord Mountbatten's interview of 14 May with Mr Suhrawardy appears in the Mountbatten Papers, Interviews Series".

Therefore, the fact that an interview is not recorded does not establish that no interview took place.

Two things will be clear to the reader. First, how weak are the links in the chain of evidence from which Rajmohan Gandhi evolves his theory that Azad's interview with Mountbatten was a total concoction, links incapable of supporting that theory. Secondly, that the said theory had been demolished by the Minutes of the Meeting of the Attlee Cabinet on 23 May '47, which corroborated the assurance given to Azad by Mountbatten that he would use tanks and aeroplanes to nip violence in the bud. And after *India Wins Errors* was written, that theory has been demolished by the direct evidence of Brig. Yadav, A.D.C. to Mountbatten, who at the instance of (Humayun) Kabir had fixed an appointment for that interview, and who asserted from his personal knowledge that the interview did take place.

Azad's *India Wins Freedom* (1959 and 1988 editions) will continue to be read, remembered and relied upon long after Rajmohan Gandhi's untrustworthy booklet *India Wins Errors* is dead and forgotten. It was a favourite saying of Lord Macaulay that "No man was ever written down, except by himself". Rajmohan Gandhi's *India Wins Errors* furnishes a recent illustration of Macaulay's favourite saying.

APPENDIX C.R. FORMULA

Basis for terms of settlement between the Indian National Congress and the All-India Muslim League to which Gandhiji and Mr. Jinnah agree and which they will endeavour respectively to get the Congress and the League to approve:

(1) Subject to the terms set out below as regards the constitution for Free India, the Muslim League endorses the Indian demand for Independence and will co-operate with the Congress in the formation of a provisional interim Government for the transitional period

(2) After the termination of the war, a commission shall be appointed for demarcating contiguous districts in the north-west and east of India, wherein the Muslim population is in absolute majority. In the areas thus demarcated, a plebiscite of all the inhabitants held on the basis of adult suffrage or other practicable franchise shall ultimately decide the issue of separation from Hindustan. If the majority decide in favour of forming a sovereign State separate from Hindustan, such decision shall be given effect to, without prejudice to the right of districts on the border to choose to join either State.

(3) It will be open to all parties to advocate their points of view before the plebiscite is held.

(4) In the event of separation, mutual agreements shall be entered into for safeguarding defence, and commerce and communications and for other essential purposes.

(5) Any transfer of population shall only be on an absolutely voluntary basis.

(6) These terms shall be binding only in case of transfer by Britain of full power and responsibility for the governance of India.

LAHORE RESOLUTION OF MARCH 1940

"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 Muslims unless it is designed on the following basic principles, 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 Muslims 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. Adequate, effective and mandatory safeguards should be specifically provided in the constitution for minorities in the units and in the regions for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them and in other parts of India where the Mussalmans are in a minority, adequate, effective and mandatory safeguards shall be specifically provided in the Constitution for them and other minorities, for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them. The session further authorizes 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, external affairs, communications, customs and such other matters as may be necessary."

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CHAPTER I

PARTITION OF INDIA : A FRESH APPRAISAL

"It is difficult for me or anyone to judge of what we have done during the last year or so. We are too near to it and too intimately connected with events. Maybe we have made mistakes, you and we. Historians a generation or two hence will perhaps be able to judge what we have done right and what we have done wrong."

JAWAHARLAL NEHRU ¹

The five years beginning with the Cripps Mission in March 1942 and ending with the transfer of power to India and Pakistan on 15 August 1947, were the most critical in Indo-British relations. These years have left a permanent mark on our history and on our Constitution and many books written before 1970 contain excellent accounts of that period.² But these books were written without the full knowledge to be derived from secret and official documents in the possession of the India Office and other Departments of the British Government in the United Kingdom, which were not expected to be published till 1999. However, in 1967, it was decided to publish the official documents under the editorship of independent historians, who were to be given "unrestricted access" to the records, no matter how secret, and the freedom to select and edit documents for publication. Between 1970 and 1983, twelve volumes of the *Transfer of Power 1942-47* were published, under the editorship of a distinguished historian, Prof. Nicholas Mansergh. The XIIth volume ends with the transfer of power on 15 August 1947. The documents contained in these volumes reveal what was passing on the British side, both in India and in England, during the five fateful years leading to the transfer of power to India. Further, the publication in 1973 of *Wavell, The Viceroy's*

¹ From Nehru's speech at the last banquet given in honour of Mountbatten in June 1948.

² For example, Maulana Azad's *Autobiography*, *India Wins Freedom*; Pyarelal's *Gandhi, The Last Phase*; Brecher's *Nehru, A Political Biography* and Hector Bolitho's *Jinnah*; V.P. Menon's *The Transfer of Power in India*; Shiva Rao's *Framing of India's Constitution - A Study*; Lumby, *The Transfer of Power in India*; Mosley's *Last Days of the British Raj* and Hodson's *The Great Divide*. It may be added that Mosley and Hodson had access to some official records, but not to all; and obviously the *Viceroy's Journal* was not available to them.

Journal (edited by Sir Penderel Moon with an Introduction, Editorial Commentary, Epilogue and Notes) gave a first hand account of the part which Lord Wavell played in the transfer of power, and thus made a valuable contribution to our knowledge of the subject. Volumes IV to IX of the *Transfer of Power* deal with the Viceroyalty of Lord Wavell and Vols. X to XII deal with the Viceroyalty of Lord Mountbatten.

What the publication of Vols. IV to IX of the *Transfer of Power* and the *Viceroy's Journal* did for Wavell, the publication of Vols. X to XII of the *Transfer of Power* and Prof. Ziegler's *Mountbatten : An Official Biography*³ have done for Mountbatten when it comes to evaluating his character and work in the transfer of power from Britain to India. At this place, it may be said of the *Transfer of Power* that this remarkable series of official documents published in 12 Volumes tell their own tale. But that tale is illuminated by the Introduction which Prof. Mansergh, as Editor-in-Chief, has written for each volume, and by Editorial Notes which are the result of wide and critical historical research. The Introduction and the Notes contained in each volume are invaluable, because the Editors had unrestricted access to official documents, no matter how secret, and because the editors have discharged their task with exemplary impartiality. "Nothing extenuate nor set down aught in malice" aptly describes the spirit in which the editors have discharged the important and onerous task entrusted to them. In the same year in which Ziegler published his *Mountbatten*, (1985), Dr. Ayesha Jalal published her book on *The Sole Spokesman, Jinnah, the Muslim League and the Demand for Pakistan*.⁴ In her book she propounded the paradox⁵ that "it was the Congress that insisted on partition. It was Jinnah who was against partition."⁶ On this point it is her thesis that Pakistan was a mere bargaining counter⁷ and what Jinnah was after was parity in the Central Government as the only effective means of

3

The Biography was published by Collins in 1985. Prof. Ziegler was given complete access to the Mountbatten papers and complete freedom to write the "official" Biography.

4

Published by the Cambridge University Press in 1985 in Cambridge South Asian Studies. The book was derived from a doctoral dissertation submitted to the University of Cambridge in 1982.

5

paradox: seemingly absurd but perhaps well founded statement: C.O.D.

7

Ayesha Jalal, *op. cit.* p. 262.

ibid. p. 213 and *f.n.* 18.

protecting the interests of the Muslims in a united India. Her paradoxical statement, which she supports by reference to official documents, has provoked a lively controversy in the numerous reviews of her book and even otherwise. Her emphasis on parity has thrown a new light on the question as to who was responsible for the partition of India, and has made it necessary to look at official documents afresh. The new material brought to light in Ziegler's *Mountbatten*, in the last three Volumes of the *Transfer of Power* and in Ayesha Jalal's book on *Jinnah* shows that many judgments passed, opinions expressed and surmises made before these books were published require to be radically revised, corrected or rejected.

An eminent journalist, Mr. Arun Shourie, whose intellectual gifts and integrity command respect, wrote three articles in a widely read Weekly (*Illustrated Weekly of India* of 20 and 28 October and 3 November 1985) on "The Man who broke up India". The man so described was Jinnah. The theme of his articles is that to introduce religion into politics is to court disaster, a theme which he illustrated by reference to Jinnah's part in the partition of India. I agree that to introduce religion into politics is to court disaster, but it was Mahatma Gandhi who, admittedly, introduced religion into all-India politics (see pp. 13-14 *post*) against Jinnah's advice.

It has taken nine months to study the fresh material and write this book. It is written for laymen, lawyers and students of political history alike. All relevant official documents, even the most secret, have now been published. Further, the *Viceroy's Journal* gives an almost day-to-day account of the problems that faced Wavell as Viceroy, and the manner in which he dealt with them. And Ziegler's *Mountbatten* has given us a full length portrait of Mountbatten's life and work. Authentic materials relevant to the transfer of power during the Viceroyalties of Wavell and Mountbatten appear to be almost complete. Nearly 40 years have passed since India and Pakistan became independent States. And whatever may have been said in 1947 about the viability of Pakistan as a separate State,⁸ both India

⁸ For example, on 8 August 1947, Vallabhbhai Patel said, *inter alia*, "As for the Muslims they have their roots, their sacred places and their centres here. I do not know what they can possibly do in Pakistan. It will not be long before they return to us" : Mosley, *Last Days of the British Raj*, p. 248.

and Pakistan have come to stay, except that West Pakistan and East Pakistan are now split into two States : Pakistan and the new State of Bangladesh. Although Bangladesh was brought into existence by the active assistance of India, it has hardly been more friendly with India than Pakistan. A full account of what really happened during 1942-47 can now be given without fear of injuring the feelings of the eminent men — Indian and British — who took part in the transfer of power in India, since all of them have now passed away.

Such an account cannot rest content with the popular view in India that the partition of India was brought about by the disappointed ambition, the vanity and the intransigence of one man, and one man only, Mahomed Ali Jinnah. This view receives no support from the materials now available to students of history. The fresh materials raise many questions which are not generally asked in India, for fear that the answers to them might involve criticism of the eminent men who at great personal sacrifice and suffering fought for our freedom, and whose memory is held in loving reverence throughout India. Nehru's services in the cause of freedom were second only to Gandhi's. But with that self-detachment which was so endearing a trait of Nehru's character, he said : "Historians a generation or two hence will perhaps be able to judge what we have done right and what we have done wrong". Forty years have gone by, and the time has come to consider "what was done right and what was done wrong". That is what I have tried to do in this book. It has not been a pleasant tale to tell. But I have told it in the belief "that it is wrong not to lay the lessons of the past before the future".

I have devoted a few pages to a brief historical account of events which shaped and determined what happened in India during 1942-47. That account begins with the decision announced on 7 March 1835 by the Government of Lord William Bentick that "the great object of the British Government ought to be the promotion of European Literature and Science, among the Natives of India" and ends with the Cripps Offer in 1942.⁹

9 For the Cripps Offer see p. 24 *post*.

CHAPTER II

INTRODUCTORY

**"For of all sad words of tongue or pen
The saddest are these: 'It might have been'."**

— WHITTIER

"... it is wrong not to lay the lessons of the past before the future."¹

— WINSTON CHURCHILL

For India, 1947 was a year of triumph and tragedy. Of triumph, because the freedom, for which hundreds had toiled and died, was won. Of tragedy, because the dream of freedom for a united India vanished when on 3 June 1947, the Prime Minister of India, Pandit Jawaharlal Nehru, announced his acceptance of the partition of India with "no joy in my heart". This acceptance had been preceded by violent communal disorders of the utmost savagery and bestiality in Bengal and Bihar; but grave as these disorders had been, they paled into insignificance before the violence and bestiality which broke out in the Punjab after the Radcliffe Award was announced on 16 August 1947 — an Award which started a trek of over 10 million refugees, the Hindus fleeing from Pakistan to India and the Muslims fleeing from India to Pakistan, leaving on the way men, women and children dead, defiled and mutilated. In a Broadcast to the Nation, Jawaharlal Nehru described his anguish at the happenings in Delhi and the Punjab: "My mind is full of horror of the things that I saw and that I heard. During these last few days...I have supped my fill of horror. That indeed is the only feast that we can have now."² How did India come to this pass? And what drowned the dream of a united India in rivers of blood and tears? A very brief historical account would not only enable us to lay the lessons of the past before the future, but to see the remarkable achievement of the Constitution of India against its historical background.

¹ *The Gathering Storm*, p. vii.

² Brecher, *Nehru*, p. 364.

1835-1884

A Fateful Decision : 7 March 1835

"The destinies of our Indian Empire are covered with thick darkness. ... It may be that the public mind of India may expand under our system till it has outgrown that system; that by good government we may educate our subjects into a capacity for better government; that having become instructed in European knowledge they may, in some future age, demand European institutions. Whether such a day will ever come, I know not. But never will I attempt to avert or retard it. Whenever it comes, it will be the proudest day in English history."³

— MACAULAY

The proudest day in English history of which Macaulay spoke, dawned on 26 January 1950 when the Constitution of India came into force. And it was no mere accident that the Constitution of India was written in English and that its framers chose of their own free will the basic principles of British Parliamentary institutions which had gradually grown up in India. How did this come about?

It is not given to many men to assist effectively in the fulfilment of their visions and their hopes. It was given to Macaulay to do so. Some time after his great speech on the India Bill, he was appointed Law Member of the Executive Council of the Governor - General of India, Lord William Bentick. "It (was) fortunate for India", says Macaulay's biographer,⁴ "that a man with the tastes, and the training, of Macaulay came to her shore as one vested with authority and that he came at the moment when he did; for that moment was the very turning point of her intellectual progress." By 1834 all educational action was at a stand, for the Committee of Public Instruction was evenly divided — one half were for the continuation of the existing system of education in Arabic, Persian and Sanskrit with stipends given to students and with subsidies given for the publication of text books. The other half were for imparting elementary education in vernacular languages and higher education in English. In January 1835, the advocates of the two systems laid their opinion before the Supreme Council and on 2 February

³ Speech delivered in the House of Commons on 10 July 1833, on the India Bill, 1833.

⁴ Trevelyan, *Life and Letters of Lord Macaulay*, Vol. I, (1908) p. 290.

1835, Macaulay, as a member of the Council produced his celebrated Minute in which he adopted and defended the views of those who supported English. In the course of a vivid and closely reasoned argument, Macaulay appealed to history and gave two striking illustrations. He wrote:

"The first instance... is the great revival of letters among Western Nations at the close of the 15th and the beginning of the 16th Century. At that time almost everything that was worth reading was contained in the writing of the ancient Greeks and Romans. Had our ancestors acted as the Committee of Public Instruction has hitherto acted; had they neglected the language of Cicero and Tacitus; had they confined their education to the old dialects of our own Island; had they printed nothing and taught nothing at Universities but the chronicles of Anglo-Saxons and romances in Norman-French, would English have been what she is now? What Greek and Latin were to the contemporaries of More and Ascham, our tongue is to the people of India." ⁵

And again,

"Within the last hundred and twenty years, a nation which had previously been in a state as barbarous as that in which our ancestors were before the Crusades, has gradually emerged from the ignorance in which it was sunk and has taken its place among civilised communities. I speak of Russia. There is now in that country a large educated class, abounding with persons fit to serve the State in the highest functions and in no way inferior to the most accomplished men who adorn the best circles of Paris and London. How was this change effected? Not by flattering national prejudices, not by filling the mind of the young Muscovite with old women's stories which his rude fathers had believed. But (by) teaching him those foreign languages in which the greatest mass of information had been laid up and then putting that information within his reach. The languages of Western Europe civilized Russia. I cannot doubt that they will do for the Hindoo what they have done for the Tartar." ⁶

The cogency and force of Macaulay's Minute won the day, and on 7 March 1835 the Government of Lord William Bentick announced that "The great object of the British Government ought to be the promotion of European Literature and Science among the Natives of India." From this decision was to grow a political and intellectual unity in British India such as India had never known before. In the following Chapters a brief account will be given of how the decision taken on 7 March 1835 was to transform the face of India; how the mind of India having been instructed in European knowledge demanded English Institutions; how the dream of a free India, working those free Institutions for a *United* India came near to realization when the tragedy of Partition destroyed it; and how, notwithstanding this

⁵ *ibid.* p. 291.

⁶ *ibid.* pp. 291-292.

tragedy, the Constituent Assembly of a free India — free to choose a Constitution for India — chose a democratic Constitution with a Parliamentary Cabinet form of Government on the Westminster model as part of a Federal Constitution.

The results of the New Learning were not long in coming, for the year 1857 which saw the outbreak of the Indian Mutiny saw also the establishment of the Universities of Calcutta, Madras and Bombay, formed as examining Universities on the model of the London University. English, as a medium of instruction and of official work, not only threw wide open the windows to the West, but it also unbarred the windows to India's past. Sir Percival Spear⁷ has said:

"The first burst of Sanskrit Scholarship in the late eighteenth century, of which Sir William Jones was the leading figure, was followed after 1830 by the harvest of European, Sanskrit and Pali Studies centred round the French Savant Burnouf and the German Max Muller. Whilst Europeans in India were denigrating Indian civilization in all its aspects and counting it semi-barbarous, Western savants were discovering there fresh beauties and elegancies and plumbing fresh depths of thought."⁸

By the Government of India Act, 1858, the governance of India was taken over by the Crown from the East India Company. The Indian Councils Act, 1862, for the first time associated non-officials with legislation passed by the Governor-General's Council. We have seen that three Universities were established in 1857 and the men who graduated from them very soon felt the need for Indians to be associated with the Government of their own country. The establishment of Parliamentary institutions in Canada by the British North America Act, 1867, indicated the line of Colonial development towards self-governing institutions, and set before educated Indians the same goals as were being pursued in British Colonies like Canada. This desire of Indians to be associated with the Government of India found expression in the founding of the Indian National Congress in 1885.

⁷ *India, Pakistan and the West* (1952) Home University Library.

⁸ *ibid.* p. 195. The reader interested in the impact of Western knowledge on Hindu and Muslim culture and modes of life will find a fascinating account in Sir Percival Spear's book. Max Muller's work on the *Sacred Books of the East* was translated into English by several scholars, and was published by the Clarendon Press in 50 volumes.

1885-1937

Main events set out

The Indian National Congress ("the Congress") was "first conceived in an English brain." Allan Octavian Hume saw the need for a national forum in which "the picked men, the most highly educated of the nation", could meet each year to "secure greater freedom... a more impartial administration (and) a larger share in the management" of their own country. The first session of the Congress opened in Bombay in 1885. But as time passed, the objectives of the Congress changed, as liberal doctrines came to the fore in England, and the failure to apply them to India aroused discontent among Indian intellectuals. The victory of Japan in the Russo-Japanese War, convinced India of what an "Asiatic" nation could achieve against a Western power. The partition of Bengal by Lord Curzon sparked off an agitation which gave rise to revolutionary violence, and produced a sharp division between the "moderates" and the "extremists" in the Congress. At the annual session of the Congress in 1906, Dadabhai Naoroji, the grand old man of India, in a conciliatory presidential address tried to heal this rift when he declared that *Swaraj* (Self Rule) was the goal of the Congress. However, in the annual session of the Congress in 1907, a split occurred between the moderates on the one hand and extremists, led by Bal Gangadhar Tilak, on the other, and the extremists were expelled from the Congress. At the Congress session of 1908 the moderate leaders drew up a Constitution which would exclude the extremists, because the first article, to which every Congress member had to subscribe, provided that the objects of the Congress were "to be achieved by constitutional means".⁹ Going back a little, in 1906 a Liberal Government had come to power in England, with Lord Morley as the Secretary of State for India; and he, along with Lord Minto, the Viceroy of India, proposed reforms which were embodied in the India Councils Act, 1909. The Morley-Minto reforms, as they came to be called, enabled the moderate leaders in the Congress to claim that their efforts to secure greater association of Indians with the Government of our country had

⁹ V.P. Menon, *The Transfer of Power in India*, pp. 10-11.

borne fruit. However, the India Councils Act, 1909, did not secure effective participation of Indians in the legislative and executive government of India.

It should be noted that the Act of 1909 introduced separate electorates for Muslims and other minorities. It has been said that separate electorates were a device of the British to "divide and rule". There was an element of truth in this; but a legislative provision may be desirable, or necessary, independently of the motive which originally led to its enactment. It will be seen, as this narrative unfolds, that a failure to bear this distinction in mind, first imperilled, and then destroyed, the unity of India.

The year 1906 saw the entry into the Congress of Mahomed Ali Jinnah who was to be hailed as the ambassador of Hindu-Muslim unity, of which "the Lucknow Pact" in 1916 between the Congress and the Muslim League was the crowning achievement. In November 1916 a session of the Congress and also of the Muslim League was held in Lucknow. In his *Pilgrimage to Freedom*, K.M. Munshi described in striking words the result of the sessions of the Congress and the Muslim League:

"In a sense Jinnah dominated the Congress and the League at the time. He had played the key role in preparing a draft constitution for India and getting it adopted by the sessions both of the Congress and of the League.

"The historical Lucknow Pact was an integral part of this constitution. Under it, the Muslims led by the League promised to work with the Hindus to achieve freedom in return for the Congress conceding to the Muslims separate electorates with weightage far in excess of their numerical strength."¹⁰

Later, Jinnah was to be denounced as the destroyer of Hindu-Muslim unity and the creator of Pakistan. In 1906 all this was in the future; it is enough, at this place, to note his entry into the Congress as a *nationalist* Muslim.

The First World War broke out on 4 August 1914, and the part which India was called upon to play, and played, in that war, quickened the political aspirations of the people, and hopes rose high that England would go far to meet those aspirations. In view of the split which had occurred in the Congress, Mrs. Annie Besant, an English woman devoted to the cause of India's freedom, felt the need for a new political organisation — "The Home Rule League." She secured the moral support of Dadabhai Naoroji, then 91 years of age. However, the Subjects Committee

¹⁰ Munshi, *Pilgrimage to Freedom*, p. 7.

of the Congress resisted Mrs. Besant's proposals. On 1 August 1916, Mrs. Besant started the All India Home Rule League which could move fast enough to take advantage of the war situation. In June 1917, Mrs. Besant and her co-workers were arrested and detained. Sir Tej Bahadur Sapru and Motilal Nehru organized a Branch of the Home Rule League in Allahabad, and the Bombay Branch was reconstituted with Jinnah as its President. This political activity in India had its effect in England, and on 20 August 1917, Mr. Montagu, the Secretary of State for India, made the historic declaration that the policy of the British Government was one of "increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire."¹¹

This declaration greatly enhanced the prestige of the Home Rule League. Mrs. Besant and her co-workers were released in September 1917, and she was elected the President of the Congress session held in Calcutta in December 1917, at which session Home Rule was adopted as part of the Congress creed. Passing over the split between Mrs. Besant and Tilak on the issue of "Dominion Status", we come to the Montagu-Chelmsford Reforms which were implemented in the Government of India Act, 1919. That Act introduced "dyarchy" in the Provinces because the Executive was divided into two parts: certain Departments were, for the first time, put in charge of elected Ministers responsible to the Legislature; the remaining Departments were in charge of Government officials, namely, Members of the Governor's Executive Council. Although these reforms were not enthusiastically welcomed, they would have been worked but for two grave errors of the British. The first was the passing of the Rowlatt Act providing for preventive detention, and the second was the brutal massacre of innocent people at the Jallianwalla Bagh on the orders of General Dyer who wanted to strike terror into the hearts of those opposed to him. The proper working of the Government of India Act, 1919, was gravely hampered, when Gandhi launched his non-violent non-co-operation movement.

¹¹ *ibid.* p. 9.

Going back a little, we must note the entry into Indian politics of Mahatma Gandhi, who was to dominate the political scene till he was assassinated by a Hindu fanatic on 30 January 1948. No other political leader has commanded the affection and devotion of the people of India as he did. His ascetic ways of living endowed him with the halo of a saint which shone the brighter because his words appealed to Hindu religious sentiment.¹² This makes it difficult to evaluate his political achievements, great as they were, for it is not easy to determine at what times the astute politician in him submerged the saint. In 1920, Gandhi was appointed President of the Home Rule League in place of Mrs. Besant, who left the League because it had become "*intertwined with Religion*". This change marked a departure from the growing trend which eminent liberals in England and in India had fostered, namely, to separate religion from politics. The introduction of religion into politics to secure power over the masses in order to arouse their political consciousness is intelligible; but there was a price to pay, and it was paid in full by the partition of India. Gandhi changed the object of the Home Rule League from self-government within the British Empire to complete *Swaraj* — freedom from all ties with Britain. Further, in the aims of the League, the words "by peaceful and legitimate means" were substituted for "by constitutional means". When Jinnah protested that under the Rules of the Home Rule League its constitution could not be changed except by a three-fourths majority and without a proper notice being given, whereas the resolution changing the object had been passed by a simple majority, Gandhi, who presided, overruled the objection.¹³ Thereafter, Jinnah with 19 other members (who included Munshi) left the Home Rule League. Munshi has recorded with insight the effect of these events:

"When Gandhiji forced Jinnah and his followers out of the Home Rule League and later the Congress, we all felt, with Jinnah, that a *movement of an unconstitutional nature*, sponsored by Gandhiji with the tremendous influence he had acquired over the masses, would inevitably result in widespread violence, barring the progressive development of self-governing institutions based on a partnership between educated Hindus and Muslims. *To generate coercive power in the masses would only provoke mass conflict between the two*

12 For example, he spoke of *Ram Rajya* to describe "good government".

13 *Munshi, op. cit.* p. 18.

communities, as in fact it did. With his keen sense of realities Jinnah firmly set his face against any dialogue with Gandhiji on this point."¹⁴ (italics supplied)

Another event of importance was Gandhi's support to the agitation led by two brothers, Mohamed Ali and Shaukat Ali, against the abolition of the Khalifate in Turkey after the Ist World War, for the Khalif was the spiritual head of the Muslims. That the Khilafat agitation was essentially religious is clear from Gandhi's own statement in *Young India* of 20 October 1921. Gandhi wrote:

"I claim that with us both the Khilafat is the central fact, with Maulana Muhammad Ali because *it is his religion*, with me because, in laying down my life for the Khilafat, I ensure the safety of the cow, *that is my religion*, from the Mussalman knife."¹⁵ (italics supplied)

However, Gandhi believed that by supporting the Khilafat agitation he would cement Hindu-Muslim unity. According to Munshi,

"Jinnah, however, warned Gandhiji not to encourage fanaticism of Muslim religious leaders and their followers. Indeed he was not the only person who foresaw danger in the Khilafat Movement. Srinivasa Sastri wrote to Sri P.S. Siwaswamy Aiyar '.. I fear the Khilafat movement is going to lead us into disaster'.¹⁶

And many other writers have expressed the view that Gandhiji's support of the Khilafat agitation was a mistake. Years later, in one of his numerous interviews with Mr. Richard Casey, the Governor of Bengal, Gandhi informed Casey that

"Jinnah had told him that he (Gandhi) had ruined politics in India by dragging up a lot of unwholesome elements in Indian life and giving them political prominence, *that it was a crime to mix up politics and religion the way he had done.*"¹⁷ (italics supplied)

The lesson that an appeal to religious sentiment to secure political goals was dangerous to the unity of India was not learnt, and this failure was to lead to disaster in the years to come.

While the Khilafat agitation was in progress, the Prince of Wales (later King Edward VIII) came to India in 1921, and

14 *Munshi, op. cit.* p. 18. The tenor of Munshi's book runs counter to the insight of this passage.

15 Quoted in Majumdar, *History of the Freedom Movement in India*, Vol. III, p. 64.

16 *Munshi, op. cit.* p. 22.

17 *Transfer of Power*, Vol. VI, p. 617. From entry in Mr. Casey's diary (extract) dated 6 December 1945 : *ibid.* p. 616.

Gandhi issued instructions to boycott the Prince's visit. The boycott was successful wherever the Prince went. In order that the Prince's visit to Calcutta, where he was to unveil the Victoria Memorial, may not be marred by the boycott, the Viceroy, Lord Reading, got in touch (through Pandit Madan Mohan Malaviya) with C.R. Das and Azad, who were then detained in jail. The Viceroy offered to call a Round Table Conference to deal with the question of India's political future if the boycott of the Prince's visit to Calcutta was withdrawn. Das and Azad were for accepting the offer provided all the Congress leaders were released before the Round Table Conference was held and they conveyed this view to Gandhi. Gandhi however insisted that the Congress leaders, including Mohamad Ali and Shaukat Ali, must first be released *before the offer of a Round Table Conference could be considered*. Later, Gandhi called a Conference in Bombay, in which he suggested the holding of a Round Table Conference on terms "almost the same as those brought earlier by Pandit Malaviya. The Prince of Wales had in the meantime left India and the Viceroy had no further interest in the proposal".¹⁸ Azad has described Gandhi's decision as a grave mistake because an opportunity for making progress towards India's freedom was lost.¹⁹ Munshi went further and said: "... had Gandhiji accepted Reading's offer, we might have obtained Dominion Status before 1937 without having had to partition India".²⁰ This failure to accept the Viceroy's offer was the first of the many opportunities which the Congress, led by Gandhi, missed for securing freedom for a united India and for bringing the Hindus and the Muslims together.

In July 1925, Lord Birkenhead, the Secretary of State for India, threw out a challenge to Indians to frame a Constitution "which carried behind it a fair measure of agreement" instead of constantly criticizing the measures adopted by the British Parliament. In this connection it may be observed that the Government of India Act, 1919, had provided for the appointment of a Commission to report on the working of the Act, at the end of 10 years. This period was shortened, and in November 1927 a Commission, consisting exclusively of the members of

¹⁸ Azad, *India Wins Freedom*, p. 18.

¹⁹ *ibid.* pp. 17-18 at p. 18.

²⁰ *Munshi, op. cit.* p. 23.

the British Parliament, was appointed, with Sir John Simon as its chairman. When announcing the appointment of the Commission, Lord Birkenhead repeated the challenge which he had thrown out in 1925. The exclusion of Indians from the Commission was opposed by almost every section of political opinion in India and the Commission worked in an atmosphere of boycott and opposition. However, Lord Birkenhead's challenge was taken up by an All Party Conference which appointed a Committee presided over by Pandit Motilal Nehru. The Committee made a Report, known as the "Nehru Report" laying down the principles for framing a Constitution for India. The Committee considered the suggestion for an All-India Federal Constitution, and expressed its willingness to consider such a Constitution for India if the Indian States realised the full implication of a Federal India.²¹ The Committee rejected separate electorates for the Muslims. However, at a meeting of the Muslim League convened to consider the Report, amendments to the Report were proposed and forwarded to the Nehru Committee. These amendments provided for separate electorates for the Muslims, for weightage in the Legislatures in excess of the Muslim population and provided for residuary powers being conferred on the Provinces and not on the Central Government. The reference to residuary powers would suggest that the Muslim League considered a Federal form of Government as the appropriate form for India, the more so as the Report of the Committee showed that the Committee was prepared to consider the Federal solution as stated earlier. At an All Party Conference at which the Report and the Muslim League Amendments were considered, Jinnah pleaded for acceptance of the Amendments if "revolution and civil war"²² were to be avoided. However, all the Amendments were rejected, and Jinnah is recorded as having said to a friend "This is the parting of the ways".²³

It may strike the reader as odd that the Lucknow Pact, which accepted separate electorates and weighted representation for Muslims in the Legislature, should have been hailed as a symbol of Hindu-Muslim unity, and yet the amendments for separate electorates and weightage for the representation of

21 Shiva Rao, *Framing of India's Constitution, A Study*, p. 13.

22 Hector Bolitho, *Jinnah*, p. 94.

23 *ibid.* p. 95.

Muslims in the Legislatures should have been rejected by the Nehru Committee and the All Party Conference. Perhaps the explanation lies in the fact that "the war of succession"²⁴ to the British Raj had not begun in 1916, but had begun in 1928, because full Provincial autonomy was the obvious line of political advance in India and it could not be long deferred as the Simon Commission Report in 1930 was to show. The few opportunities for averting that war were missed by the Congress and, as we shall see, the war of succession ended with the partition of India.

Three Round Table Conferences

Between the appointment of the Simon Commission and the submission of its Report, events were moving fast. A Labour Government had come to power in Great Britain, and on 31 October 1929, the Viceroy, Lord Irwin, announced its decision to hold a Round Table Conference in England for the solution of the Indian problem, and also announced, with the concurrence of His Majesty's Government, that Dominion Status was the goal of India's political development.²⁵ The effect of these events on the work of the Commission was thus described by its Chairman, Sir John Simon:

"The Government's announcement was naturally made much of by Indian politicians. They were quite shrewd enough to appreciate that, after this, any detailed recommendations made by the Commission, however carefully thought out, must lose much of their original force.²⁶ ... The tide of constitutional advance was mounting so fast that, in the event, it swept over and buried much of the detailed considerations we had been at such pains to set out."²⁷

Three Round Table Conferences were held in England. At the first Round Table Conference the Congress was not represented as it refused its co-operation. Writing of this conference, V.P. Menon said:

24 This phrase was applied by Sir Evan Jenkins to describe the communal riots in the Punjab in early 1947.

25 Gwyer and Appadorai, *Speeches and Documents on the Indian Constitution 1921-47*, Vol. 1, p. XXXVII.

26 *Retrospect : The Memoirs of the Rt. Hon. Viscount Simon*, p. 152.

27 *ibid.* p. 155.

"Contrary to general expectation, the first Round Table Conference achieved outstanding results, the most important being the unanimous agreement of all parties, including the rulers, on the issue of federation. Upto this time, an all-India federation had been regarded as only a remote possibility. But at the very outset of the Conference Sir Tej Bahadur Sapru boldly declared himself for a federal system of government for India and invited the rulers to support his suggestion. The Maharajah of Bikaner and the Nawab of Bhopal stated on behalf of the rulers that they were prepared to come into the proposed federation provided their internal sovereignty was guaranteed. Sir Muhammad Shafi for one wing of the Muslim League and Jinnah for the other, also welcomed the proposal."²⁸

At the end of the Conference, the Prime Minister of England announced the policy of his Government on India and expressed the hope that those who had refused to co-operate would join in subsequent Conferences. Taking up this cue, the Viceroy entered into conversations with Congress leaders, released them from detention, and, by the "Gandhi-Irwin Pact", paved the way for the Congress to join in the deliberations of the Second Round Table Conference. The Congress sent Gandhi as its sole representative to the Second Round Table Conference.

But by the time that the Second Round Table Conference was held, the political climate had changed. The labour government had been replaced by a coalition, and although Ramsay Macdonald continued to be the Prime Minister, the government was largely a Conservative government. Besides, with Congress represented by Gandhi, the minorities demanded that their claims should be settled first, and Gandhi was unable to solve the communal problem, and he returned to India with the knowledge that the Conference had only widened the differences between the Congress and the Muslim League. The failure of Indian leaders to solve the "communal problem" threw on the British government the duty of providing its own solution, and in April 1932, the Prime Minister announced his "Communal Award". It provided for separate electorates and reservation of seats for minorities of which the Muslims and the Depressed Classes were the largest. Gandhi announced that if the Award was not changed as to the Depressed Classes (who were Hindus) he would fast unto death. Faced with this threat, several Hindu leaders started negotiations with Dr. Ambedkar, the leader of the Depressed Classes, which resulted in the "Poona Pact" which was accepted by the British Government.

²⁸ *The Transfer of Power in India*, p. 43.

Under it, there was reservation of seats for the Depressed Classes, but with joint electorates. The Third Round Table Conference produced no real change in the atmosphere for solving India's Constitutional problem.

The three Round Table Conferences were followed by a White Paper which contained the proposals of the British Government for an Indian Constitution. After these proposals had been considered by a Joint Select Committee, a Bill based on the Joint Committee's recommendations was introduced in the British Parliament in December 1934, and after prolonged debate, it became the Government of India Act, 1935 ("G.I. Act, 35") which came into force on 1 April 1937. The merit of that Act is outside the scope of this book. It is enough to say that for the first time the Act introduced a Federal form of government and it conferred full provincial autonomy on the Provinces subject to certain "safeguards". As a corollary to a federal constitution, the Act established a Federal Court in India.

Before considering the effect of the G.I. Act, 35 on the political parties in India, we must note that Jinnah who had been invited to the first two Round Table Conferences, was not invited to the third, and in September 1931, he settled down in England to practise before the Privy Council. While he was in England, the G.I. Act, 35, received the Royal Assent. However, in July 1933 a meeting had taken place between him and Liaquat Ali Khan²⁹ as a result of which Jinnah returned to India in October 1935 and became the President of the Muslim League.

²⁹ A vivid account of this meeting and Jinnah's return to India will be found in Bolitho, *Jinnah*, pp. 104-6.

CHAPTER III

1937-1942 : ELECTIONS TO PROVINCIAL
LEGISLATURES – THEIR AFTERMATH

Elections to the Provincial Legislatures under the G.I. Act, 35 were held in 1937. The Congress obtained a clear majority in Madras, United Provinces, Bihar, Central Provinces and Orissa. In Bombay, it won nearly half the seats and could count upon the support of some members of other parties. In Assam and North West Frontier Province it was the largest single party. Only in Bengal, the Punjab and Sind was it in a minority. Out of a total of 485 Muslim seats, the Muslim League captured only 108. The Congress contested 58 Muslim seats and won 26. After negotiations with Government and as a result of the statement by the Governor-General, Lord Linlithgow, that the "special responsibility" of the Governor did not entitle him to intervene at random in the administration of the Provinces, the Congress decided to accept office. Congress Ministries were formed in eight Provinces, including Bombay. But this moment of opportunity brought with it the need to make a vital decision: "Should the Congress form coalition ministries to include Muslim League members?" The decision against coalition ministries appeared to be logically and theoretically correct, but there is a broad consensus of well informed opinion that, in practice, the decision proved disastrous. In his *Pilgrimage to Freedom*,¹ Munshi wrote:

"A serious situation arose with regard to the choice of the Muslim member, wherever Congress Ministries were formed. At that time it did not appear to be formidable; but as events were to show ten years later, it was the beginning of the end of united India. ... The situation in the United Provinces and the Province of Bombay was particularly difficult. In the United Provinces, Congress had contested 9 seats out of 66 Muslim seats and lost all; in Bombay it had contested 2 seats out of the 30 and lost both."

Speaking of the decision not to form a coalition Ministry, *The History of the Freedom Movement in India* states:

"There is no doubt that the decision of the Congress leaders was extremely unwise and it was bound to have disastrous consequences. *The Muslims now*

¹ *Munshi, ibid.* p. 46.

fully realised that as a separate community, they had no political prospects in future. The Congress ultimatum was the signal for the parting of the ways, which, by inevitable stages, led to the foundation of Pakistan."² (italics supplied)

In his *Transfer of Power in India*, Menon wrote:

"The Congress decided to have homogenous ministries of its own and chose Muslim ministers from among those who were members of the Congress party. This was the beginning of a serious rift between the Congress and the League and was a factor which induced neutral Muslim opinion to turn to the support of Jinnah."³

In his Autobiography, *India Wins Freedom*,⁴ Maulana Abul Kalam Azad, who was the President of the Congress from 1939 to 1946, speaking of the aftermath of the 1937 elections, wrote:

"If the U.P. League's offer of co-operation had been accepted, the Muslim League party would for all practical purposes have merged in the Congress. Jawaharlal's action gave the Muslim League in the U.P. a new lease of life. ...it was from the U.P. that the league was reorganised. Mr. Jinnah took full advantage of the situation and started an offensive which ultimately led to partition."

In his sympathetic and appreciative but not uncritical biography of Nehru⁵ Brecher wrote:

"The immediate and most far-reaching effect of the Congress victory at the polls was a widening of the breach with the Muslim League. Flushed with success the Congress adopted an imperious attitude to all other political parties, a 'Himalayan blunder', for which it was to pay dearly in the years to come. Nehru himself set the tone with his haughty remark in March 1937: 'There are only two forces in India today, British imperialism, and Indian nationalism as represented by the Congress.' Jinnah was quick to retort: 'No, there is a third party, the Mussulmans.' History was to bear him out.

"The Congress went beyond contemptuous words. During the election campaign the two parties had co-operated to some extent, notably in the United Provinces where there developed a tacit understanding that a coalition government would be formed. However, this was before the elections, when the Congress did not expect a clear majority. It was no longer necessary to make concessions. The League offer of co-operation was now treated with disdain. It was not rejected outright, but a series of incredible conditions was laid down by the Congress: ..."⁶

² Majumdar, *History of the Freedom Movement in India*, Vol. III, p. 563.

³ Menon, *ibid.* p. 55.

⁴ Azad, *ibid.* p. 161.

⁵ Brecher, *Nehru, A Political Biography* (1959).

⁶ *ibid.* p. 231.

Writing in 1969, Shiva Rao referred to the 1937 Elections and said that it was significant that even after the elections, Jinnah was not thinking of a separate State of Pakistan:

"In a public statement, shortly after the elections in 1937 he declared, 'nobody will welcome an honourable settlement between the Hindus and the Muslims more than I and nobody will be more ready to help it'; and he followed it with a public appeal to Gandhi to tackle this question. The latter's response was somewhat depressing: 'I wish I could do something, but I am utterly helpless. My faith in unity is bright as ever; only I see no daylight but impenetrable darkness and in such distress I cry out to God for light.'"⁷

The "cry to God for light" was to remain unanswered.⁸ Shiva Rao asked the question: "How then did the Indian situation alter within three years to give this movement (for Pakistan) vitality?"⁹ His answer can be stated thus: Not being confident of a decisive majority in the United Provinces Legislature, the Congress "had a tacit electoral understanding with the Muslim League, which extended beyond the U.P. and was designed to facilitate a working arrangement between the two organizations during elections." Muslim leaders in the U.P. looked upon the refusal to form a coalition with the Muslims as a breach of faith. Nehru's "mass contact" programme, to win over Muslims (which met with little success) added a further complication. Many Muslims, even outside U.P. felt that the League's very existence was being threatened and in reply to the Congress "mass contact" programme the League launched a vigorous counter propaganda, which was so effective that in a number of bye-elections in Muslim constituencies, the Congress candidates were defeated. "These defeats showed that Nehru and the Congress had committed a serious tactical error."¹⁰

⁷ *Shiva Rao, op. cit.* p. 22. Cf. "Perhaps the most revealing disclosure of this (Nehru - Jinnah) correspondence is that, in theory at least, Jinnah considered himself an *Indian* nationalist as late as 1938. 'It is the duty of every true nationalist' he wrote on 17 March 1938 'to whichever party or community he may belong' to help achieve a united front": *Brecher, op. cit.* p. 233.

⁸ Tendulkar, *Mahatma*, Vol. 4, p. 249: "You (Jinnah) asked me whether I have now seen the light. Much to my regret I have to say, 'No'."

⁹ *Shiva Rao, op. cit.* p. 22.

¹⁰ *ibid.* pp. 24-25. The whole discussion of the topic will be found at pp. 21-25 in his first Chapter, "Historical Background."

But the most unfortunate consequence of the decision not to form coalition Ministries was the correspondence that took place between Gandhi and Nehru on one side and Jinnah on the other, following on Jinnah's speech at Lucknow on 15 October 1937. Gandhi described the speech as "a declaration of war" to which Jinnah replied that his speech was "purely in self defence." But the most damaging correspondence between two great leaders, Nehru and Jinnah was the letter which Nehru wrote to Jinnah in the name of the Congress on 6 April 1938, in the course of which he said:

"...Obviously, the Muslim League is an important communal organization and we deal with it as such. But we have to deal with all organizations and individuals that come within our ken. We do not determine the measure of importance or distinction they possess.... Inevitably, the more important the organization, the more the attention paid to it, *but this importance does not come from outside recognition but from inherent strength.* And the other organizations, even though they might be younger and smaller, cannot be ignored." ¹¹ (italics supplied)

to which Jinnah replied:

"Your tone and language again display the same arrogance and militant spirit, as if the Congress is the sovereign power.... I may add that, in my opinion, as I have publicly stated so often, that unless the Congress recognizes the Muslim League on a footing of complete equality and is prepared as such to negotiate for a Hindu-Muslim settlement, we shall have to wait and depend upon our '*inherent strength*' which will '*determine the measure of importance or distinction*' it possesses..." ¹² (italics supplied)

As will appear hereafter the unfortunate reference to "the inherent strength" which would "determine the measure of importance" to be accorded to the associations with which Congress had to deal was to have the most unfortunate consequences in 1946.

Even as the Congress Ministries took office in July 1937, the shadow of "War" was falling increasingly over Europe. The dismemberment of Czechoslovakia at Munich and its subse-

¹¹ *Bolitho, op. cit.* p. 117. A full text of the letter is given in Gwyer and Appadorai, *Speeches and Documents on the Indian Constitution 1921-47*, Vol. I, at pp. 423-429. The para quoted above is from para 13 of Nehru's letter omitting the reference to various associations. Jinnah's reply which is set out above has not been given in *Gwyer and Appadorai*.

¹² *Bolitho, op. cit.* p. 117.

quent absorption by Germany brought a European war nearer; and when Germany invaded Poland, war broke out in Europe on 3 September 1939. The Viceroy, Lord Linlithgow, without consulting the Central Legislature or political leaders, declared that India was at war with Germany. Gandhi's first reaction was to offer unconditional support to Great Britain, but he was overruled by the Congress Working Committee which demanded independence as a condition for the co-operation of the Congress, although prominent Congress leaders left no doubt that in a struggle between free democracies and Nazi and Fascist tyranny, they were on the side of the democracies. Lord Linlithgow's attempts to secure co-operation from the Congress were unsuccessful, and under the direction of the Congress High Command the Congress Ministries resigned between October/November 1939. Thereupon, acting under s. 93, of the G.I. Act, 35, the administration of the Provinces was taken over by the Governors. It will be recalled that Congress Ministries assumed office on the assurance given by Lord Linlithgow about the Governor's exercise of their special responsibilities. This meant the abrogation, in substance though not in form, by the Governors of their special responsibilities to protect minorities. The "gentleman's agreement" under which Congress Ministries were sworn in had an effective sanction behind it — a threat of the Ministry's resignation if its advice was rejected. This "gentleman's agreement" was a source of grievance to the Muslim League, and when the Congress Ministries resigned, Jinnah called on his followers to observe 22 December 1940 as a "Day of Deliverance and Thanksgiving as a mark of relief that the Congress regime has at last ceased to function".

Attempts to find a solution of the political problem in India continued even after the Ministries had resigned, but they made little headway. In 1940 Gandhi adopted the policy of individual *satyagraha* as a symbolic gesture of protest. However, events were moving fast in Europe, for Norway, Denmark, Holland and Belgium were overrun in Hitler's blitzkrieg. In Great Britain, Neville Chamberlain was replaced as Prime Minister by Winston Churchill. He headed a coalition government of all parties, which declared its intention to fight Hitler, "if necessary for years, if necessary alone". With the fall of France and its capitulation on 17 June 1940, England stood alone to carry on

the fight. When Hitler failed to subdue England, he turned to the East and invaded Russia on 22 June 1941; and with the Japanese attack on Pearl Harbour on 7 December 1941, the United States entered into what became a global war. The destruction of the American fleet in the Pacific enabled Japan to overrun Singapore, Malaya and Burma and her armies were at the gates of India. Under the impact of the Japanese victories and conquests, the British Government felt the need of making a fresh attempt to resolve the political deadlock in India. Sir Stafford Cripps, a Member of the British Cabinet, was sent out to India to negotiate with Indian leaders, and he made an offer on behalf of the British Government which came to be known as the "Cripps Offer". The time when the offer was made was unfortunate, for, there was a feeling in India that Great Britain was likely to lose the war.¹³ Consequently, the attention of the Congress was focussed not on the promise of Dominion Status, with the right of secession at the end of the War, — a promise which Gandhi described as "a post dated cheque on a tottering bank" — but on obtaining immediate power at the Centre. After negotiations which, at one time, appeared to be promising, the Cripps offer was rejected, and this rejection was soon to have far reaching consequences. After further attempts made by or on behalf of the Congress to find a solution had failed, on 8 August 1942, it passed the famous "Quit India" Resolution which was to be backed by a mass movement on the largest scale of non-violent non-co-operation. The next day all the members of the Congress Working Committee were arrested and detained and, as will appear presently, the political deadlock continued till Lord Wavell's initiative after he became the Viceroy of India.

When the Quit India movement was launched, there was a sharp difference of opinion between Gandhi on the one hand and Azad (and Nehru) on the other. Gandhi insisted on the movement being non-violent; Azad, the Congress President, said that as long as Congress leaders were free, the movement must be

13 Munshi, *Pilgrimage to Freedom*, Vol. I, p. 75: "Sardar Patel felt convinced that the Allies were going to lose the War. Every morning, as he read the newspaper reports of German victories, he taunted me for holding the view that the Allies would win"; Azad, *India Wins Freedom*, p. 41: "Gandhiji by now inclined more and more to the view that the Allies could not win the war. He feared that it might end in the triumph of Germany and Japan, or at the best there might be a stalemate."

non-violent, but if the leaders were arrested,(as he expected they would be) the movement must be carried on by all available means.¹⁴ As Azad had foreseen after the Congress Working Committee and the Congress leaders were arrested on 9 August 1942, violent disturbances broke out. Gandhi attributed these to the "leonine violence" unleashed by Government, and Government justified their action on the ground of the threat which such violence posed to the Defence of India against Japan.

¹⁴ Azad, *India Wins Freedom*, pp. 81-82: "From 14 July to 5 August, my time was taken up in a series of meetings with Congress leaders from different parts of the country. I wanted to impress on them that if the Government accepted our demand or at least allowed us to function, the movement must develop strictly according to Gandhiji's instructions. If, however, the Government arrested Gandhiji and other Congress leaders, the people would be free to adopt any method, violent or non-violent, to oppose the violence of the Government in every possible way.... Naturally these instructions were secret and never made public."

CHAPTER IV

THE TRANSFER OF POWER

At the time of the Cripps Offer, Lord Linlithgow was the Viceroy of India and after the "Quit India" movement was launched, there was no effective dialogue between him and the Congress. In February 1943, Gandhi informed the Viceroy that he would undertake a fast of three weeks for "self-purification". Government's offer to release him during the fast was rejected by Gandhi, who said that in that event there would be no fast, and the Government of India refused to release him. Three members of the Viceroy's Executive Council resigned in protest; but after Gandhi's fast was over, political relations between the Congress and the Government of India remained in the doldrums. With Congress out of office, and its leaders in detention, the field was left open for the Muslim League, which greatly improved its position. A perceptive writer has said:

"Jinnah and his principal henchmen in the League pointedly refrained from any active assistance to the war effort, but, unlike Congress leaders, they did not positively obstruct; and Jinnah permitted the Muslim League and Muslim League Coalition Ministries, which now, thanks partly to the Congressmen being in gaol, existed in five out of eleven Provinces, to co-operate fully in all measures required for winning the war."¹

Lord Linlithgow's term of office came to an end on 19 October 1943, and Lord Wavell became the Viceroy of India.²

Constitutional Developments in India upto 1943

Before turning to Lord Wavell's Viceroyalty, it would be helpful to recapitulate, very briefly, the constitutional developments which had taken place in India upto 1943, particularly with reference to the position of the Congress and the Muslim League. The introduction of separate electorates for Muslims and other minorities in the Indian Councils Act, 1909, was confirmed by the Lucknow Pact of 1916 between the Congress

¹ Penderel Moon, *The Viceroy's Journal*, p. 27.

² At the time of his appointment he was the Commander-in-Chief in India, having been the Commander-in-Chief in the Middle East at the outbreak of the Second World War.

and the Muslim League, a Pact of which Jinnah was the main architect (p. 10 *ante*). However, the Nehru Committee rejected amendments proposed by the Muslim League which would have retained separate electorates with reservation of seats, notwithstanding that Jinnah pleaded for separate electorates if "revolution and civil war" were to be avoided: (p. 15 *ante*). The G.I. Act, 35, confirmed separate electorates for Muslims and other minorities (other than Scheduled Castes) as a necessary safeguard for the minorities. As a further protection for the minorities, s.52 (1) (b) of the G.I. Act, 35, imposed upon Provincial Governors special responsibility, *inter alia*, "for the safeguarding of the legitimate interest of minorities". In the discharge of their special responsibilities, the Governors were to exercise their individual judgment. It was felt that with separate electorates, reservation of seats and the Governor's special responsibility to protect the rights of minorities, those rights were reasonably safeguarded.

However, the actual working of Provincial autonomy under the G.I. Act, 35, showed that the two safeguards were valueless. First under the "gentleman's agreement" announced by Lord Linlithgow, Congress Ministries accepted office on the understanding that the special powers of the Governors would not be exercised in the day-to-day affairs of Government. This rendered the Governor's special responsibility practically a dead letter, for its exercise might bring about the resignation of his Ministries. Writing to Attlee, Wavell said: "... the Governors of the Provinces have co-operated with their ministries to the extent of making the Special Responsibility almost a dead letter."³ Again, the protection afforded to minorities by reservation of seats was seen to be valueless after the 1937 elections when the Congress, which had secured an absolute majority in the U.P. elections refused to form a coalition government, notwithstanding a tacit understanding before the elections that Muslim League members would be included in the U.P. ministry and coalition ministries would be formed also in other Provinces: (p. 19 *ante*). In this context, V.P. Menon wrote to Evan Jenkins on 7 July 1945, that :

³ Upto 1935, Muslims, generally speaking, were under the impression that their interests would be safeguarded if they could get adequate representation in the legislatures. *Thanks to the Congress policy of excluding all the*

³ *Transfer of Power*, Vol. IX, p. 510.

*other parties from the Provincial Executive, the minorities learnt that the majority party in the legislature could set at nought the wishes of the minorities and that representation in the legislatures would not alone be a sufficient safeguard. This was the real motive power behind Jinnah's cry of Pakistan. Exclusion from a share in the power was the real foundation on which the present position of the Muslim League was built up. It is therefore not surprising that the cry of Pakistan is more vociferous in the Provinces in which the Muslims are in a minority than in the majority Muslim Provinces."*⁴ (italics supplied)

Although the 1937 elections showed that separate electorates with reservation of seats in the Legislatures and the Special Responsibilities of the Governor were inadequate to protect the minorities, Jinnah did not raise the cry of Pakistan, but appealed to Gandhi for a nationalist solution of the Hindu-Muslim problem. In reply to this appeal, Gandhi said that his belief in Hindu-Muslim unity was as strong as ever but he was "in total darkness and cried to God for help to solve the problem", but his cry remained unanswered: (p. 21 *ante*). It may be added that the Congress tried to side-step the claims of the Muslim League for safeguards when it demanded that the Viceroy's Executive Council should be treated as a Dominion Cabinet. This demand was rejected by Cripps and would have been strongly opposed by the Muslim League. However, the demand was repeated again and again right up to the partition of India; each time it was opposed by the Muslim League, and was rejected by the British Government till the Dominions of India and Pakistan were brought into existence.

Lord Wavell's Viceroyalty:

October 20 1943 – March 22 1947

On 2 July 1943 Lord Wavell accepted Winston Churchill's offer to appoint him as the Viceroy of India. Churchill appointed Wavell believing that he would keep the *status quo* in India, and was surprised to find in his new Viceroy a person of liberal and unorthodox views for solving the political problem in India before the war against Germany and Japan was over. It was characteristic of Wavell that on 20 August 1943, he drew up a Note⁵ indicating the move he was prepared to make in India, for

⁴ *Transfer of Power*, Vol. XII, Appendix I at p. 790.

⁵ For the full Note see Penderel Moon, *Viceroy's Journal*, pp. 467-70.

resolving the political deadlock, and he invited the comments of the Personal Secretary to the Viceroy-designate, Mr. (later Sir) Evan Jenkins. Wavell had ended the Note by saying that in military matters he had always been an upholder of unorthodox methods when orthodox methods had failed, and he thought that orthodox methods for solving the political problem in India *had* failed. His secretary expressed the view that the chances of success were five to one against, but that an attempt was worth making. Obviously with reference to this move which Wavell had proposed as Viceroy-designate, Munshi wrote:

"Lord Linlithgow was succeeded by Lord Wavell. As an ex-Commander-in-Chief of India, his appointment was not looked upon favourably by the Congress. Unfortunately, we did not know that, before coming to India as Viceroy, he had recommended to the British Government the release of Gandhiji and Nehru and their appointment in his Executive Council. This proposal, however, had been turned down by the British Government."⁶

The proposal to which Munshi referred has been thus described by Wavell's biographer⁷:

"The gist of Wavell's proposition was that he should personally invite a carefully chosen group of ten leading Indians (including Gandhi, Nehru and Jinnah) to confer with him at Viceroy's House, Delhi, under conditions of extreme secrecy. 'I believe', he intended to say to them 'that a vital decision in matters of government – and I am asking you to make a vital decision for India – can be arrived at only by a few selected men of wisdom and good faith, not by counting votes.' He would offer a definite pledge that His Majesty's Government was prepared to give self-government as soon as possible, subject only to the condition that the war must be successfully concluded and that the British would be handing over to a government as capable as their own of ruling and enforcing its decisions. 'I leave you' he intended to say, 'to devise your own procedure and methods of debating the problems of India's future and advising me on it.'"⁸

But Churchill would have none of these radical and immediate measures, and the new approach which Wavell wished to make was rejected.

The misfortune of which Munshi wrote was real, for it was only after the *Viceroy's Journal* and Vols. IV to IX of the *Transfer of Power* were published that it became known what efforts Wavell had made to transfer power to a united India under a Constitution which would be just both to the Hindus

⁶ *Munshi, op. cit.* p. 90.

⁷ Ronald Lewin, *The Chief: Field Marshal Lord Wavell, Commander-in-Chief and Viceroy, 1939-1947*, (1980).

⁸ *ibid.* p. 224.

and to the Muslims. Wavell persevered in his efforts notwithstanding the opposition, first of Churchill's coalition Government and later of Attlee's Labour Government. Had he been supported by the British Government in his efforts to find a just solution, it is more than arguable that the partition of India might have been averted, or, at any rate, it would have been carried out without the holocaust which followed partition. The impression that "Wavell reigned from afar, aloof and monolithic is wholly unfounded. Nobody, except Evan Jenkins and a few others, knew how inaccurate this image was until *The Viceroy's Journal* was published in 1973: nobody thereafter could possibly be in doubt".⁹

After he assumed office on 20 October 1943, Wavell was confronted with the aftermath of the Bengal famine. Throughout the three and a half years that he was in office, it was his personal exertion and pressure on all the Provinces in India and on the British Government which prevented the recurrence of such a famine. In his letter of 24 October 1944 to Winston Churchill, he wrote:

"I have had during the last nine months literally to fight with all the words I could command, sometimes almost intemperate, to secure food imports; without which we should undoubtedly be in the throes of another famine, and probably of uncontrolled inflation, since without these imports I could hardly have held food prices from soaring."¹⁰

Wavell's first move towards resolving the political deadlock was made in his address to the Central Legislature on 17 February 1944. In it, he sought the co-operation of the Congress Party "which contained much ability and high-mindedness" but was standing aloof. He expressed his inability to release those responsible for the Quit India movement till he was convinced that the policy of non-co-operation and obstruction had been "withdrawn – not in sack cloth and ashes, that helps no one – but in recognition of a mistaken and unprofitable policy". This approach of the Viceroy seemed to open a door which had been closed, and, when on grounds of health Gandhi was unconditionally released from detention on 5 May 1944, fresh attempts were made to resolve the political deadlock in India. The first attempt was made by Mr. Rajagopalachari who proposed a formula, which, if accepted by the Congress and the Muslim

⁹ Lewin, *op. cit.* p. 231.

¹⁰ Moon, *op. cit.* p. 95.

League would have resulted in some sort of partition between Hindu and Muslim India. Gandhi and Jinnah held discussions which began on 9 September 1944 and continued for eighteen days, but they ended in failure. However, the fact that Gandhi, the undisputed leader of the Congress, should have held these discussions and offered a formula for the acceptance of Jinnah, the undisputed leader of the Muslim League, involved a tacit admission that there were only two effective political parties in India, the Congress and the Muslim League, for resolving the political deadlock. For that reason, Gandhi's discussions with Jinnah were criticized by eminent Congressmen as inopportune and as enhancing Jinnah's prestige.

Desai - Liaquat Ali Pact

Thereafter, a search began for another solution, which, while preserving the unity of India, would safeguard the Muslim minority. The first such attempt was made by Bhulabhai Desai,¹¹ a leading member of the Congress, and Liaquat Ali Khan¹² the Hon. Gen. Secretary of the Muslim League from 1936, in what came to be known as the "Desai-Liaquat Ali Pact".¹³ The Pact was an attempt to bring about a harmonious agreement between Hindus and Muslims for the formation of a coalition Ministry at the Centre. The heart of the scheme was that the coalition Ministry was to contain "(a) an equal number of persons nominated by the Congress and the League in the Central Legislature (persons nominated need not be members of the Central Legislature); (b) the representatives of minorities (in particular, Scheduled Castes and the Sikhs); and (c) the Commander-in-Chief".¹⁴ *The Government was to function within the framework of the existing Government of India Act.* It was agreed that if such a Ministry was formed, the first step would be to release from detention, the working committee

11 An eminent Advocate who was leader of the opposition and of the Congress Party in the Indian Legislative Assembly; Member, Working Committee, Indian National Congress, and President, Bombay Provincial Congress Committee.

12 Deputy leader of the Muslim League Party in the Indian Legislative Assembly from 1940.

13 So-called because it was arrived at as the result of discussions between Bhulabhai Desai and Liaquat Ali Khan, the right hand man of Jinnah.

14 Setalvad, *Bhulabhai Desai*, p. 367.

members of the Congress. The final step was to get a withdrawal of s.93 in the Provinces and the formation, as soon as possible, of Provincial Governments on the lines of a coalition. The formation of coalition Ministries appears to have been an attempt to repair the damage which had been done to Hindu-Muslim relations by the refusal of the Congress to form coalition Ministries in 1937. Although the Desai-Liaquat Ali Pact was an *ad hoc* arrangement, it recognized the principle of parity between the Congress and the Muslim League in forming a coalition. The reader interested in the Desai-Liaquat Ali Pact will find the Pact fully discussed in Chapter X of the Biography of Bhulabhai Desai by Mr. M.C. Setalvad.¹⁵ Setalvad's discussion clearly shows that Bhulabhai Desai entered into the Pact with the full knowledge, concurrence and encouragement of Gandhi and that attacks on that agreement by several members of the Working Committee after their release from detention were unjustified, and the failure of Gandhi to defend Bhulabhai was an act of grave injustice done to him.¹⁶ The same view was taken by Azad in *India Wins Freedom*.¹⁷ The opposite view taken by Munshi in his *Pilgrimage to Freedom*¹⁸ cannot be accepted because it is directly contrary to all the relevant evidence which had been marshalled by Setalvad.¹⁹ With the repudiation of the Desai-Liaquat Ali Pact, a serious attempt by a leading Congressman to restore harmonious relations between the Congress and the League unfortunately failed.

Sapru Committee Report

While Bhulabhai Desai and Liaquat Ali Khan were trying to evolve a formula for bringing about Hindu-Muslim unity, the

15 *Builders of Modern India*, Publications Division, pp. 242-292. The book contains a photographic copy of two documents, namely, an Explanatory Note by Bhulabhai Desai about the Pact, with alterations in Gandhi's handwriting, and a copy of the original of the Pact signed by Bhulabhai Desai and Liaquat Ali Khan, and dated 11.1.1945.

16 *ibid.*

17 At pp. 134-37.

18 At pp. 93-94.

19 It is only fair to Munshi to say that his book was published in December 1967 and he had not the advantage of the evidence exhaustively dealt with in the biography of Bhulabhai Desai which was published in June 1968, including a photographic copy of two vital documents.

Sapru Committee, which consisted of eminent men unconnected with the Congress or with the Muslim League, was seeking to find a solution to end the deadlock between the Congress and the League. The Sapru Committee found the solution in *the concept of parity* as offering a way out of the impasse created by Hindu-Muslim disunity. The committee, after rejecting Pakistan, recommended, *inter alia*, that in the Constitution-making Body, the representation of Hindus (other than Scheduled Castes) and Muslims should be equal and there should be parity between Hindus (other than Scheduled Castes) and the Muslims in the Central Legislature on condition that the elections were to be through joint and not separate electorates. These proposals did not meet with much response. The rejection of Pakistan made it unacceptable to the Muslims and the recommendation of parity was unacceptable to a large number of Hindus.²⁰ However, on 2 April 1946, Sapru told the Cabinet Mission that "there should be equality of Muslims and Caste Hindus in the Central Government."²¹ The Sapru Committee's recommendation and Sapru's own view emphasize the fact that those outside the Congress and the Muslim League recognized that the fears of the Muslim community about its future in a free and *united* India were genuine, and it was necessary to enact effective constitutional provisions which would quiet those fears if the unity of India was to be preserved. The solutions of the Hindu-Muslim problem proposed in the Desai-Liaquat Ali Pact and in the Sapru Committee's Report were propounded before the Simla Conference was held in June 1945, and the Cabinet Mission's Plan announced on 16 May 1946.

The Simla Conference, 1945

While these attempts were being made by Indian leaders to solve the political deadlock, the Viceroy had not been idle. On 20 September 1944, he sent to the Secretary of State for India a Memorandum outlining the steps to be taken for forming a coalition government at the Centre and for framing a Constitution. He said that there were difficulties and risks in his

²⁰ Menon, *op. cit.* p. 179.

²¹ *Transfer of Power*, Vol. VII, p. 94.

proposal, but he was satisfied that the ultimate risks would be much greater if no action was taken by His Majesty's Government, (H.M.G.) and that H.M.G. should make a determined effort towards a political settlement. He amplified this stand in his letter of 24 October to Churchill. Wavell said that he had in mind "the formation of a provisional political Government of the type suggested in the Cripps declaration, within the present constitution, coupled with an earnest but not necessarily simultaneous attempt to devise means to reach a constitutional settlement". In the same letter, Wavell wrote:

"To be effective, any move we must make must be such as to capture the Indian imagination. If India is not to be ruled by force, it must be ruled by the heart rather than by the head. Our move must be sincere and friendly, and our outlook towards India must change accordingly. I am prepared to put up proposals for a move, which will involve risks, but which I think constitute the best chance of making progress²².... It is easy to condemn any plan for betterment of the Indian situation on the ground of risk or probable failure. If we are to make any progress, we must take risks and be prepared for failure; but a move made generously and honestly, even if it failed, would do good."²³

But between Wavell's ideas and their execution there fell the shadow of the British Government. Wavell could get no reply to his proposal from the British Government which tried to put off till June 1945 his visit to England to explain his proposal. But a strong protest from Wavell on 15 March 1945, that "H.M.G. *must* face the Indian problem without further delay" brought an invitation to Wavell to be in England on 25 March. After protracted discussions in the "India Committee" from 26 March to 31 May 1945 (during which twenty-six meetings of the India Committee were held), discussions which can be described as fertile in objections against making any move in India, but almost sterile in constructive suggestions, the Viceroy, who had held his own, obtained permission to make a statement on behalf of H.M.G. after his return to India. On 14 June, Wavell in a broadcast announced his proposals. He said that he would invite Indian leaders to a Conference to take counsel with him for forming a new Executive Council more representative of organized political opinion. Except for the Viceroy, and the Commander-in-Chief, the Council would be composed entirely of Indians and it would include equal representatives of caste

²² See *The Viceroy's Journal*, pp. 98-99.

²³ *ibid.* p. 99.

Hindus²⁴ and Muslims. The Council would function within the framework of the G.I. Act, 35, but it could consider the means by which agreement could be reached for framing a new constitution. He announced that orders had been given for the release from detention of the President and Members of the Working Committee of the Congress.

The conference was held in Simla on 25 June 1945. After a hopeful start, it foundered on Jinnah's insistence that all the five Muslim members of the Council should be nominated by the Muslim League. Or, to put it differently, no Muslim should be included in the quota of five members allotted to the Congress. The reader will have noticed that the conference did not fail on the ground of parity between the Congress and the Muslim League. Wavell announced the failure of the conference on 14 July 1945. Characteristically, he assumed responsibility for the failure. He said that the idea of calling the Conference was his, and had the Conference succeeded, credit would have been given to him for that success. He assumed responsibility for its failure and urged that his view should be accepted and that there should be no recrimination; and he urged the leaders to exercise the greatest possible restraint. He said that he would have to consider the next step, but he reminded the Conference that the prosecution of the War against Japan, and the administration of India must be carried on by the Government for the time being in office. Several leaders who had taken part in the Conference expressed the view that the Viceroy was not responsible for the failure.

Although the Simla Conference failed, it opened a new chapter in the political history of India. Its effect can be summed up in the words of the Congress President, Maulana Azad. He said:

"I was impressed by the frankness and sincerity of the Viceroy as he described the proposals to me. I saw that his attitude was not that of a politician but of a soldier. He spoke frankly and directly and came to the point without any attempt at beating about the bush. It struck me that his approach was very different from that of Sir Stafford Cripps. Cripps had tried to present his proposals in as favourable a light as possible. He highlighted the strong points and tried to slur over the difficulties. Lord Wavell made no attempt at embellishment and he certainly was not trying to make an impression. He put

²⁴ When objection was taken to the expression "caste Hindus" it was explained that this was to distinguish them from Hindus belonging to the Scheduled Castes.

it quite bluntly that the war was still on and that Japan was a formidable enemy. In such a situation the British Government was not prepared to take any far-reaching steps. Such developments must wait till the end of the war, but he felt that the foundation for far-reaching changes could now be laid. The Executive Council would be exclusively Indian. The top administration of the country would thus come into Indian hands. Once this happened, a completely new situation would develop and further progress after the war would be assured. My interview with Lord Wavell created a new atmosphere in Simla." ²⁵

The events which followed the Simla Conference did not alter Azad's opinion of Wavell.

Elections to the Central and Provincial Legislatures, 1945-46

The breakdown of the Simla Conference was soon followed by a landslide victory of the Labour Party at the elections in the United Kingdom, and Labour took office with Attlee as Prime Minister, and Lord Pethick-Lawrence was appointed the Secretary of State for India. Then came the capitulation of Japan in August 1945, and various parties in India demanded that elections for the Central and Provincial Legislatures should be held, since the war had come to an end. On 21 August 1945, Wavell announced that elections to the Central and Provincial Assemblies would be held in the cold weather and that he would shortly go to England for consultation with H.M.G. Accordingly, Wavell visited England, and returned to India on 16 September 1945. On 19 September, in his broadcast he announced on behalf of H.M.G. its firm intention to do its utmost to promote, in conjunction with leaders of Indian opinion, the early realisation of full self-government. He added that after the elections, H.M.G. earnestly hoped that ministerial responsibility would be accepted by political leaders in the Provinces. It was also proposed to convene, as soon as possible, a Constitution making body and to hold discussions with the representatives of Indian opinion after the elections whether the proposals contained in the Cripps offer of 1942 were acceptable or whether some alternative or modified scheme was preferred. Further, he had been authorised to say that as soon as the results of the Provincial Elections were published, he would take steps for forming an

²⁵ Azad, *op. cit.* p. 107.

Executive Council which would have the support of the main parties in India. The reaction of the Congress and the Muslim League to this announcement was not favourable, and the parties were soon engrossed in campaigning for the elections.

The holding of the elections posed a problem for nationalist Muslims in the Congress. The Desai-Liaquat Ali Pact, and the Report of the Sapru Committee had shown that the fears of the Muslims for their future in a united India were genuine, and required to be allayed. And both the Pact and the Report had found in "parity" at the Centre an effective means of allaying those fears. The failure of the Pact and the Report did not deter Azad from putting forward his own solution for allaying those fears. Accordingly, in August 1945, he put forward a solution which, whilst meeting the genuine fears of the Muslims, preserved the unity of India. His credentials for doing so were unimpeachable. He was, and remained, a nationalist Muslim and a staunch congressman from 1920 when he supported Gandhi's non-co-operation movement. From 1939 to 1946 he was the President of the Congress. He had been imprisoned a number of times for taking part in Congress activities. From 9 August 1942 to 15 June 1945 he had been in detention, with other Congress leaders, for supporting the "Quit India" movement. He brought to his task high intelligence, openness of mind, moderation and sobriety. His mind was essentially practical and constructive. If adherence to abstract theories would lead to Pakistan, he rejected those theories and adopted a practical solution which would preserve a united India. For example, he was strongly in favour of establishing coalition Ministries in U.P. after the 1937 elections in order to reassure members of the Muslim League that they were not going to be excluded from a share in governing the Province. Nehru rejected the suggestion of a coalition on the theoretical ground that a Cabinet must be homogenous and that no Muslim should be admitted into the Cabinet unless he joined the Congress Party. It is now almost universally recognized that this preference for theoretical, as opposed to practical considerations, led, in about 10 years, to the partition of India.

But as a nationalist Muslim, Azad knew, and was prepared to admit, what his Hindu colleagues in the Congress were not prepared to recognize or to admit, that the fears of Muslims about their fate in a free and united India were genuine.

Although he would not have used Jinnah's graphic phrase, "brother Gandhi has three votes; I, (brother Jinnah) have one",²⁶ he recognized its underlying truth. Democracy is not merely government by the majority, but government with the broad consent or acquiescence of the people. Any theory which merely relied on counting heads can provide no safeguards against an exclusion of minorities from all share in power, as the failure of the safeguards devised by the G.I. Act, 35, clearly showed. After much reflection, Azad forwarded his solution of the Hindu-Muslim problem to Gandhi in a letter dated 2 August 1945.²⁷ *The letter must be read as a whole*, but the following brief account is relevant to the present discussion. Azad wrote that as a Muslim he rejected Pakistan, because it was against the interests of Muslims themselves. To concede Pakistan was a defeatist policy. However, it was necessary to remove the fears of Muslims which were genuine. The following "rough outline" which Azad gave of his proposals is noteworthy: (a) The future Constitution of India must be federal, in which Central subjects only of an all-India nature are agreed upon by the constituent units; (b) the units must be given the right to secede; (c) there must be joint electorates in the Centre and in the Provinces with reservation of seats; (d) *There must be parity of Hindus and Muslims in the Central Legislature and the Central Executive* till such time as communal suspicion disappears and parties are formed on economic and political lines. Azad ended what he described as a "rough outline" by appealing to his Hindu friends "to leave entirely to Muslims the question of their status in the future Constitution of India". If Muslims were satisfied that a decision was not being enforced upon them by non-Muslim agencies, they would drop partition and realise that their interests were best served by a federated and united India.²⁸

On receipt of this letter, on 16 August, Gandhi sent a wire, "Your letter I think should not be published. Writing fully." In the letter of the same date, Gandhi wrote:²⁹

²⁶ Wolpert, *Jinnah*, p. 181. (In reply to Gandhi's speech on 20.3.1940 at the Ramgarh session of the Congress presided over by Azad).

²⁷ *Transfer of Power*, Vol. VI. pp. 155-157. This letter and Gandhi's reply were "intercepts" forwarded by Evan Jenkins to Abell on 25 August and 28 August 1945 respectively.

²⁸ *ibid.* p. 156.

²⁹ *ibid.* p. 172.

"I did not infer from your letter that you are writing about my Hindus. Whatever you have in your heart has not appeared in your writing. But don't worry. We will talk the matter over when next we meet if you so desire. Whatever you want to say about the communal problem should not be said without consulting me and the Working Committee. I am also of the opinion that it would be better to keep quiet... Party can give its opinion after consultations with you. They have the right to do so. Besides, it is their duty. My opinion differs from your (sic)... I do not feel the urge to do anything hasty." (italics supplied)

What consideration the Congress Working Committee gave to Azad's letter is not known.³⁰ As will appear hereafter, this solution finds no place in Congress Resolutions dealing with the Hindu-Muslim problem.

Results of the Elections to the Central Legislative Assembly became available towards the end of December, 1945. They showed that

"The Congress won an overwhelming success in the General constituencies, the Hindu Mahasabha and other opposing candidates preferring in most cases to withdraw rather than to risk defeat. The Muslim League won every Muslim seat, the Nationalist Muslims forfeiting their deposits in many instances. The Congress secured 91.3 per cent of the votes cast in non-Muhammadan constituencies and the Muslim League 86.6 per cent of the total votes cast in Muhammadan constituencies."³¹

According to Munshi, the results

"proved that the Muslim League dominated the Muslims as completely as the Congress dominated the Hindus. They should have been an eye-opener to some of our leaders who would not believe that Jinnah had acquired complete hold over the Muslim masses."³²

The election campaign was fought by the Congress on the issue of Indian unity and by the Muslim League on the issue of Pakistan and the right of the League solely to represent Muslims. The intemperate speeches made by several Congress members in the election campaign led Wavell to propose to H.M.G. the steps which should be taken to avoid any widescale disturbances of the kind which had taken place in 1942. The object was to form an Executive Council at the Centre, to set up an agreed machinery for a constitution-making body and to

³⁰ Menon, *op. cit.* p. 224. Menon makes no reference to Gandhi's reply. Tendulkar's *Mahatma* contains no reference to Azad's letter and Gandhi's reply. In *India Wins Freedom*, Azad makes no reference to his letter to Gandhi and to Gandhi's remarkable reply.

³¹ Menon, *op. cit.* p. 228.

³² Munshi, *op. cit.* p. 98.

form Provincial Ministries, preferably as coalition ministries. In view of Wavell's appreciation of the political situation in India and the steps necessary to find a bridge between Hindus and Muslims and to get an agreed solution, the Secretary of State for India announced that a Cabinet Mission would visit India to seek agreement with Indian leaders on the principles and procedure to be followed in framing a new Constitution for an independent India.

CHAPTER V

THE CABINET MISSION

A mission consisting of Lord Pethick-Lawrence, the Secretary of State for India; Sir Stafford Cripps, President of the Board of Trade; and Mr. A. V. Alexander, the First Lord of the Admiralty, arrived in India on 24 March 1946. Since the proclaimed objectives of the Congress and the Muslim League were diametrically opposite, it may appear that the Mission was set a most difficult, if not an impossible, task. "But the Mission believed, not incorrectly as it proved, that the League might accept something less than complete independence for Pakistan; and it was in this belief that they went to work."¹ It is unnecessary to refer to the long discussions which the Mission and Wavell had with various representatives of Indian public opinion, more especially those representing the Congress and the Muslim League. However, it is necessary to refer to a statement which Azad submitted to the Mission. Later, that statement was made public after it had been broadly approved by the Congress and will be found in Azad's *Autobiography*.² Its gist was that as a Muslim he was clearly of the view that the partition of India was against the interest of the Muslims themselves. However, he realised that their fears were genuine and required to be allayed. He said that the formula which he proposed, *and which the Congress had accepted*, secured whatever merit the Pakistan scheme contained, whilst avoiding all its defects and drawbacks. The basis of the Pakistan scheme was a fear of interference by the Centre in the Muslim majority areas as the Hindus would be in a majority at the Centre. The Congress allayed this fear by granting residual powers to the Provinces and it had provided for two Lists for Central subjects, one compulsory and one optional, so that if any Province so wanted, it could administer all subjects itself, except the minimum delegated to the Central Government, namely, Defence, Foreign Affairs and Communications. After he had put forward the views of the Congress as its President, he told the Cabinet Mission that he wished to make a few personal observations. For our purpose, the most important observation was:

¹ Penderel Moon, *The Viceroy's Journal*, p. 226.

² Azad, *India Wins Freedom*, pp. 142-45.

"There is at least one proposal in the Sapru Committee's Report, which deserves consideration though it has been overlooked in the heat of controversy. The report had visualised a Central Government in which Hindus and Muslims would be in equality but on the basis of joint electorates. Personally (he) felt that this proposal should be considered further."³

It will be seen that the parity between Hindus and Muslims which Azad had recommended in his letter to Gandhi before the elections of 1945-1946 was put forward after the elections before the Cabinet Mission as Azad's personal view that parity in the Central Government as recommended by the Sapru Committee required further consideration. Azad's proposals have been referred to because the Cabinet Mission Plan announced later was on the lines which Azad had suggested, though there were important variations.

When the Working Committee of the Congress met on 12 April 1946, Azad described "in greater detail" the solution which he had put forward before the Cabinet Mission and the Viceroy. According to Azad he was complimented by Gandhi for finding a solution to the problem which till then had baffled all solution. Gandhi said that Azad's solution would allay the fears of the minority communities and at the same time was inspired by a national and not a sectional outlook.⁴ It would appear that the Working Committee accepted the solution and accordingly Azad issued a statement on 15 April 1946 embodying his proposed scheme. The statement is too long to quote.⁵ However, the statement was on the lines of the view which Azad had expressed on behalf of the Congress before the Cabinet Mission and the Viceroy. It was unfortunate that in his statement Azad did not express on behalf of the Congress its view as to the composition of the Interim Government nor did he do so in the statement which he issued.

³ *Transfer of Power*, Vol. VII, p. 112. Cf. "Sir S. Cripps asked whether the Maulana would himself agree that it will be necessary to have an Interim Executive which would have equality or near equality of Hindu and Muslim members. Dr. Azad said this had not yet been considered by the Working Committee but he could do his best to promote this idea. Personally, he seriously doubted whether Congress would agree to parity at the present time" : *ibid.* p. 115.

⁴ *Azad, op. cit.* p. 141.

⁵ *ibid.* pp. 142-45.

"Representatives of Nationalist Muslims"⁶ were interviewed by Cripps and Alexander on 16 April 1946. Maulana Madnani said, *inter alia*, that "he was in favour of one Centre and one Constituent Assembly. *Hindus and Muslims should have parity both in the government and in the Central Legislature. Elections should be made on the basis of joint electorates coupled with reservation of seats*". (italics supplied) Mr. Ziharuddin "agreed that there should be parity between Muslims and Hindus in the Central Government and Mr. Hussain said that this was also his view".⁷

The Cabinet Mission and the Viceroy called a conference in Simla, which came to be known as "the Second Simla Conference", at which representatives of the Congress and the Muslim League were invited for discussion. Two meetings of the 2nd Conference were held on 5 May 1946. Before further meetings could be held on 6 May, Azad addressed a letter dated 6 May 1946 to Pethick-Lawrence⁸ *on behalf of his colleagues and himself* who attended the Conference as representatives of the Congress. The last para of that letter is important and ran as follows:

"Another point we wish to make clear is that we do not accept the proposal for parity as between groups in regard to the Executive or the Legislature. We realise that everything possible should be done to remove fears and suspicions from the mind of every group and community. But the way to do this is not by unreal methods which go against the basic principles of democracy on which we hope to build our Constitution."⁹

In a letter to Pethick-Lawrence dated 9 May 1946,¹⁰ Azad, on behalf of the Congress, repeated its objection to parity in the following words:

"We are entirely opposed to the proposed parity, both in the Executive and in the Legislature, as between wholly unequal Groups. This is unfair and will

6 Maulana Hussain Ahmed Madnani ("President of the All-India Muslim Parliamentary Board which represented organizations having a membership of several lakhs"); Mr. Ziharuddin ("President of the All-India Momin Conference. His organization has an enrolled membership of more than 4 lakhs"); Sheikh Nizamuddin ("President of All-India Ahrars with a membership of over a lakh"); Abdul Majeed Khwaja ("President of All-India Muslim Majlis who enrolled nationalist Muslims. He did not know what their membership was"); Hussainbhai Lalji ("President of the All-Parties Shia Conference which was the leading Shia organization in the country").

7 *Transfer of Power*, Vol. VII, p. 286 at p. 287.

8 *ibid.* pp. 433-434.

9 *ibid.* p. 434.

10 *Transfer of Power*, Vol. VII, p. 467.

lead to trouble. Such a provision contains in itself the seed of conflict and the destruction of free growth. If there is no agreement on this or any similar matter, we are prepared to leave it to arbitration." ¹¹

A day earlier, in a letter addressed to Cripps,¹² Gandhi raised his objection to parity in the following words:

"As to merits the difficulty about parity between six Hindu majority Provinces and five Muslim majority Provinces is insurmountable. The Muslim majority Provinces represent over 9 crores of the population as against 19 crores of the Hindu majority Provinces. *This is really worse than Pakistan.* What is suggested in its place is that the Central Legislature should be formed on the population basis And so too the Executive." ¹³ (italics supplied)

It will be recalled that the Cripps Mission failed because Congress demanded the immediate formation of a national government of which the Viceroy was the Constitutional head, subject to reserving powers in respect of military matters to the Viceroy and the Commander-in-Chief. Further, Gandhi refused to support the War on the ground that although independence of India was important, adherence to non-violence was even more important. When Gandhi was released in 1944, Allied victory was only a question of time. In an interview with Gelder of the *News Chronicle* (London), Gandhi said that if immediate independence was granted to India and a national government was formed with the Viceroy as the Constitutional head, India would co-operate in the War effort.¹⁴ The first demand had been rejected by Cripps at a time when England was fighting for survival. The second was rejected by Wavell when victory was near.

It may be that the statements quoted above and the demands for the Viceroy's Council to be converted into a Dominion Cabinet, were made as moves in the Congress's fight against the Muslim League's demand for Pakistan. Obviously, the future was concealed from Gandhi, Nehru and Patel, and they might well have believed that if they firmly opposed parity, and pressed repeatedly for a "Dominion Cabinet", the Muslim League would give in, or would be pressed by the British Government to give in. Gandhi, Nehru and Patel played their parts in the great political drama of the transfer of power, but they could not know how it would end, till it ended in grim

11 *ibid.* p. 477.

12 *ibid.* p. 465.

13 *ibid.* p. 466.

14 Menon, *Transfer of Power in India*, pp. 159-160.

tragedy. Now that nearly 40 years have gone by since India was partitioned, we are in a position to assess how far the moves made by the Congress before the Second Simla Conference, and after the Cabinet Mission Plan ("the Plan") was announced on 16 May 1946, contributed to the final result. Therefore, it seems to me that it would help the reader if before dealing with the Plan we consider at this place the implications of the Congress stand against parity and its demand for a Dominion Cabinet and try to examine the reasons which appear to have prompted both the stand and the demand.

Congress opposition to parity

The Congress opposition to parity marks a watershed in the history of the Congress and its fight for the independence of a *united* India. Congress repeated its opposition to parity from time to time. The reader will have noticed that Azad's letter of 6 May 1946 written as President of the Congress went against his own deepest convictions as to the right method for securing Hindu-Muslim unity and preserving the unity of India – convictions expressed in his letter to Gandhi on 2 August 1945. (p. 38 *ante*.) Azad's statement as President of the Congress thus went not only against his carefully thought-out scheme, but also against the views of "nationalist Muslims", who, like Azad, had opposed partition, and were pledged to a united India. They too had supported the claim to parity. We can see now that after the 1945-46 elections, nationalist Muslims could play no effective part in the Congress, and *in substance*, they faded out of the picture. Even more, a staunch nationalist Muslim like Azad became the mouthpiece for doctrines which he rejected as injurious to the unity of India. As President of the Congress, his position was one of extreme difficulty. If he put before the public the views which he had expressed in his letter to Gandhi, they would have struck a grievous blow to the Congress at a critical moment in India's history. Understandably, he abstained from that course, and put forward before the Cabinet Mission *the official views* of the Working Committee of the Congress.

We must now examine the Congress stand on parity since grave consequences followed in its wake. Is it correct to say that to grant parity to the Muslims in the Executive and in the

Legislature in order to allay Muslim fears of a "Hindu Raj" would be to adopt an "unreal method", which was opposed to "the basic principles of democracy?" This question can be answered, first, on authority, and then on principle.

Bhulabhai Desai, an eminent Hindu lawyer, who occupied an important position in the Congress hierarchy and who was the leader of the Congress Party in the Central Legislature, was completely familiar with Parliamentary procedure and the principles which underlie representative government. In the Desai-Liaquat Ali Pact he adopted parity between the Congress and the League, as a solution to the Hindu-Muslim problem, and as a reasonable way of forming an interim ministry. Tej Bahadur Sapru, an eminent Hindu lawyer who was looked upon as a great constitutional lawyer, and whose services were frequently availed of by Gandhi when he tried to build bridges between himself and the Government after the "Quit India" movement, rejected Pakistan as a solution of the Hindu-Muslim problem. However, Sapru appealed to his Hindu co-religionists to concede parity to Muslims in the Constitution-making Body, in the Central Legislature and in the Executive Council on the basis of joint electorates, in order to preserve the unity of India. If competent and eminent Hindus like Bhulabhai Desai and Sapru found in parity a solution for preserving the unity of India, it would be a strong thing to say that parity was an "unreal" and an "undemocratic" method of allaying the fears of the Muslims.

However, independently of authority, the question can be answered on principle. The Congress stand on parity indicates an approach to the framing of a Constitution, which is fundamentally unsound. The Congress overlooked the fact that although in arithmetic 3 is not equal to 1, purely theoretical considerations have no place in framing a Constitution. The first thing in framing a Constitution is to consider the goal which is to be achieved. The undoubted goal of the Congress was to secure independence for a *united* India. That goal must determine the means to be adopted for reaching it. If the grant of parity would enable that goal to be secured, parity should be adopted, as was in fact done by Bhulabhai Desai in the Desai-Liaquat Ali Pact, as was recommended by the Sapru Committee in its Report, as was strongly advocated by Azad in his letter to Gandhi, and was equally strongly advocated by nationalist Muslims before Cripps and Alexander. Democratic principles do

not exist in a vacuum; they have to be adapted to the circumstances in which a Constitution is to be framed. The circumstances in India indicated that the unity of India could not be maintained unless it was recognized that for certain purposes about 90 million Muslims should be treated on a par with about 200 million Hindus. For, in a united India, it was essential that Hindus and Muslims should live together in amity, and without Muslims fearing domination under a "Hindu Raj".

It is unfortunate that during the negotiations which ended with the rejection of the Cabinet Mission Plan, the *spirit* in which the greatest Federal Constitution, the Constitution of the United States, came to be framed was not studied. After the War of Independence, the 13 confederated States came together to form a Federal Constitution which would avoid the difficulties which had dogged the confederation. Among other problems, two serious problems confronted the Convention which drafted the U.S. Constitution. First, how was the Convention to reconcile the claims of big confederate States with the claims of the small confederate States since all the States had enjoyed equality of status? If the demands of the big States were fully met, the small States would not join the Federation, and *vice versa*. Since the need for a Federation was recognized as paramount by all the States, a compromise was arrived at to secure their common goal as will appear presently.

The second problem raised grave questions of principle and morality. Should the importation of slaves be prohibited by the Constitution? Opinions in the confederated States were sharply divided. One view was that slavery was immoral and importation of slaves should be prohibited at once by the Constitution. The other view was that slaves were property and rights of property ought not to be interfered with at any time. As both these demands could not be fully met, and as all the States recognized the paramount need for a federation, as will presently appear, a compromise was entered into and theoretical principles were put aside.

Article 5 of the U.S. Constitution, as framed by the Convention, provided for the amendment of the Constitution. But it contained two entrenched provisions. The first remains entrenched till today; the second, relating to slavery, came to an end in 1808. Every State, whether big or small, was given the

right to send two representatives to the Senate and that right could not be taken away without the consent of the State. Speaking of this provision, Madison observed:

"This feature shows that the convention must have been compelled to sacrifice theoretical propriety to the force of extraneous considerations".¹⁵

Again, in respect of slavery, a compromise was entered into and Article 5 provided, in substance, that the Congress would not have power to prohibit importation of slaves for a period of 20 years. Commenting on this provision, Madison said:

"It were doubtless to be wished, that the power of prohibiting the importation of slaves had not been postponed until the year 1808, or rather that it had been suffered to have immediate operation. But it is not difficult to account, either for this restriction on the general government, or for the manner in which the whole clause is expressed."¹⁶

George Washington felicitously described the spirit in which the convention had framed the U.S. Constitution, when he wrote: "... the Constitution we now present, is the result of amity and that mutual deference and concession which the peculiarity of our political situation rendered indispensable."¹⁷

Never was the need to subordinate theoretical preconceptions and "principles" to secure a dominant or overriding purpose, better illustrated on the stage of world history than by England's prompt promise to give whatever help she could to Russia, on the very day that Germany invaded Russia. The significance of this event did not escape Bhulabhai Desai, the leader of the Congress Party in the Central Legislature. He was in detention at that time for having offered individual *satyagraha*. He wrote in his diary:

"Apropos of America's and England's attitude towards Russia in the War which has begun between Russia and Germany two days ago, I felt that this attitude is the best illustration of 'realism in politics' in which we are wanting and which, I apprehend and fear, we shall never attain with our flabby minds in the political scene. America and England declare that they detest communism and yet today they say they are in a more deadly war – for immediate purposes – against Germany, and therefore, they would rather ally themselves with Russia at least as against Germany than give way to their hatred of

15 *The Federalist*, Modern Library Books, p. 224 at p. 231.

16 *ibid.* pp. 272-273.

17 *ibid.* p. 586.

communism and indirectly aid Germany against Russia. That is realism in politics"¹⁸

Reverting to the framing of the U.S. Constitution, in his moving broadcast on the Cabinet Mission Plan, Lord Wavell put the ideas expressed by Washington and Madison in a modern form :

"No constitution and no form of Government can work satisfactorily without goodwill; *with goodwill and determination to succeed even an apparently illogical arrangement can be made to work.* In the complex situation that faces us there are four main parties: the British; the two main parties in British India, Hindus and Muslims; and the Indian States. *From all of them very considerable change of their present outlook will be required as a contribution to the general good,* if this great experiment is to succeed. To make concession in ideas and principles is a hard thing and not easily palatable. It requires some greatness of mind to recognise the necessity, much greatness of spirit to make the concession. I am sure that this will not be found wanting in India, as I think you will admit that it has not been found wanting in the British people in this offer."¹⁹ (italics supplied)

Oddly enough, the greatness of mind to recognize the necessity of making a change in attitudes, and the greatness of spirit to make the concession for the general good, of which Wavell spoke, had been urged by Sapru and Jinnah, before the Convention which, in 1928, finally considered the Nehru Report. The Muslim League had suggested amendments proposing separate electorates and weighted reservation of seats in the Legislatures. When Sapru replied to the criticisms of the Nehru Report, which he had signed, he said that the Report had recommended adult franchise with the consequence that the Muslims would have seats in the Legislature in proportion to their population. That was the logical course and the Report had adopted it. He added:

¹⁸ Setalvad, *Bhulabhai Desai*, p. 216. Had Churchill's broadcast on the invasion of Russia been available to Bhulabhai, he would have quoted a few of Churchill's memorable words. Churchill said : "No one has been a more consistent opponent of communism than I have been for the last twenty-five years. I will unsay no word I have spoken about it. But all this fades away before the spectacle which is now unfolding. We have but one aim and one single irrevocable purpose. We are resolved to destroy Hitler and every vestige of the Nazi regime. From this nothing will turn us — nothing. . . . Any man or state who fights against Nazidom will have our aid. Any man or state who marches with Hitler is our foe. . . . It follows, therefore, that we shall give whatever help we can to Russia and the Russian people": *The Unrelenting Struggle*: the second volume of Winston Churchill's War Speeches, pp. 178-179.

¹⁹ *Transfer of Power*, Vol. VII, pp. 611-613, at p. 613.

"At the same time, it seems to me that we are faced with an occasion *when the first and last question should be to bring about unity. Even at the sacrifice of the reputation for being logical I would rather lose my reputation than imperil the success of this conference.... I am going to ask him (Jinnah) to be reasonable, but we must, as practical statesmen, try to solve the problem and not to be misled by arithmetical figures.*" ²⁰ (italics supplied)

In his final reply to the debate, Jinnah said, among other things :

"I want you, therefore, to have that statesmanship which Sir Tej Bahadur Sapru described. He says you must not allow this to be broken up for small differences.... Nothing will make me more happy than to see Hindus and Muslims united. I believe there is no progress for India until Muslims and Hindus are united. *Let not logic, philosophy and squabbles stand in the way of your bringing that about.*" ²¹ (italics supplied)

These appeals to take a statesmanlike view in order to secure the overriding need for the unity of India fell on deaf ears, and the Muslim League amendments were rejected. History repeated itself, and Wavell's appeal for a statesmanlike approach found no response in the Congress because it preferred "logic", "philosophy" and "arithmetic" to statesmanship.

The Congress opposition to parity (even after the safeguards devised by the G.I. Act, 35 had failed) and the Congress demands for the status of a Dominion Cabinet produced a result which the Congress neither desired nor expected. For, partition destroyed the unity of India, and also destroyed Gandhi's oft-proclaimed belief that non-violence would achieve the desired goal. Both before and after partition, India witnessed violence and carnage, brutality and bestiality on a scale never seen in India before. Why then, did the Congress not follow the statesmanlike course adopted by the founding fathers of the United States, adopted by England and America when they offered prompt aid to Russia against Germany and advocated by Wavell in his moving broadcast? Many factors appear to have contributed to the Congress attitude.

Assets of the Congress

The valuable assets possessed by the Congress and the

²⁰ Zaidi, *Parting of the Ways*.

²¹ *ibid.*

apparently meagre assets possessed by the Muslim League seem to have satisfied Gandhi, Nehru and Patel, that the advice of Azad, and other nationalist Muslims about parity and a loose federation could be disregarded, and the Congress would prevail over the Muslim League by taking its stand on "democratic principles" which meant, in practice, "one man, one vote". Some of the most valuable assets possessed by the Congress were, briefly, these:

(a) Congress, under Gandhi, inherited a great and respected name, the "Indian National Congress" – the first *national* organization (founded in 1885) pledged to secure self-government for India.

(b) After Gandhi took over the leadership of the Congress in 1920, it soon had a well-knit all-India organization, well supplied with funds and supported by a powerful press.

(c) In Gandhi, the Congress possessed a great leader who was a rare combination of a saint and an astute politician. The saint drew large masses to the Congress because his austere life and religious preaching struck a responsive chord in most Hindu hearts. The astute politician dominated the Congress and planned and directed its strategy for the triumph of the Congress over all other parties.

(d) Gandhi abandoned "constitutional methods" and forged the political weapon of "direct action by non-violent means". Direct action, or threat of it, yielded notable results in securing political advance, even when, at times, Congress failed to achieve its immediate objective. On 8 August 1942 in the "Quit India" Resolution, the All India Congress Committee endorsed the Working Committee's resolution demanding immediate end of British Rule. If this demand was not conceded, it gave sanction for starting a "mass struggle on non-violent lines on the widest possible scale" under the leadership of Gandhi. Following the arrest of Congress leaders the next day, this direct action produced violent disorders which seriously disrupted plans for the defence of India against Japanese attack for about three months.

(e) In Nehru, the Congress had a charismatic leader second only to Gandhi. In the 1937 elections to the Provincial Legislatures, Nehru secured overwhelming victory for the Congress over all

other parties. Flushed with victory, he proclaimed that there were only two parties in India – the Congress and the British.

(f) Britain emerged victorious from the Second World War, with its power greatly reduced as a result of six years of a war, costly in blood and treasure. Britain's power to rule over India was greatly reduced, and the British, the Congress and the Muslim League knew it. A threat of direct action by the Congress after the War had ended would pose grave problems for any British government, and would predispose it not to alienate the Congress.

(g) British elections in 1945 put Attlee's socialist Government in power with an overwhelming majority. The party's socialistic doctrines had affinity with Nehru's socialism. On Indian affairs, Cripps emerged as the most active member of Attlee's government. Cripps was in close contact with Nehru, and relied on Nehru's appreciation of the Indian situation in preference to Wavell's. Nehru seems to have believed that this close contact would swing the British Government to the side of the Congress. This belief appears to have been strengthened, because Congress could resort to direct action, and the Muslim League had never done so, and as late as January 1946, Nehru believed that the League was *incapable of doing so*.²²

Position of the Muslim League

As against these massive assets the Muslim League had little to show till 1945.

(a) The Muslim League was revived in 1937. It was an ill-knit organization, ill-supplied with funds and without the support of a powerful press.

(b) In the 1937 elections, the League had suffered a grave defeat. "Out of a total of 485 seats, the Muslim League was able to capture only 108. The Congress contested 58 Muslim seats and won 26."²³

(c) Jinnah did not compare with Gandhi and Nehru in popular appeal, although he remained the greatest asset of the Muslim

²² *Transfer of Power*, Vol.VI, p. 851 at p. 854.

²³ *Menon, op. cit.* p. 54.

League. He was a political leader of formidable powers. He had joined the Congress as a nationalist Muslim. In 1916 "(he) dominated the Congress and the (Muslim) League"²⁴ for he was the principal architect of the Lucknow Pact, and was regarded as "the Ambassador of Hindu-Muslim unity". When Gandhi took over the leadership of the Congress and abandoned constitutional methods to achieve *swaraj* for India, Jinnah left the Congress and the Home Rule League because he believed that unconstitutional methods would lead to violence and mass conflict. By temperament and training he eschewed emotional rhetoric; but he was a forceful and persuasive speaker whether in the Courts, the Legislature or on the public platform.²⁵ However, as Chagla put it:

"Jinnah's dominant characteristic was his tenacity. Once he made up his mind, nothing in the world could divert him from his chosen objective. No temptation, no bribe, no pressure had the slightest effect, and it is a measure of the man that he succeeded in creating a new country – Pakistan, with very little following and no strong press to back him, and with little financial assistance."²⁶ (italics supplied)

(d) Jinnah was wedded to constitutional ways. He believed that direct action by the masses would lead to large scale violence, and would provoke mass conflict between Hindus and Muslims (p. 13 *ante*). Till July 1946, he did not possess the weapon of direct action which the Congress had used effectively against the British rulers in India in the past and threatened to use again in 1946-47.

(e) He was the leader of a very large minority, but if it came to one man, one vote, then in his graphic phrase, "Brother Gandhi has 3 votes, I (Brother Jinnah) have only one."

(f) Till the partition of India drew near, he did not dominate the Muslim League as Gandhi dominated the Congress. He had to reach accommodation with Sir Sikander Hayat Khan in the Punjab, with Fazlul Huq in Bengal and with many other local leaders.

²⁴ *Munshi, op. cit.* p. 7.

²⁵ Chagla, *Roses in December*, p. 54. "What impressed me most was the lucidity of his thought and expression. There were no obscure spots or ambiguities about what Jinnah had to tell the Court. He was straight and forthright, and always left a strong impression whether his case was intrinsically good or bad."

²⁶ *ibid.* p. 80.

*Liabilities of the Congress
which surfaced later*

But although the valuable assets of the Congress were there for the world to see, there were heavy liabilities on the other side which remained below the surface and emerged gradually after 1937.

(a) An appeal to the religious sentiments of an overwhelming number of Hindus as a means of arousing their political consciousness could not be confined to a single community or a single party. Till 1937, Jinnah made no appeal to religious sentiments in order to consolidate the position of the Muslim League. But when, after the 1937 elections, Nehru proclaimed that there was no such thing as the Hindu-Muslim question or the minority question in India, and when Gandhi cried in vain for divine help to solve the question of Hindu-Muslim unity, Jinnah responded with a speech at the session of the All-India Muslim League in October 1937. Gandhi described that speech as a "declaration of war". A declaration of war it certainly was, but the declaration was made in self-defence, as Jinnah said in his reply to Gandhi. The speech certainly showed that Jinnah had exhausted all means of persuasion, and he had failed. Thereafter, he harped on the need for unity among the Muslims of India, their economic, social and cultural development, so that the Muslim community could stand on its own feet. In making this appeal to his co-religionists as a body, he rarely indulged in religious discourses of the kind which were habitual with Gandhi, although no doubt, Jinnah's followers, in order to secure unity of the Muslim community, did appeal to Muslim religious sentiments. Gandhi's mistaken support, on religious grounds, of the Khilafat agitation gave respectability to Muslims standing up for their own religion. Dadabhai Naoroji or Gopal Krishna Gokhale could condemn an appeal to religious feelings to solve political problems. A Congress dominated by Gandhi could not convincingly do so.

(b) The weapon of non-violent non-cooperation, or as it came to be called "non-violent direct action" could equally not be limited to a single community or a single political party. Gandhi knew full well that the theoretical conditions which he imposed for

non-violent direct action were incapable of fulfilment by most of his followers. Consequently, direct action was repeatedly followed by large scale violence. The Muslim League had not resorted to direct action before 1937. Nor did it do so after its revival in 1937 or even when negotiations were going on for the transfer of power with Wavell and the Cabinet Mission. As we have seen, as late as 27 January 1946, Nehru said that the Muslims were incapable of launching direct action. The large number of documents published in the *Transfer of Power* show that the Congress held the threat of direct action over the heads of the Viceroy and the British Government if the Congress did not have its way on the transfer of power. Jinnah was fully aware of this threat and the grave anxiety of the British Government to have to meet that threat. When the Congress launched direct action in 1942, the Second World War was in progress and the resources of the British Government at that time were much greater than its resources at the end of the War.

(c) By July 1946 Jinnah appears to have realized that the Muslim League could no longer afford to be without the weapon of direct action. However, before the Muslim League passed the "direct action" resolution, Jinnah wrote a "strictly private, personal and confidential letter", dated 6 July 1946, to Attlee,²⁷ in which after setting out his case against the Congress, Jinnah wrote:

"I therefore trust that the British Government will still avoid compelling the Muslims to shed their blood, for, your surrender to the Congress at the sacrifice of the Muslims can only result in that direction. If politics are going to be the deciding factor in total disregard of fair play and justice, *we shall have no other course open to us except to forge our sanction to meet the situation which, in that case, is bound to arise. Its consequences I need not say will be most disastrous and a possible settlement will then become impossible.*"²⁸ (italics supplied)

To this letter Attlee's reply²⁹ dated 23 July 1946 was evasive. The reply said, *inter alia*, "As regards the statement of 16 May, the terms of the Congress acceptance certainly left something to be desired. But I must point out that the Muslim League in their

²⁷ *Transfer of Power*, Vol. VIII, pp. 106-107.

²⁸ *ibid.* p. 107.

²⁹ *ibid.* pp. 110-111.

resolution of 6 June also made certain reservations."³⁰ The point made by Attlee was, in fact met by Wavell when Nehru raised it later: (p. 77 *post*). However, it does not appear that Attlee's reply reached Jinnah before the meeting of the Muslim League held on 29 July 1946.

(d) At a meeting of the Muslim League held on 29 July 1946, Jinnah declared that for the first time in its history the Muslim League had abandoned constitutional methods in order to achieve its goal. After the resolutions were passed, Jinnah said, *inter alia*, that.

"Throughout the painful negotiations, the two parties with whom we bargained held a pistol at us; one with power and machine-guns behind it, and the other with non-cooperation and the threat to launch mass civil disobedience. This situation must be met. We also have a pistol."³¹

This change of front should have surprised no one. No doubt Jinnah had set his face against direct action as a means of solving political problems. But events seem to have satisfied him that a fight with the Congress would be unequal if he did not acquire the weapon which the Congress had so successfully used against the British in India. In addition to adopting direct action as a legitimate means of securing power for the Muslim League, the League used exactly the techniques used by the Congress in their agitations in 1921 and 1930.³²

(e) We have seen that Nehru's victory in the 1937 elections led to a most unfortunate correspondence between himself and Jinnah in which, in substance, Nehru dared Jinnah to establish the claims of the Muslim League by its "inherent strength": (p. 22 *ante*.) The challenge was to be taken up in July 1946. However, till the elections of 1945-46 were held, Congress could claim that it represented the whole of India and that the Muslim League as an all-India party, and other local parties, were unrepresentative of the people of India. The elections of 1945-46

³⁰ *ibid.* p. 111.

³¹ Wolpert, *Jinnah of Pakistan* (1984), pp. 282-283.

³² Penderel Moon, *The Viceroy's Journal*, p. 428. 13 March 1947: "At 3.30 p.m. Nehru came in... Nehru began by recrimination against methods of the Muslim League; Evan (Jenkins) pointed out that they had used exactly the technique practised by the Congress in their agitations of 1921 and 1930. He also said that the struggle at Amritsar had been started by non-Muslims. Nehru showed signs of working up for one of his outbursts. But the unruffled calm and incontrovertible statement of Evan kept him in check."

made such a claim untenable. The overwhelming victory of the Muslim League in the 1945-46 elections, accompanied by the total defeat of nationalist Muslims in the Central Legislature, showed that the Muslim League was the representative of the overwhelming majority of Muslims. Consequently, the Congress could no longer rationally claim that it represented the whole of India. As the effects of direct action announced by the Muslim League became apparent after the Calcutta killings, and the violence which followed in Bihar, Gandhi realised the importance of having in the interim government both Hindus and Muslims who could thereafter provide an effective day-to-day government at the Centre and could deal firmly with the violence which was gripping several parts of India. Either at his own instance, or at the instance of the Nawab of Bhopal, on 4 October 1946 Gandhi and Jinnah signed the following formula :

"The Congress does not challenge, and accepts that the Muslim League now is the authoritative representative of the overwhelming majority of the Muslims of India. As such, and in accordance with democratic principles, they alone have to-day the unquestionable right to represent the Muslims of India. But Congress cannot agree that any restriction or limitation should be put upon Congress to choose such representative as they think proper, from amongst the members of the Congress as their representatives."³³

This formula gave both Jinnah and the Congress the substance of what they wanted. For, once it was admitted that Jinnah had the sole right to represent the Muslims according to democratic principles, then, his objection to a nationalist Muslim being appointed by the Congress in the interim government lost whatever justification it had. The appointment of a nationalist Muslim by the Congress could no longer be used to support the claim that the Congress also represented the Muslims. In addition to this formula it was agreed between Gandhi and Jinnah that there were certain other matters, which were set down in writing, for further discussion between Nehru and Jinnah. Accordingly, Nehru and Jinnah met on 5 October 1946. On 6 October, after consulting some of his colleagues, Nehru said in his letter to Jinnah, *inter alia*,

³³ *Transfer of Power*, Vol. VIII, p. 673. The reference to "the right to choose such representative" referred to the negotiations which were going on to bring the Muslim League into the Interim Government.

"(referring to the formula suggested by Gandhi) we feel that the formula is not happily worded. We do not question the purpose underlying it. We are willing as a result of the elections to accept the Muslim League as the authoritative representative organisation of the overwhelming majority of the Muslims of India, and that as such, and in accordance with democratic principles, they have to-day an unquestionable right to represent Muslims of India. *Provided that for identical reasons, the League recognizes the Congress as the authoritative organisation representing all non-Muslims and such Muslims as have thrown in their lot with the Congress.*"³⁴ The Congress cannot agree to any restriction or limitation to be put upon it in choosing such representatives as they think proper from amongst the members of the Congress. We would suggest, therefore, *that no formula is necessary and that each organization may have its candidates on merits.*"³⁵ (italics supplied)

In substance, Nehru repudiated the formula agreed to between Gandhi and Jinnah. The statement that no formula was necessary represented Nehru's fixed belief that if he approached the Muslims direct, he could reverse the verdict of the 1945-46 elections.³⁶ In his letter to Nehru dated 7 October 1946, Jinnah replied that the formula which had been agreed upon was the one accepted by Gandhi and Jinnah as set out in the present reply to Nehru. Jinnah regretted that Nehru had made changes in the formula and further considered that no formula was necessary. Jinnah added that he could not agree to any change in the agreed formula which was the basis of discussion between Nehru and himself. Nor could he agree that no formula was necessary. In his reply dated 8 October 1946, Nehru wrote, *inter alia*, that the agreed formula contained a further para (to which no reference had been made in Nehru's earlier letter) which Jinnah had not quoted, namely, "It is understood that all ministers of the Interim Government will work as a team for the good of the whole of India and will never invoke the intervention of the Governor-General in any case,"³⁷ and offered to accept the agreed formula with the further para set out above. In his reply dated 12 October 1946 Jinnah wrote:

"The only formula agreed upon between Mr. Gandhi and me was that which was mentioned in my letter of October 7th. I had not mentioned in my letter

34 The italicised words were Nehru's addition to the formula agreed to by Gandhi and Jinnah.

35 *Transfer of Power*, Vol. VIII, p. 672.

36 *Transfer of Power*, Vol. VI, p. 851 at p. 853. See the passage from Nehru's letter to Cripps dt. 27.1.1946 set out at p. 67 *post*.

37 *Transfer of Power*, Vol. VIII, p. 676.

what is referred to by you as para 2 as *that was one of the points among others, to be discussed by you and me.* This arrangement was actually put on record." ³⁸ (italics supplied).

The discussion and the correspondence between Nehru and Jinnah failed to produce any result. However, the correspondence established that at that time, the Muslim League had the right "on democratic principles" solely to represent the overwhelming majority of Muslims.

(f) Gandhi's version of the formula signed by himself and Jinnah was, briefly, this: "He (Gandhi) had long discussion with the Nawab of Bhopal in which he explained the formula to be agreed to between Gandhi and Jinnah." ³⁹ The formula was finally drafted and Gandhi put his signature to it on 4 October "without having a final look at the document in his hands. Pyarelal pressed him to have another look at the document before signing, but time was short and Gandhi was overstrained." He said that he had explained everything to the Nawab of Bhopal and the Nawab would not let him down. When the Working Committee expressed its dissatisfaction with the wording of the formula and suggested the change which Nehru had incorporated in his letter to Jinnah of 6 October, Gandhi said: "but all that is there in black and white in the formula." ⁴⁰ However, when he examined the formula, he found that he was mistaken. He immediately sent Pyarelal to the Nawab of Bhopal explaining the mistake, adding that he would "take the odium and even he would retire from public life as a penalty if necessary, but he would not be guilty of betraying the Congress by asking the Congress Working Committee to accept the formula as it stood." ⁴¹

³⁸ *ibid.* p. 701.

³⁹ Tendulkar, *Mahatma*, Vol. 7, p. 230.

⁴⁰ *ibid.* p. 231.

⁴¹ *ibid.*

CHAPTER VI

THE CABINET MISSION PLAN

Reverting to the Second Simla Conference, at the meeting of the Conference held on 9 May 1946, discussion took place, and Nehru and Jinnah agreed that on points of difference between the Congress and the League, both of them should discuss the possibility of referring those points to an agreed umpire. After the discussions had gone on for some days, the Cabinet Mission was informed that it was not possible to agree to the appointment of an umpire. On 16 May 1946 when representatives of the Muslim League, Nawabzada Liaquat Ali Khan, Nawab Mohammed Ismail Khan and Sardar Abdul Rabb Nishtar met Pethick-Lawrence and Cripps, Pethick-Lawrence told the representatives that "It may be helpful to have this meeting so that they could elucidate all points on which the Muslim League representatives found difficulty in understanding the statement which was being published that evening". Among other things, the following discussion took place :

"Nawab Mohammed Ismail Khan asked at what stage and how the Groups¹ would be formed. The Secretary of State and Sir Stafford Cripps explained that the sections of the Constitution-making Body would meet to decide the character of the Provincial Constitutions, within the Group, and *the decision would be taken by majority vote of the representatives of the Provinces within the section.* (italics supplied) . . . Sardar Rabb Nishtar asked whether he correctly understood that each section of the Constitution-making Body would be entitled to frame the Constitution for the Provinces within it irrespective of whether they attended or not and also to determine whether there should be a Group and what the Group subjects should be, subject only to the right of a Province to opt out after the Constitution had been framed. Sir Stafford Cripps said that this was in accordance with the document. The option would be exercisable after the whole picture including the Union Constitution had been completed² . . . Mohammed Ismail Khan asked who would interpret the statement. Sir Stafford Cripps said that if any question arose he presumed that the Viceroy would be the deciding authority. He would act in consultation with His Majesty's Government when necessary."³

1 The "Groups" referred to the provision in the Cabinet Mission Statement (to be published that evening) whereby Provinces were divided into three Groups under Sections A, B and C. For the details of the "grouping provisions" as they came to be called, see p. 63 *post*.

2 *Transfer of Power*, Vol. VII, p. 577.

3 *ibid.* pp. 577-80. It was agreed that Sardar Nishtar might see the note of the meeting and take notes from it but these would not have the status of an official record : *ibid.* p. 579.

In a telegram to the Secretary of State, dated 11 September 1946, Wavell said that Jinnah was likely to quote from the Notes of the interview with the League on 16 May⁴ and inquired whether fairness to the Congress did not require that they should be informed of those assurances. With reference to Wavell's telegram, Mr. Turnbull, (the Private Secretary to Pethick-Lawrence) made a note. He wrote :

"There is no doubt that the explanations given to the Muslim League on the three points which the Viceroy mentions were in accordance with the intentions of the Mission but I doubt if the Viceroy need disclose these points to the Congress out of any sense of fairness to them. If, however, Mr. Jinnah bases his case for assurances now on these statements made by the Mission, it seems necessary to tell the Congress that these were the intentions of the Mission."⁵ He added : "There is a much more awkward point than the ones mentioned by the Viceroy in the record of this meeting. This is the statement by Sir Stafford Cripps at the bottom of page 3 of the record that he presumed that if any question of interpretation arose the Viceroy would be the deciding authority in consultation with H.M.G. I believe that Sir Stafford Cripps said something in a different sense to Mr. Gandhi orally but of that we have no record. The Muslim League might well take their stand on this in refuting Nehru's position that interpretation should be by the Federal Court."⁶

Once the Second Simla Conference failed to produce an agreed solution, the Cabinet Mission decided to put forward its own Plan as an integral whole which would enable parties to secure a transfer of power peacefully. In the Plan it was said that the Mission had decided that immediate arrangements would be made by which Indians could decide the future Constitution of India and an Interim Government would be set up at once to carry on the administration of British India till the new Constitution came into force. After observing that except for the Muslim League, the voluminous evidence which the Mission had received showed an almost universal desire for the unity of India (para 4 of the Statement) the delegation observed that they had carefully studied the possibility of partition of India "since we were greatly impressed by the genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu-majority rule. This feeling has become so strong amongst the Muslims that it would not be allayed by mere paper safeguards."⁷ In paras 6 to 11 the Mission gave detailed reasons for rejecting the partition

⁴ See *f.n.* 3.

⁵ *Transfer of Power*, Vol. VIII, p. 490.

⁶ *ibid.*

⁷ *Transfer of Power*, Vol. VII, p. 583.

of India. However, to overcome the genuine fears of the Muslims, the Congress had put forward a scheme under which the Provinces would have full autonomy subject only to a minimum of Central subjects such as Foreign Affairs, Defence and Communications. Under this scheme the Provinces, if they wished to participate in economic administrative planning, they could cede to the Centre the optional subjects in addition to the compulsory ones. The Cabinet Mission rejected as unworkable the solution provided by the two Lists, one compulsory and the other optional. The Cabinet Mission recommended that the Constitution should take the following form :

"(1) There should be a Union of India, embracing both British India and the States, which should deal with the following subjects: foreign affairs, defence, and communications; and which should have the power necessary to raise the finances required for the above subjects.

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

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

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

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

(6) The constitution of the Union and of the Groups should contain a provision whereby any province could, by a majority vote of its Legislative Assembly, call for a reconsideration of the terms of the constitution after the initial period of 10 yearly intervals thereafter." ⁸

Para 19 (i) of the Statement which provides for Grouping is followed by the following important provisions :

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

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

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

ibid. p. 587.

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

(viii) As soon as the new constitutional arrangements have come into operation, it shall be open to any province to elect to come out of any Group in which it has been placed. Such a decision shall be taken by the new legislature of the province after the first general election under the new constitution." ⁹

Para 24 of the Plan said that the Mission would have preferred the main parties to reach an agreed solution for the transfer of power. However, as they had failed to do so, the Mission had put forward proposals which it considered fair and just to all parties. These proposals might not completely satisfy all parties. But the people of India would recognize that at that supreme moment, Indian statesmanship demanded mutual accommodation. The alternative was the grave danger of violence, chaos and even civil war, the consequence of which no man could foresee.

It will be noticed that, broadly speaking, Azad's scheme had been accepted by the Cabinet Mission. For, like Azad, the Mission rejected Pakistan as being against the interests of the Muslims; like him they proposed a solution which would give the Muslims the benefits of Pakistan whilst avoiding its defects and drawbacks : There was to be a minimal federation of three subjects ; there was to be complete provincial autonomy with residuary powers vested in the Provinces ; and power was given to the Provinces to secede after a period of time, if they thought fit. No doubt Azad's solution of two Lists, one compulsory and the other optional, was rejected as unworkable; and there was no reference to parity between Hindus and Muslims. But in the place of Azad's suggestion, the Cabinet Mission Plan grouped Provinces under three Sections. Section A consisted of the Provinces of Madras, Bombay, United Provinces, Bihar, Central Provinces and Orissa in which Hindus had an over-whelming majority. Section B consisted of the Provinces of Punjab, North-West Frontier Province and Sind in which Muslims had a majority of about 62:38. Section C consisted of the Provinces of Bengal and Assam, in which Muslims had a majority of about 52 to 48. The power of the Sections to form their Constitution by a majority (as was the intention of the Mission) came near to securing parity between Hindus and Muslims in their respective Sections. Azad was right in saying that "the

⁹ *ibid.* pp. 589-590.

Cabinet Mission thought that this arrangement would give complete assurance to the Muslim minority and satisfy (remove ?) all legitimate fears of the League".¹⁰ Not surprisingly, Azad wrote,

"Since the Cabinet Mission Plan was in spirit the same as mine, and the only addition was the institution of the three Sections, I felt that we should accept the proposal."¹¹

However, as we have seen, Azad ceased to have an effective voice in shaping Congress policy. His frank letter to Gandhi of 2 August 1945, and his evidence before the Cabinet Mission ran directly counter to the policy of Gandhi, Nehru and Patel. How little Azad counted in shaping Congress policy *even before he ceased to be the Congress President*, is demonstrated by the interview which Azad and Nehru had with the Mission and the Viceroy. At that interview Nehru said:

"The Congress were going to work for a strong Centre and to break the Group system and they would succeed. They did not think that Mr. Jinnah had any real place in the country. The Muslim League and the Congress each represented entirely different outlooks on the work of the Constitution-making Body and they were bound to have strong differences in the Interim Government."¹² (italics supplied)

In other words, in the presence of Azad, who was still the President of the Congress, Nehru destroyed the whole scheme for which Azad had secured the Working Committee's approval (p. 41 *ante*). Azad looked upon the Plan as in spirit the same as his; and the three Sections as further designed to allay Muslim fears. He was for accepting the Plan — *which certainly did not provide for a strong Centre*, but for a "minimal federation".

Reverting to the Plan, a few observations fall to be made. First, the Plan altered the nature of India's fight for freedom. Till then the problem of India's freedom was an Indo-British problem; it now became a Hindu-Muslim problem. Secondly, although the Plan used the language of "recommendation" it was designed as an integral whole because it contained features in favour of each of the two main communities. Finally, the Plan preserved the unity of India.

It is clear that the Plan could have worked successfully only if the Congress showed goodwill towards Jinnah and the Muslim League. The Plan upheld the Congress demand for a united India. Equally, the "acute and genuine" fears of the

¹⁰ Azad, *India Wins Freedom*, p. 149.

¹¹ *ibid.*

¹² *Transfer of Power*, Vol. VII, p. 855.

Muslim community, which lay behind the demand for Pakistan, were recognized, and met by giving the Muslims *effective* safe-guards under a Constitution to be framed for a united India. Once the League accepted the unity of India, it had nothing more to give to the Congress. Only the Congress, representing the majority community could show goodwill by working the Plan in the spirit in which it was intended to be worked, namely, for the Congress to share power with the Muslim League. However, the Congress showed no goodwill towards the League and the Plan failed.

Causes for the failure of Cabinet Mission's Plan

Many factors contributed to this failure, including the personalities of Gandhi, Nehru, Patel, Jinnah, Pethick-Lawrence and Cripps. First and foremost, although Gandhi repeatedly proclaimed his faith in Hindu-Muslim unity, he made no practical attempts to bring it about. He left the solution to divine illumination which was denied to him. It will have struck the reader that the problem of Hindu-Muslim unity was not a theological problem to be solved by divine illumination, but a political problem, and it called for a political solution. Gandhi made no attempt to find such a solution.

Secondly, while Gandhi was denied light by God, he rejected the light offered to him by Azad, (a staunch Congressman, a close friend of Gandhi and Nehru and the most distinguished nationalist Muslim) and by other nationalist Muslims. As we have seen, the political solution offered by Azad and supported by other nationalist Muslims, was rejected. This is not surprising, because a little before the 1945-46 elections, nationalist Muslims had ceased to count. They had served their turn, and the Congress felt that nationalist Muslims could be safely put aside except for paying occasional tributes to their nationalist outlook.

Although Gandhi realised, and rightly admitted, that after the 1945 elections the Muslim League had the sole right to represent the overwhelming majority of Muslims, he told Wavell and the Cabinet Mission on 6 May 1946 :

"We (the Mission) must either adopt entirely the Congress point of view if we think it just, or Jinnah's point of view if we thought it juster, but there was no half-way house." Wavell added, "G(andhi) seems quite unmoved at the

prospect of civil war. I think he has adopted Patel's thesis that if we are firm, the Muslims will not fight." ¹³

Even after the Muslim League had adopted direct action in July 1946, and even after the Calcutta killings in August 1946, Gandhi took the same stand, based on the specious argument that : "When two parties cannot agree, and both are sincere in their respective conditions, it is clear that one of them must be wrong. Both cannot be right. The world must be arbiter in that case. It dare not withhold judgment".¹⁴ The argument was specious, because we all know that frequently parties sincerely holding opposite views may be partly right and partly wrong. Political wisdom or statesmanship consists in trying to bring opposed parties together in so far as each of them is right. In his letter to Gandhi dated 2 August 1945 Azad tried to do just that. The Congress stood for the unity of India, the League for its partition. Azad's solution resolved the two conflicting views by saying that Pakistan was against the interest of the Muslims and India must remain united. However, Nehru's stand that there was neither a communal nor a Hindu-Muslim problem was wrong, for it failed to recognize that behind the demand for Pakistan lay the genuine fears of the Muslim community about its future in a united India. Consequently, a Constitution for a united India must be so framed that the Muslims secured all that Pakistan would give them without the drawbacks and hardships of partition. And Azad gave an outline of such a Constitution.

Again, Gandhi fastened on the *letter* of the Plan, forgetting its *spirit* and purpose. He argued that as the Plan only made "*recommendations*" it was not an Award binding on the parties. Further, since the Cabinet Mission had failed to bring about an agreement between the parties, the Plan was not binding as an agreement. Consequently, either party was free to add, alter, amend or reject any of the provisions of the Plan as it thought fit !! The published documents show that Gandhi seems to have been influenced, consciously or unconsciously, by the fact that the Hindus constituted a very large majority of the population of India, and that with the force of numbers behind the Congress, and the weapon of direct action ready to hand, the Congress could secure independence for a united India whether the Muslim League agreed or did not agree. In an

¹³ Penderel Moon, *Viceroy's Journal*, p. 260.

¹⁴ *Transfer of Power*, Vol. VIII, p. 629.

interview with a foreign press correspondent Gandhi said :

"India is on the march to independence; it is coming whether there is agreement between the Muslim League and the Congress or not. None can stop it. It is her destiny. She has bled enough for it." ¹⁵

To the correspondent's question whether it would not be better to make a little sacrifice to secure agreement, Gandhi replied: "You cannot sacrifice a principle to gain a doubtful advantage." ¹⁶ In the same interview he had said that one of the two contending parties *must* be wrong.

Nehru reached the same position by different paths. First, he had contempt for Jinnah, which was reciprocated, and the Muslim League, and he seems to have been confirmed in his contempt by his resounding victory over all other parties in the 1937 elections. The "arrogant" tone of his letter to Jinnah, and the implied challenge to Jinnah to establish the *inherent strength* of the Muslim League, were, as we have seen, unwise and disastrous in their consequences (p. 22 *ante*). However, the defeat of the Muslim League in the 1937 elections might be urged in extenuation of Nehru's unwise words. But Nehru persisted in his attitude even in 1945. In an interview with Wavell on 3 November 1945 Nehru said that:

"The Congress could make no terms whatever with the Muslim League under its present leadership and policy, that it was a reactionary body with entirely unacceptable ideas with which there could be no settlement." ¹⁷

And he still persisted in this attitude even after the results of the elections to the Central Legislature, announced in December 1945, showed that the Muslim League had secured 30 out of 30 seats reserved for Muslims and had polled 86.6% of the total votes cast in Muslim constituencies.¹⁸ These results, as also the results of the elections to the Provincial Legislatures, "proved that the Muslim League dominated the Muslims as completely as the Congress dominated the Hindus." (p. 39 *ante*.) However, even after the elections to the Central Legislature were over, Nehru believed that he would be able to win over the Muslim voters by a direct appeal to the Muslim masses. In the course of a letter dated 27 January 1946 to

¹⁵ *Transfer of Power*, Vol. VIII, p. 628. (Reported in *The Harijan* of 29 September 1946).

¹⁶ *ibid.* p. 628.

¹⁷ *Moon, op. cit.* p. 180.

¹⁸ *Menon, op. cit.* p. 228.

Cripps, Nehru wrote:

"During the past five years the League has had a clear field in India. The Congress was almost continually under ban and in prison. We have thus had no approach to the Muslim masses. . . . During the last three months we have again started approaching the Muslim masses and the results have been remarkably encouraging. Probably they will not affect the elections much as we have not had enough time. But they are laying the foundations of solid work among Muslim masses which will make a difference before long."¹⁹

In the same letter Nehru said that the Muslims were incapable of launching direct action or creating any real trouble. No doubt this was a grievous misreading of the situation, but one can say that Nehru expressed this view because till then the Muslim League had neither launched, nor threatened to launch, direct action.

The large number of official documents leave no doubt that the Congress was not interested in working the Plan in the spirit in which it was intended to be worked. The Congress opposition to parity and the Congress demand for a Dominion Cabinet, if granted, would have enabled the Congress to get hold of real power over the Government of India as well as over Provincial Governments, leaving the Congress to settle the Hindu-Muslim problem on its own terms. In this attitude Congress leaders were encouraged by the manner in which Cripps and Pethick-Lawrence had maintained almost daily contacts with Gandhi, Nehru and Patel, both directly and through various emissaries. These contacts with one party were not likely to inspire confidence in Jinnah and the Muslim League about their being treated fairly by the Cabinet Mission. In the course of an interview with Wavell on 13 May 1946, Jinnah had said "that 'the whole guts' of the problem lay in the grouping of the Muslim Provinces. If this was once agreed, we might be able to get on".²⁰ The published documents leave no doubt that the Plan was designed to give to the Congress its cherished goal of a *united* India and to give to the Muslim League the grouping of Muslim Provinces in Sections B and C which it wanted. Further, on 16 May 1946, Pethick-Lawrence and Cripps gave assurances to the representatives of the Muslim League set out at p. 60 *ante*. These assurances were crucial in inducing the Muslim League to accept the Cabinet Mission Plan. However, on 24 June 1946, explanations were given to Gandhi about the grouping provisions which were

¹⁹ *Transfer of Power*, Vol. VI, p. 853.

²⁰ *Transfer of Power*, Vol. VII, p. 540.

contrary to the assurances given to the representatives of the Muslim League; and when Wavell wanted to make it clear to Gandhi that the grouping provisions were an essential part of the Plan, Pethick-Lawrence asked him not to press the point. Pethick-Lawrence justified this by saying "If we had pressed the matter (relating to grouping) it might have kept the Congress from agreeing to the long term plan and he could not feel that that would have been a better outcome".²¹

The unwillingness of Pethick-Lawrence and Cripps, reflected the views of H.M.G. not to alienate the Congress. However, a Plan which was to be accepted by the Congress and the Muslim League had to be fair to both the parties. The "elucidations" of the Plan had to be genuine and not a mere pretence. To give one set of assurances to the Muslim League on the grouping provisions to secure its acceptance of the Plan (p. 60 *ante.*) and to give a different set of assurances to the Congress on grouping to secure its acceptance of the Plan can only be described as dishonest, and Wavell rightly so described it. This unwillingness to state firmly to both the parties what the Plan meant, ultimately contributed to its failure. Wavell repeatedly pressed H.M.G. to make a categorical statement on the grouping provisions, but his advice went unheeded. Like Mr. Micawber, H.M.G. hoped "for something to turn up", which would absolve them from giving effect to the intention of the Delegation in framing the grouping provisions, and from honouring the assurances given to the Muslim League. When what "turned up" was the Muslim League's withdrawal of its acceptance of the Plan, followed by direct action, bloodshed, an increasing threat of civil war, and an impasse in the Interim Government, H.M.G. felt compelled to act. The London Conference in December 1946 failed to produce any agreement between the Congress and the League on the working of the Plan. Thereupon, H.M.G. came down from the fence, and the statement issued on 6 December 1946 categorically asserted that the Mission's interpretation of the grouping provision was the correct one; that it was an essential part of the Plan, and must be accepted by all parties in the Constituent Assembly.²² This topic is discussed more fully at p. 87 *post.*

But the truth spoken after months of delay failed to repair

²¹ *ibid.* p. 1042.

²² *Transfer of Power*, Vol. IX, pp. 295-296.

the damage which had been done by the false assurances given to the Congress. As Vallabhbhai Patel told the Acting Viceroy, Sir John Colville,

"(It was a matter of) regret that H.M.G. did not state their position earlier, if present statement really represented their intentions; Congress is now put in a very difficult position *vis-a-vis* Assam and the Sikhs." ²³

The Resolution passed by the All-India Congress Committee on 6 January 1947 purported to accept the British Government's interpretation of "grouping" but added a rider which nullified that acceptance:

"It must be clearly understood however that this must not involve any compulsion of a province and that the rights of the Sikhs must not be jeopardised. In the event of any attempt at such compulsion, the province or part of a province has a right to take such action as may be deemed necessary in order to give effect to the wishes of the people concerned." ²⁴

Jinnah treated this resolution as a repudiation of the Plan and found it unnecessary to revoke the resolution of 29 July 1946, whereby the League had withdrawn its acceptance of the Plan. If the Congress resolution struck a grievous blow at the Plan, Gandhi's advice to Bardoloi, Premier of Assam, to reject H.M.G.'s interpretation struck the Plan dead.²⁵

Congress could have shed few tears over the burial of the Plan, for the working of the Constituent Assembly *under the Plan held few attractions for the Congress*. No doubt in the elections to the Constituent Assembly, Congress won all the general seats except nine; and the Muslim League won 73 seats, that is, all the seats allotted to Muslims except five.²⁶ This result showed over again that only two political parties mattered at that time: the Congress and the League. The League's boycott of the Constituent Assembly was an almost foregone conclusion, and Muslim members did not attend the sittings of the Constituent Assembly which met on and after 9 December 1946.

Knowing the end, we have run ahead of a number of steps that led to the failure of the Plan, and the partition of India.

²³ *ibid.* p. 316.

²⁴ *ibid.* p. 463.

²⁵ *ibid.* p. 405: "Tell Mr. Bardoloi I do not feel the least uneasiness. My mind is made up. Assam must not lose its soul. It must uphold it against the whole world. Else I will say that Assam has only manikins, and no men. . . . Tell the people that even if Mr. Gandhi tries to dissuade us, we will not listen."

Menon, op. cit. p. 288.

The reader is now in a position to view those steps in their proper setting. On 16 May 1946, representatives of the Muslim League obtained an "elucidation" of the grouping provisions of the Muslim Provinces and the further elucidation that it was the Viceroy who would settle any dispute as to the interpretation of the Plan (p. 60 *ante*). On 17 May 1946 Gandhi's article in the *Harijan* showed that in his view the whole plan could be changed. Correspondence passed between Gandhi and Pethick-Lawrence in respect of Gandhi's letters dated 19 and 20 May and between Azad and Pethick-Lawrence. Reading the correspondence it is difficult to resist the conclusion expressed by Alexander (First Lord) that "in his view Mr. Gandhi clearly did not want a settlement on the basis of the statement".²⁷ In his letter to Gandhi dated 20 May 1946, Pethick-Lawrence stated *inter alia* that "the delegation wish me in particular to make it plain that independence must follow and not precede the coming into operation of the new Constitution".²⁸

In view of Jinnah's statement issued on 22 May 1946, and the Congress Working Committee's resolution passed on 24 May 1946, the Delegation and the Viceroy issued a statement on 25 May dealing with questions raised in Jinnah's statement and the Working Committee's Resolution. Parts of paras 8 and 11 of the Delegation's statement are important and run as follows :

"8. The interpretation put by the Congress resolution on paragraph 15 of the Statement to the effect that the Provinces can in the first instance make the choice whether or not to belong to the section in which they are placed does not accord with the Delegation's intentions. The reasons for the grouping of the Provinces are well known and this is an essential feature of the scheme and can only be modified by agreement between the parties"

* * * * *

"11. As the Congress statement recognizes the present Constitution must continue during the interim period; and the Interim Government cannot be responsible to the Central Legislature"²⁹

It will be seen that paras 8 and 11 dealt with two distinct topics. Para 8 dealt with the working of the Constituent Assembly, and the grouping of Provinces in sections B and C. Para 11 dealt with the status of the Interim Government.

Since the grouping provisions of the Plan never came into effect, and the Plan failed for lack of agreement on grouping, it

²⁷ *Transfer of Power*, Vol. VII, p. 637.

²⁸ *ibid.* p. 642.

²⁹ *ibid.* p. 689.

would be convenient to deal with grouping first. For the successful working of the Plan, it was necessary (i) that the Plan should be accepted by the Congress and the Muslim League ; (ii) that such acceptance must conform to the intentions of the Cabinet Mission in putting forward the Plan especially in respect of an essential feature like "grouping"; (iii) elected members of the Congress and the Muslim League must participate in the Constituent Assembly in order to frame a Constitution for a united India.

Acceptance of the Plan by the Muslim League

The acceptance of the Plan by the Muslim League has a history behind it, which has not been generally noticed. After Jinnah had issued his statement on 22 May setting out his criticisms of the Plan without foreclosing the decision of the Council of the Muslim League, on 24 May, Major Woodrow Wyatt, M.P., private secretary to Cripps during the Cabinet Mission's stay in India, had an interview with Jinnah.³⁰ After hearing Jinnah about the Plan and having sensed Jinnah's mood and manner, Wyatt asked Jinnah whether the League's Working Committee may not "possibly pass a resolution on the following lines" :

"The British had exceeded their brief in pronouncing on the merits of Pakistan. They had no business to turn down what millions of people wanted. Their analysis of Pakistan was outrageous. But the Muslims had never expected anyone to give them Pakistan. They knew that they had to get it by their own strong right arm. The scheme outlined in the Cabinet Mission's Statement was impracticable and could not work. But nevertheless in order to show that they would give it a trial, although they knew that the machinery could not function, they would accept the Statement and would not go out of their way to sabotage the procedure — *but they would accept the Statement as the first step on the road to Pakistan.* (italics supplied)

"At this proposition he was delighted and said, 'That's it, you've got it, and I am completely convinced that is what the Muslim League will do'." ³¹

After Wyatt's interview with Jinnah, the delegation and the Viceroy issued a statement in which, as we have seen, they rejected the Congress interpretation of the grouping provision as not in accordance with the Mission's intention, and affirmed that grouping was an essential part of the Plan. Equally, they

³⁰ *Transfer of Power*, Vol. VII, pp. 684-687.

³¹ *ibid.* pp. 686-87.

rejected the Congress demand variously described as "independence in fact", "provisional national government" and "Dominion Cabinet". On 6 June 1946, as predicted by Wyatt, the Council of the Muslim League passed a resolution accepting the Cabinet Mission Plan, broadly on the lines indicated by Wyatt. After a lengthy preamble, the operative part of the resolution ran as follows :

*"It is for these reasons that the Muslim League is accepting the scheme, and will join the Constitution-making Body, and it will keep in view the opportunity and right to cession of Provinces or groups from the Union, which have been provided in the Mission's Plan by implication. The ultimate attitude of the Muslim League will depend on the final outcome of the labours of the Constitution-making Body and on the final shape of the constitutions which may emerge from the deliberation of that Body jointly and separately in its three sections. The Muslim League also reserves the right to modify and revise the policy and attitude set forth in this resolution at any time during the progress of the deliberations of the Constitution-making Body, or the Constituent Assembly, or thereafter if the course of events so require, bearing in mind the federal principles and ideals herebefore adumbrated, to which the Muslim League is irrevocably committed."*³² (italics supplied)

It is possible to take the view that the reservations in the above acceptance meant literally what they said. However, in the context of Jinnah's willingness to work the Constitution of a united India if grouping provisions were accepted by the Congress, and in view of the fact that the Muslim League could not be expected to give up Pakistan "in sack cloth and ashes", the reservations enabled the Muslim League to come down from its high perch of Pakistan. The sentences which I have italicised in the above resolution indicate that these reservations were meant to impress upon the Congress to let bygones be bygones, and show a genuine willingness to share power with the Muslim community in a united India. That willingness would lead to a harmonious working in the Constituent Assembly, in which the Hindus would have an overwhelming majority in framing a Constitution for the Centre.³³

As will appear hereafter, the Congress "accepted" the Plan

³² *ibid.* p. 838.

³³ As Azad put it, "The Muslim League Council met for three days before it could come to a decision. On the final day, Mr. Jinnah had to admit that there could be no fairer solution of the minority problem than that presented in the Cabinet Mission Plan. In any case he could not get better terms. He told the Council that the scheme presented by the Cabinet Mission was the maximum that he could secure. As such, he advised the Muslim League to accept the scheme and the Council voted unanimously in its favour". *India Wins Freedom*, p. 150.

on 25 June 1946 with reservations about interpreting the grouping provisions contrary to the declared intentions of the Mission. On 10 July 1946 when Nehru took over the Presidency of the Congress from Azad, the speech which Nehru made on the assumption of office and the answers which he gave to questions from the press led Jinnah to call a meeting of the Muslim League Working Committee on 29 July 1946. At that Meeting a resolution was passed withdrawing the League's acceptance of the Plan. That withdrawal was never revoked.

Acceptance of the Plan by the Congress

The Viceroy's Journal as well as documents published in the Transfer of Power refer to various negotiations, letters exchanged, and interviews held which are too long to summarise here. But the following entry from the *Viceroy's Journal* dated 25 June 1946 is important :

"The worst day yet I think. Congress has accepted the statement of May 16 though with reservations on its interpretation. They did not intend to do so, having always said that they would not accept the long term policy unless they accepted the short term one — Interim Government. Now Cripps having assured me categorically that Congress would never accept the statement of May 16 instigated the Congress to do so by pointing out what tactical advantage they will gain as regards the Interim Government.³⁴ So did the Secretary of State. When I tackled him on this, he defended it on the ground that to get the Congress into the Constituent Assembly was such a gain that he considered it justified. It has left me in an impossible position *vis-a-vis* Jinnah."³⁵

After referring to the correspondence which had passed between the Congress, the Viceroy and the Cabinet Mission, as also the discussion which had taken place, the operative part of the Congress Resolution ran as follows :

"In these we have pointed out what in our opinion were the defects in the proposals. We also gave our interpretation of some of the provisions of the statement. While adhering to our views, we accept your proposals and are prepared to work them with a view to achieve our objective. We would add, however, that the successful working of the Constituent Assembly will largely

³⁴ See *Transfer of Power*, Vol. VII, p. 955. Statement by Cabinet Delegation issued on 16.6.1946 : "8. In the event of the two major parties or either of them proving unwilling to join in the setting up of a coalition Government on the above lines, it is the intention of the Viceroy to proceed with the formation of an interim Government which will be as representative as possible of those willing to accept the Statement of 16 May."

³⁵ *Moon, op. cit.* p. 305.

depend on the formation of a satisfactory provisional government." ³⁶

The vexation of the Viceroy was intelligible as will presently appear. Azad had carried on negotiations on behalf of the Congress with Wavell and the Cabinet Mission. Having been the President of the Congress from 1939-46, he took the view that since the Working Committee had approved the Cabinet Mission Plan, its acceptance by the All-India Congress Committee was merely a formality and did not justify his continuing as President to conclude the negotiations about the Mission's Plan. Further, he sensed that there was some difference of opinion in the inner circles of the Congress High Command. He found that Sardar Patel and his friends wished that he (Sardar Patel) should be elected President. So, he decided to step down, and he recommended Jawaharlal Nehru, who had Gandhi's support, for the Presidentship of the Congress. At a Session of the All-India Congress Committee held in Bombay in July, the decision of the Working Committee was ratified by a large majority and Nehru took over the Presidentship of the Congress. But then, wrote Azad,

"There happened one of those unfortunate events which change the course of history. On 10th July, Jawaharlal held a press conference in Bombay. (Answering the press) Jawaharlal stated in reply that Congress would enter the Constituent Assembly 'completely unfettered by agreement and free to meet all situations as they arose'. Press representatives further asked if this meant that the Cabinet Mission Plan would be modified. Jawaharlal replied emphatically that the Congress had agreed only to participate in the Constituent Assembly and regarded itself free to change or modify the Cabinet Mission Plan." ³⁷

The belief that Nehru expressed these views because he was carried away by his feelings is not correct. Nehru's statements at the Press Conference represented a view which he firmly held. He had expressed similar views in his interview with the Mission and the Viceroy on 10 June 1946 set out at p. 64 *ante*.³⁸ The Working Committee of the Congress tried to undo the damage done by Nehru's statement by passing a resolution which reaffirmed the acceptance of the Cabinet Mission Plan by the Congress. But the damage could not be undone. In the words of Azad :

"Mr. Jinnah did not however accept the position and held that

³⁶ *Transfer of Power*, Vol. VII, p. 1036.

³⁷ *Azad, op. cit.* pp. 154-5.

³⁸ *Transfer of Power*, Vol. VII, p. 855.

Jawaharlal's statement represented the real mind of the Congress.³⁹ He argued that if the Congress could change so many times while the British were still in the country and power had not come to its hands, what assurance would the minorities have that once the British left, the Congress would not again change and go back to the position taken up in Jawaharlal's statement?⁴⁰

Muslim League's Reaction to Nehru's Statement

Following on Nehru's statement, Jinnah called a meeting of the Council of the Muslim League. At the meeting of the Council held on 27 July 1946 two Resolutions were passed. The first resolution was to the effect that in the events that had happened, "the Muslim League Council had felt that their interests would not be safe in the Constituent Assembly and had decided that the acceptance of the scheme contained in the Cabinet Mission's statement of 16 May should be revoked."⁴¹ The second resolution called upon the working committee to draw up a Plan for direct action and called upon all members of the League to renounce titles conferred by Government. After the resolutions had been passed, Jinnah said:

"What we have done today is the most historic act in our history. Never have we in the whole history of the League done anything except by constitutional methods and by constitutionalism. But now we are obliged and forced into this position. This day we bid goodbye to constitutional methods'. He recalled that throughout the fateful negotiations with the Cabinet Mission the other two parties, the British and the Congress, each held a pistol in their hand, the one of authority and arms and the other of mass struggle and non-cooperation. 'Today' he said, 'we have also forged a pistol and are in a position to use it'."⁴²

The Working Committee of the League followed up the Council's resolution by calling upon the Muslims throughout India to observe 16 August as "Direct Action Day". The effect of Nehru's answers at his press conference and their grave aftermath in the resolutions of the Muslim League for direct

³⁹ The "real mind of the Congress" as expressed by Munshi, supports Jinnah's view. Munshi wrote: "Jawaharlal Nehru as President of the Congress on 10 July declared that the Congress would enter the Constituent Assembly, 'completely unfettered by agreements and free to meet all situations as they arose'. He spoke what was in our hearts but gave a handle to Jinnah": Munshi, *op. cit.* p. 104. (italics supplied)

⁴⁰ Azad, *op. cit.* pp. 157-58.

⁴¹ Menon, *op. cit.* pp. 286-87.

⁴² *ibid.* p. 287.

action is best summed up in the words of Azad :

"Jawaharlal's mistake in 1937⁴³ had been bad enough. His mistake of 1946 proved even more costly. One may perhaps say in Jawaharlal's defence, that he never expected the Muslim League to resort to direct action. Mr. Jinnah had never been a believer in mass movement."⁴⁴

Unknown to Azad, his defence of Nehru is borne out by the letter which Nehru wrote to Sir Stafford Cripps as late as 27 January 1946. Nehru wrote :

"The Muslim League leadership is far too reactionary (they are mostly landlords) and opposed to social change *to dare to indulge in any form of direct action. They are incapable of it, having spent their lives in soft jobs.* If it is once made clear that violence on their part will not help them at all, they will subside."⁴⁵ (italics supplied)

Two days after the Muslim League had passed a resolution withdrawing its acceptance of the Plan, Wavell pressed Nehru to give an assurance to the Muslim League about grouping as intended by the Plan :

"I referred specially to the Congress reservations in their acceptance of the statement of May 16th. Nehru said that the Muslim League had also made reservations. *I pointed out that they were long term reservations on a possible Pakistan a number of years ahead; whereas the Congress reservations were short term ones affecting the immediate issue.*"⁴⁶ (italics supplied)

However, the Muslim League's resolutions and the killings and disorders in Calcutta on 16 August created a situation of the utmost gravity. Soon after the announcement of the interim government on 24 August followed by his broadcast, Wavell went to Calcutta to obtain first hand knowledge of the terrible happenings which left about 5,000 people dead, about 15,000 injured and about 1,00,000 homeless. According to Menon "what (Wavell) saw and learnt convinced him that if some sort of agreement was not brought about soon, the Calcutta happenings would be repeated with varying degrees of recklessness all over India."⁴⁷ He was impressed by a statement made to him by a prominent member of the Muslim League that if the Congress made an unequivocal statement that Provinces could not opt out of Groups except as laid down in the

⁴³ In not forming a coalition Ministry in the United Provinces. *Azad, op. cit.* p. 162.

⁴⁴ *Azad, op. cit.* p. 162.

⁴⁵ *Transfer of Power, Vol. VI, p. 851, 854.*

⁴⁶ *Moon, Viceroy's Journal, pp. 325-326.*

⁴⁷ *Menon, op. cit.* p. 305.

Statement of May 16, or the Viceroy or H.M.G. would state plainly that they would not permit any other interpretation on grouping, the League would reconsider entering the Constituent Assembly. And if the League's quota of five members was allowed to be filled, Jinnah might come in without making difficulties about a 'Nationalist Muslim'.⁴⁸ Wavell invited Gandhi and Nehru to meet him on 27 August and at the interview after describing the happenings in Calcutta he asked whether Congress would make a declaration which he believed would satisfy the Muslim League. The declaration ran :

"The Congress are prepared in the interests of communal harmony to accept the intention of the Statement of May 16th that provinces cannot exercise any option affecting their membership of the sections or of the groups if formed, until the decision contemplated in paragraph 19 (viii) of the Statement of 16th May is taken by the new Legislature after the new constitutional arrangements have come into operation and the first general elections have been held."⁴⁹

And he intimated that he would not undertake the responsibility of summoning the Constituent Assembly till the point was settled. As Wavell recorded in a Note,

"... The argument went on for sometime, and we did not make much progress. Nehru at one time got very heated and said that this was simply 'bullying' by the Muslim League. *Gandhi said that if a blood-bath was necessary, it would come about in spite of non-violence.* I said that I was very shocked to hear such words from him...."⁵⁰ (italics supplied)

Gandhi wrote to Wavell that in their discussion he had been minatory in threatening not to summon the Constituent Assembly. And Nehru by his letter rejected the formula in the statement suggested by the Viceroy. Wavell thereupon requested Nehru to put his formula before the Congress Working Committee. This was done, and Nehru wrote back to say that the Working Committee was unable to accept the Viceroy's formula. The reply further said that the Constituent Assembly must proceed, even if some people refused to come in.

⁴⁸ *ibid.*

⁴⁹ *Transfer of Power*, Vol. VIII, p. 312.

⁵⁰ *ibid.* pp. 312-13 at p. 313. According to *Penderel Moon, op. cit.* p. 341, "Lord Wavell always used to say that on this occasion Gandhi thumped the table and said 'If India wants a blood-bath, she shall have it.'" For a dramatic account of the interview, see Mosley, *The Last Days of the British Raj*, (Indian edn.) pp. 37-42.

The Interim Government

Wavell was most anxious that an Interim Government should be formed as soon as possible after the Plan was announced. He rightly believed that if the Congress and the League joined the Interim Government, the need for them to work together harmoniously for solving pressing post-war problems would produce a friendly atmosphere which would make the working of the Constituent Assembly smoother and easier. No doubt this required goodwill on the part of the Congress; but Wavell believed, mistakenly as it turned out, that the goodwill would be forthcoming since the Plan offered the last chance for securing a peaceful and orderly transfer of power to a *united* India. It will be recalled that the first Simla Conference failed because of Jinnah's objection to the appointment of a nationalist Muslim as a member of the Interim Government. Learning by experience an attempt was made to side-step this issue. The Mission issued a Statement on 16 June that it was proposed to set up an Executive Council of 14 members (whose names were mentioned), six belonging to the Congress, but not including a nationalist Muslim, but including a representative of the Scheduled Caste, five belonging to the League, one Sikh, one Indian Christian and one Parsi. It was made clear that the proposed distribution was not to be treated as a precedent for the solution of any other constitutional question. The published documents show that this attempt to side-step the issue of the "nationalist Muslim" would have been accepted by the Congress *sub silentio*, but the attempt failed because Gandhi made a distinction between "right" and "duty". If it was the "right" of the Congress to nominate a nationalist Muslim it could be waived; but if it was a "duty" owed to the nationalist Muslim the matter was different. He made this distinction expressly in his interview with Wavell on 26 September 1946.⁵¹ This was most unfortunate, for the bitter disputes which arose about the composition of the Interim Government embittered the Muslim League and destroyed any chance of the harmonious working of the Interim Government, and even more, of the Constituent Assembly.

The question of composition of the Interim Government

⁵¹ *Transfer of Power*, Vol. VIII, p. 595.

was mixed up with the question of its *status*. The considerable correspondence which passed between Congress leaders and Wavell shows that the Congress at first claimed that the Interim Government should be treated as a Dominion Cabinet. But this claim was decisively rejected by Wavell and by H.M.G. The published documents disclose many discussions as to the status of the Interim Government. The position was made clear in paras 3 and 4 of Wavell's letter to Azad of 30 May 1946⁵²:

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

4. His Majesty's Government had already said that they will give to the Indian Government the greatest possible freedom in the exercise of the day to day administration of the country and I need hardly assure you that it is my intention faithfully to carry out this undertaking."⁵³

The Congress's claim that the Interim Government should function as a Cabinet, with Nehru as the *de facto* Prime Minister, raised questions not only of the constitutional position of the Executive Council under the G.I. Act, 35, but also of the Muslim League's attitude to such a claim. The Muslim League saw in that claim an attempt by the Congress to seize absolute executive power by eliminating the Viceroy's veto, and then dealing with the Muslims as an all powerful Cabinet. The Muslims, therefore, opposed the claim; and the British Government also rejected that claim by declining to go beyond the assurances given to Azad. The British Government repeated this view in the directive issued to Mountbatten which said, among other things,

"In your relations with the Interim Government you will be guided by the general terms of the Viceroy's letter of May 30, 1946 to the President of the Congress Party (Azad) and of the statement made by the Secretary of State for India in the House of Lords on March 13, 1947. These statements made it clear that, while the Interim Government would not have the same powers as a Dominion Government, His Majesty's Government would treat the Interim Government with the same consultation and consideration as a Dominion Government, and give it the greatest possible freedom in the day to day exercise of the administration of the country."⁵⁴

As usual, Wavell stated the correct position in direct and

⁵² *Transfer of Power*, Vol. VII. p. 738.

⁵³ *ibid.*

⁵⁴ Letter dt. 18.3.1947. See *Transfer of Power*, Vol. IX, pp. 972-74 at p. 973.

straightforward language. He proposed to tell Nehru:

"3. If however it was clear that the Congress will not participate in the Interim Government except on the condition that absolute power is handed over to them and the Governor-General's special powers abrogated I propose to speak in perfectly clear terms. I would say that H.M.G. have the fullest intention of handing over power to the Indians. They wish a *united* India. But they do not recognize Congress as representing all India and have no intention of handing over power to Congress alone. While they are prepared to consider any modifications in the working of the Interim Government *which are desired by both main parties* H.M.G. will not accept unilateral demands by Congress." ⁵⁵ (*italics supplied*)

The British Government agreed with Wavell that they could not go beyond the position taken in his letter to Azad dated 30 May 1946. They approved Wavell's approach, but, predictably, they wished to omit the last sentence of para 3 "because though this must be substantially our position, the enunciation of it as a principle might result in giving Jinnah an absolute veto." ⁵⁶ Although H.M.G. declined to state its position in the clear and direct language which Wavell wanted to use, H.M.G.'s position remained the same as his till the end. As will appear hereafter, Mountbatten's attempt to make H.M.G. concede the Congress demand for a Dominion Cabinet before partition failed.

There is evidence that Vallabhbhai Patel was anxious for the Congress to form an Interim Government on the basis of the Viceroy's letter of 30 May 1946 without raising any further question about the status of the Interim Government.⁵⁷ On 6 August 1946 Wavell invited Nehru to form an Interim Government "on the basis of the assurances given in my letter of the 30th of May to Maulana Azad," ⁵⁸ Wavell did so because Congress had "accepted" the plan, although with reservations, and it became entitled to form an Interim Government under para 8 of the Delegation's Statement of 16 June. The Muslim League had withdrawn its acceptance of the Plan, and was not

⁵⁵ *Transfer of Power*, Vol. VIII, pp. 114-115.

⁵⁶ *ibid.* pp. 124-25.

⁵⁷ *Transfer of Power*, Vol. VIII, pp. 190-191. Telegram dt. 5.8.1946 from Wavell to Pethick-Lawrence, in which Wavell reported information received from an "unimpeachable source", *inter alia*, that Patel "would be prepared to resign from the Working Committee if his view was not accepted. He would also insist on the Congress not, repeat not, breaking on the issue of the status of the Interim Government. He thought that they should accept the basis of the letter of 30th May to Azad."

⁵⁸ *ibid.* p. 188.

qualified under para 8. By his letter dated 10 August 1946 Nehru accepted Wavell's invitation for the formation of a "Provisional National Government".⁵⁹ After some correspondence had passed between Wavell and Nehru, on 24 August 1946, Wavell in his broadcast announced the formation of an Interim Government. He said that the offer of five seats in the Interim Government made to the Muslim League and rejected by the League was still open.⁶⁰ An Interim Government led by Nehru was sworn in on 2 September 1946.

Nehru publicly expressed his desire for co-operation by the League in the Interim Government. However, there is considerable evidence to show that Congress desired to exclude the League from the Interim Government, if that was possible, though Congress was not prepared to say so publicly. In fact, Nehru was averse to Wavell seeing Jinnah with a view to bringing the League into the Interim Government. Writing to Attlee on 10 September 1946, Pethick-Lawrence said, *inter alia*,

"It may be that the Congress will dislike Jinnah being seen by the Viceroy, but in any case we must resist any attempt to restrict the Viceroy's discretion to see leading politicians of any party."⁶¹

Again, in a telegram dated 12 September to Pethick-Lawrence, after thanking Pethick-Lawrence for agreeing to his (Wavell's) seeing Jinnah, Wavell wrote :

"Nehru gave the impression however that the Congress would much prefer to carry on by themselves at present and consolidate their position in the Government and the Constituent Assembly before dealing with the League. I told him that this was no good and we must make another determined effort to get the League in. He said he could not object to my seeing Jinnah which I have done."⁶²

However, there is one letter which shows decisively that Nehru did not desire that the Viceroy should see Jinnah for bringing the Muslim League into the Interim Government. Nehru appears to have written to Cripps on this topic, and Cripps forwarded Nehru's letter to Pethick-Lawrence. This is clear from the letter of 30 September 1946 addressed by Pethick-Lawrence to Cripps.⁶³

⁵⁹ *ibid.* p. 218.

⁶⁰ *ibid.* p. 306.

⁶¹ *ibid.* p. 477.

⁶² *ibid.* pp. 491-492.

⁶³ *Transfer of Power*, Vol. VIII, pp. 629-630.

"Yours of to-day.⁶⁴ Nehru evidently objects to V(iceroy) having talks with Jinnah re entering the Interim Government. *I don't see how you can possibly give him any assurance on this point.* I don't feel disposed to stop V doing it and if I did, I think V would resign.

"It is essential we should stand behind the V in pressing Congress for accommodation and *I am glad you wrote the letter*"⁶⁵ *you told me you had sent Nehru which will have crossed his to you.*"⁶⁶ (italics supplied)

As Wavell went ahead with his efforts to see Jinnah and bring the League into the Interim Government, and since neither Pethick-Lawrence nor Cripps would stop Wavell from making those efforts, Gandhi made a fresh attempt to side-step Wavell. Since Jinnah objected to a nationalist Muslim being nominated by the Congress for inclusion in the Interim Government, Gandhi tried to remove that objection by the formula which he and Jinnah signed on 4 October 1946. The formula removed Jinnah's objection because it recognized the sole right of the Muslim League to represent an overwhelming number of Muslims, and in return the League accepted the right of the Congress to nominate any of its members for inclusion in the Interim Government (p. 57 *ante*). If the formula had been adhered to and acted upon, it could have led to the formation of a Congress-League Interim Government without the intervention of Wavell. However, when discussions between Gandhi, Jinnah and Nehru on the formula broke down, by his letter to Wavell dated 13 October 1946, Jinnah wrote that the Working Committee of the League did not approve of the basis and the scheme of setting up the Interim Government. However, since according to Wavell's decision, the Muslim League had a right to nominate five members of the Executive Council on behalf of the League,

"... my Committee have, for various reasons, come to the conclusion that in the interest of the Mussalmans and other communities it will be fatal to leave the entire field of administration of the Central Government in the hands of the Congress ... (Further), for other very weighty grounds and reasons which are obvious and need not be mentioned, we have decided to nominate five on

⁶⁴ *ibid.* p. 629. The Editorial Note No. 1 runs : " 'not traced'. Sir S. Cripps had evidently sent No. 340 (Nehru's letter to Cripps) to Lord Pethick-Lawrence". From its contents, Letter No. 340 does not appear to be the letter which Cripps "evidently" forwarded to Pethick-Lawrence, unless letter No. 340 was amplified orally by any emissary of the Congress.

⁶⁵ *ibid.* The Editorial *f.n.* runs : " Sir S. Cripps' letter to Pandit Nehru had not been traced."

⁶⁶ *ibid.*

behalf of the Muslim League in terms of your broadcast dated 24 August 1946 and your two letters to me dated 4 October 1946 and 12 October 1946 respectively, embodying clarifications and assurances." ⁶⁷

Accordingly, the Muslim League submitted five names, which included, among others, Mr. Jogendra Nath Mandal, a member of the Scheduled Caste. Jinnah's name was not in the List. He had appointed Liaquat Ali Khan, his second in command, to be the leader of the members nominated by Muslim League. The inclusion of Mr. Mandal appears to be an assertion by the League of the right to appoint a non-Muslim belonging to the third largest minority in India, and, secondly, to make good the reference in the League's resolution of the Working Committee of the need to protect not only the interests of Mussalmans but also of other communities. There was some dispute about which important portfolio should be given to a nominee of the Muslim League. The Viceroy suggested the Home portfolio, but Vallabhbhai Patel, who was the Home Member refused to give up his portfolio. Thereupon the Congress offered the Finance portfolio to the Muslim League, and it was accepted. Liaquat Ali Khan became the Finance Member in the Executive Council.

The Beginning of the End of the Plan

An Interim Coalition Government born of resentment, bitterness and a sense of humiliation felt by the Muslim League did not augur well for harmonious working either of the Interim Government or of the Constituent Assembly. Nehru wanted to be treated as a *de facto* Prime Minister — a claim resisted by Liaquat Ali Khan and the nominees of the League. The matter was further aggravated by the fact that the League came into the Interim Government on the understanding that the League would revoke its Resolution of 29 July 1946 withdrawing its acceptance of the Plan,⁶⁸ and it had not done so. The violence in Bengal (where there was a League Ministry) led both Nehru and Patel to suggest that the Centre should take over the affected areas, and matters were not improved by the League's complaints about outbreaks of violence in U.P., where

⁶⁷ *ibid.* pp. 709-710.

⁶⁸ Penderel Moon, *Viceroy's Journal*, pp. 366-67 entry under 30 Oct. 1946.

there was a Congress Ministry.

A further complication arose about convening the Constituent Assembly. Wavell was of the view that till the Congress had categorically accepted the Mission's interpretation of the grouping provisions of the Plan, the Constituent Assembly should not be called.⁶⁹ But he was overruled by H.M.G.,⁷⁰ and he issued invitations on 20 November for the convening of the Constituent Assembly on 9 December 1946.⁷¹ This provoked a sharp reaction from Jinnah, who issued a statement characterising the Viceroy's decision as "one more blunder of very grave and serious character" and announcing that no representative of the Muslim League would participate in the Constituent Assembly, and the League's Resolution of 29 July still stood.⁷² Since a meeting of the Muslim League to reconsider this resolution was not called, and yet the nominees of the Muslim League continued to be members of the Interim Government, a question arose whether they should not resign. Attempts to induce the Muslim League to accept the Mission Plan and to attend the Session of the Constituent Assembly having failed, on 23 November 1946 Wavell told Liaquat Ali Khan that he would not agree to the League remaining in the coalition without accepting the long term Plan. Liaquat Ali replied that the League members were prepared to resign whenever the Viceroy required them to do so, but they would not accept the long term Plan unless H.M.G. declared that the Provinces must meet in sections, that the representatives in the sections would decide, by a majority if necessary, whether there would be groups, and that the sections again, by a majority if necessary, would frame the Provincial constitution and the Group constitutions. Also, H.M.G. must undertake not to implement the results unless this procedure was observed. If such an undertaking were given, the League would accept the long term Plan. Wavell's arguments failed to convince Liaquat Ali Khan to accept the Plan. Liaquat's position was that "If H.M.G. was afraid of the Congress and had not the courage or honesty to maintain their own Mission's Plan, then the Muslims had been

⁶⁹ *Transfer of Power*, Vol. VIII, pp. 312, 337, 340, 368, 398, 471, 495.
Transfer of Power, Vol. IX, pp. 91-92.

⁷⁰ *Transfer of Power*, Vol. IX, p. 103.

⁷¹ *Menon*, *op. cit.* p. 328.

⁷² *Transfer of Power*, Vol. IX, p. 135.

thrown to the wolves and must accept the position and do the best they could by themselves, for it was useless to expect any mercy from the Congress."⁷³ Faced with this intractable problem and the growing disturbances in various parts of British India, Attlee invited two representatives of the Congress, two of the Muslim League and a representative of the Sikhs for discussions in England. At first Nehru refused the invitation, but on a personal appeal from Attlee he accepted it; and much the same thing happened with Jinnah. In the end, Nehru representing the Congress, Jinnah and Liaquat Ali Khan representing the League, and Baldev Singh representing the Sikhs, left for England along with Wavell.

Discussions were held in London between 3 December to 6 December. Various suggestions were made for bridging the gap between the Congress and the League as to the interpretation of the grouping provisions in the Statement of 16 May. It may be added that the Lord Chancellor's (Viscount Jowitt's) opinion on the correct interpretation had been sought by Pethick-Lawrence on 29 November 1946.⁷⁴ The Lord Chancellor concluded his opinion thus :

"That the recommendation involves that it is for the majority of the representatives in each section taken as a whole to decide how Provincial constitutions shall be framed and to what extent, if any, they shall be grouped. I should add that I come to the above conclusion solely on the terms of the Statement (Cmd. 6821) itself. If it were legitimate to pray in aid the doctrine of 'contemporanea expositio' it is obvious that my conclusion is reinforced."⁷⁵

This opinion supported the Muslim League's view of the grouping provisions, a view which the Mission had throughout maintained as representing its intention.

After the attempts to bring the Congress and the League together failed, Attlee, on 6 December 1946, read out to the parties a Statement on behalf of H.M.G. As this Statement was the last effective attempt to bring the Congress and the League together in framing a Constitution *for a united India*, it is set out below:

"The Cabinet Mission have throughout maintained the view that the decisions of the sections should, in the absence of agreement to the contrary, be taken by a simple majority vote of the representatives in the sections. This view has been accepted by the Muslim League, but the Congress have put

73 *ibid.* p. 153.

74 *ibid.* pp. 220-24.

75 *ibid.* pp. 238-40 at p. 240.

forward a different view. They have asserted that the true meaning of the Statement read as a whole is that the provinces have a right to decide both as to grouping and as to their own constitutions.

"His Majesty's Government have had legal advice,⁷⁶ which confirms that the Statement of 16 May means what the Cabinet Mission have always stated was their intention. This part of the Statement as so interpreted must therefore be considered as an essential part of the scheme of 16 May for enabling the Indian people to formulate a constitution which his Majesty's Government would be prepared to submit to Parliament. It should therefore be accepted by all parties in the Constituent Assembly.

"It is however clear that other questions of interpretation of the Statement of 16 May may arise, and His Majesty's Government hope that if the Council of the Muslim League are able to agree to participate in the Constituent Assembly they will also agree, as have the Congress, that the Federal Court should be asked to decide matters of interpretation that may be referred to them by either side, and will accept such decision, so that the procedure both in the Union Constituent Assembly and in the sections may accord with the Cabinet Mission's Plan.

"On the matter immediately in dispute, His Majesty's Government urge the Congress to accept the view of the Cabinet Mission, in order that the way may be open for the Muslim League to reconsider their attitude.

"If, in spite of this reaffirmation of the intention of the Cabinet Mission, the Constituent Assembly desires that this fundamental point should be referred for the decision of the Federal Court, such reference should be made at a very early date. It will then be reasonable that the meetings of the sections of the Constituent Assembly should be postponed until the decision of the Federal Court is known.

"There has never been any prospect of success for the Constituent Assembly except on this basis of an agreed procedure. Should a constitution come to be framed by a Constituent Assembly in which a large section of the Indian population had not been represented, His Majesty's Government could not of course contemplate — as the Congress have stated they would not contemplate — forcing such a constitution upon any unwilling parts of the country."⁷⁷

Nehru returned to India to attend the meeting of the Constituent Assembly fixed for 9 December 1946. Rajendra Prasad was elected President of the Constituent Assembly. Nehru, in a moving speech, introduced the famous "Objectives Resolution." Muslim League members elected to the Constituent Assembly were absent.

Wavell's Breakdown Plan

The departure of the Cabinet delegation left Wavell with a

⁷⁶ See the previous paragraph.

⁷⁷ *Transfer of Power*, Vol. IX pp. 295-96.

number of problems. The first was the formation of an interim Government, and we have seen how that problem was resolved. The second related to the convening of the Constituent Assembly and getting the Muslim League into it. The Constituent Assembly was convened on 9 December, but the Muslim League would not join it in the absence of an *unequivocal* assurance that the Congress accepted the Statement of 6 December 1946, an assurance which was never given. The third problem related to Wavell's "Breakdown Plan".

The reasons for framing the Breakdown Plan were : the communal situation which led to the Calcutta tragedy; the running down of the Secretary of State's services; the difficulty of Governors in some Provinces to run a s. 93 administration,⁷⁸ since a Governor's powers to protect government servants was fast becoming a dead letter in face of his Ministry's threat to resign. As the British were still constitutionally responsible, they would be "blamed for the disorders, repression and corruption which will become increasingly evident in India in the future."⁷⁹ Wavell communicated his Breakdown Plan to the Secretary of State for India on 8 September 1946.⁸⁰

The object of the Breakdown Plan was :

"(a) to regain the initiative; (b) to withdraw British authority with the minimum disorder and loss to H.M.G. and to India, and in such a manner as is most likely to maintain the cohesion of the Armed Forces; (c) by administer-

⁷⁸ Congress Ministries took office in Assam, Bihar, Bombay, Central Provinces, Madras, North-West Frontier Province, Orissa and United Provinces, since they commanded a majority in the Legislative Assemblies of those Provinces. However, under the directions of the Congress high command, Congress Ministries resigned between October/November 1939. These resignations resulted in a failure of the constitutional machinery provided by the Govt. of India Act, 1935, for the governance of the 8 Provinces. Section 93 of that Act was enacted to meet a situation where a failure of the constitutional machinery had taken place. Broadly speaking, s. 93 enabled the Governor to issue a Proclamation whereby he could assume to himself the legislative and executive power conferred on a Province. He could make incidental provisions to give effect to the Proclamation. The only thing which he could not do was to assume to himself the powers of the High Court or to suspend either in whole or in part the operation of any provision of the Govt. of India Act, 1935, relating to High Courts. A "s. 93 administration" compendiously describes the above situation (or a situation brought about by any other failure of constitutional machinery.)

⁷⁹ *Transfer of Power*, Vol. VIII, p. 456.

⁸⁰ *ibid.* pp. 454-64.

ing a severe shock, to induce the political leaders to adopt a saner outlook; (d) to have a period during which a last effort may be made to secure agreement; and (e) during such period to reduce progressively our responsibilities in India thus strengthening at each successive stage our position in the remaining territory." ⁸¹

The withdrawal of control was in the first instance to be from the Provinces of Madras, Bombay, Central Provinces and Orissa. This was to be followed by complete withdrawal from India by 31 March 1948. This plan was not designed merely to meet a sudden emergency; *it was to be announced and acted upon, whatever happened.* It will be seen that the Plan was proposed after the Muslim League had withdrawn its acceptance of the Mission's Plan and adopted the policy of direct action. After the tragic events in Calcutta, and the continued bitterness between the Congress and the Muslim League about the framing of a Constitution for India, Wavell was of the opinion that till the basic principles on which the Constituent Assembly was to function were agreed upon, the meeting of the Constituent Assembly should not be called. The British Government raised objections to the Breakdown Plan and was of the view that the Interim Government which had been formed should carry on and that the meeting of the Constituent Assembly should be convened notwithstanding the Muslim League's threatened boycott.

When Wavell went to London in December 1946, he had prepared a Note for discussion with Attlee and other concerned Ministers, namely, Pethick-Lawrence, Cripps and Alexander. The Note was divided into two parts: Part I dealt with the Short Term Plan, and Part II with the Long Term Plan. Part I began with the statement that the Plan was

"as good as could have been framed in the circumstances and could have been put through with firmness, but neither the Mission nor H.M.G. adhered to their original intentions with sufficient directness of purpose. In particular, the Mission gave pledges on 16 May (to the Muslim League) which they have not honoured." ⁸²

Wavell said that:

"The present situation is that Congress feel that H.M.G. dare not break with them, unless they do something quite outrageous. Their aim is power and to get rid of British influence as soon as possible, after which they think they can deal with both Muslims and Princes; the former by bribery, blackmail, propaganda, and if necessary, force; the latter by stirring up their people

⁸¹ *ibid* p. 458.

⁸² *Transfer of Power*, Vol. IX, p. 240.

with them, unless they do something quite outrageous. Their aim is power amongst themselves as well as the other methods above." ⁸³

Wavell added that

"... the Congress will not seriously negotiate with the Muslim League so long as they can get what they want by pressure on H.M.G." He said further, "I am confident that H.M.G. can only succeed by stating quite openly and firmly what they intended by their Plan as to the method of drawing up group and provincial constitutions within the Sections and that they will not recognize a constitution arrived at otherwise. I am sure that the League will come in on no other terms; and that no further arguments, formulas, legal sophistries or pleadings will have any effect." ⁸⁴

Wavell realised that

"The Congress of course would be furious but I am not sure that they are ready yet for an open breach with H.M.G. Such breach is however a possibility; and we can only face it if we have a definite policy and a Breakdown Plan. This leads us to the long term issue." ⁸⁵

And he briefly set out the long term issue, dealt with by his Breakdown Plan. ⁸⁶

The voluminous documents in the *Transfer of Power* leave no doubt that Wavell's view that Congress was after power and would secure it in the ways which he indicated in the above paragraph was correct, and he was not alone in entertaining that view. In a discussion which Attlee held on 10 December with a number of his Cabinet colleagues, Attlee said:

"... Pandit Nehru's present policy seemed to be to secure complete domination by Congress throughout the Government of India. If a constitution was framed which had this effect, there would certainly be strong reactions from the Muslims. Provinces with a Muslim majority might refuse to join a Central Government on such terms at all; and the ultimate result of Congress policy might be the establishment of that Pakistan which they so much dislike. (Attlee) warned the Cabinet that the situation might so develop as to result in civil war in India with all the bloodshed which that would entail. There seemed to be little realisation among Indian leaders of the risk that ordered government might collapse." ⁸⁷ (italics supplied)

When Wavell was in England in December 1946, his Breakdown Plan was the subject of Notes, memoranda, discussions, suggested drafts and the like. On 20 December 1946 a crucial meeting of the India Committee was held in the morning,

⁸³ *ibid.* pp. 240-241.

⁸⁴ *ibid.* pp. 241, 242.

⁸⁵ *ibid.*

⁸⁶ *ibid.* pp. 242-43.

⁸⁷ *ibid.* p. 319.

presided over by Attlee, at which Wavell was present. Attlee observed that he could accept Wavell's Breakdown Plan in principle if it was put in a different form not requiring legislation. However, as Pethick-Lawrence raised the point that legislation might be required, it was decided to adjourn the meeting at which the Lord Chancellor and Cripps would be present. The Lord Chancellor agreed that it was possible to proceed by a Resolution followed later by Legislation; and even if the House of Lords rejected the Resolution, H.M.G. could still proceed if the House of Commons passed the Resolution. The Meeting ended with a draft Resolution drawn up by Cripps, which, Wavell was assured would give him what he wanted and would satisfy Parliament. It was agreed that the Resolution be submitted to Parliament when it reassembled⁸⁸ (on 21 January 1947). On 21 December, Attlee wrote to Wavell that the recommendations which would come before the Cabinet from the India Committee covered the broad decision which Wavell had asked for.⁸⁹ In respect of the Draft Resolution the India Committee agreed to recommend to the Cabinet, (i) that H.M.G. should be prepared to make a statement in the House of Commons soon after its assembly (on 21 January 1947) on the lines of the annexed Draft, although the exact wording would require careful consideration; (ii) that the House of Commons should be invited to pass a resolution endorsing this statement of policy.⁹⁰ The parts of the Resolution which are important for the present discussion were briefly these: H.M.G. declared their intention to hand over power in India by 31 March 1948. If the conditions of the offer of 16 May 1946, were carried out by a Constituent Assembly representing all the major communities, power would be handed over to the Indian Government set up under the new Constitution. Failing this, H.M.G. would be forced to reconsider the position.⁹¹

⁸⁸ *Penderel Moon, op. cit.* pp. 397-98.

⁸⁹ *Transfer of Power, Vol. IX, p. 403.*

⁹⁰ *ibid.* p. 393.

⁹¹ *ibid.* p. 394.

CHAPTER VII

THE DISMISSAL OF LORD WAVELL AND THE
APPOINTMENT OF LORD MOUNTBATTEN

As will presently appear, Wavell's dismissal as Viceroy and Mountbatten's appointment to replace Wavell are so mixed up that they must be considered together. The reasons for Wavell's dismissal will be considered thereafter.

On 18 December 1946, two days before the meeting on 20 December 1946, behind Wavell's back, Attlee had sent for Mountbatten and had asked him to take over as Viceroy. Had Mountbatten desired to discuss with Wavell any "unsuspected pitfalls" into which Mountbatten might fall if he accepted the Viceroyalty, he had ample opportunities of doing so before Wavell left for India on 22 December 1946. It is clear that the discussions between Attlee and Wavell in London were, on Attlee's part, insincere when Wavell was sent to India with the assurance that he had got the substance of what he wanted,¹ because Attlee had already decided to remove Wavell. The dismissal of a Viceroy of Wavell's distinction and standing was neither easy nor pleasant. After Wavell left for India, Attlee, Cripps and Mountbatten adopted a course of conduct which reflected no credit on them since their conduct could only be described as an attempted "trick". The idea was to ask Wavell to return to England under the pretext of reviewing the situation arising from H.M.G.'s rejection of his Breakdown Plan, in order to secure Wavell's resignation. In the course of a letter dated 4 January 1947, Mountbatten wrote to the King:

"They want me to meet Wavell at Karachi but I said 'No, I must meet him at home' – because if he produces new difficulties to me and explains in what way he is dissatisfied with H.M.G.'s attitude, then *I'll have no chance of talking this over with you.*² Besides, if you want him to resign nicely you must ask him in person – otherwise he'll say 'I won't resign – go ahead and sack me!.'³ (italics supplied)

1 Moon, *Viceroy's Journal*, p. 398.

2 *Transfer of Power*, Vol. IX, p. 453. Ziegler's statement that "Mountbatten had hoped to confer with Wavell before setting off so that he could discuss any unsuspected pitfalls *with the Ministers in London*" (italics supplied) [*Mountbatten, op. cit.* p. 399] runs, in part, counter to Mountbatten's statement that he wanted to discuss the matter *with the King*.

3 *Transfer of Power*, Vol. IX, p. 453.

In other words, by a *trick* Wavell was to be brought to England and then made to "resign nicely" on a personal request by the King.

Accordingly, on 8 January 1947, Attlee wrote a letter to Wavell which ended with the words, "It would be desirable that you should come over here again, as soon as possible, in order that we may review the situation".⁴ A part of the entry in Wavell's *Journal* under 12 January 1947 reads:

"I had a letter from the P.M. telling me that the Cabinet had rejected my plans. The letter was cold, ungracious and indefinite, the letter of a small man. It proposes that I should go home in the near future for further discussions, but I cannot see any value in doing so and shall reply to that effect. *It is possible that the idea is to get me home and force my resignation.*"⁵ (italics supplied)

It is surprising that Attlee, Cripps and Mountbatten who were acting in concert, should not have realized that Wavell would see through their attempted *trick* of getting him over to England in order to make him "resign nicely". Replying to Attlee's letter on 17 January 1947, Wavell said that he saw no useful purpose in going to England since he had no fresh proposals to put forward. He suggested that he might return to England in March or April for further discussions unless some serious crisis occurred meanwhile.⁶ As was to be expected, Wavell's reply was anxiously awaited by Mountbatten, Cripps and Attlee. The disappointment of Cripps and Attlee at Wavell's reply was thinly disguised, as is clear from Cripps's letter to Mountbatten dated 28 January 1947 and from Attlee's of the same date. Cripps wrote:

"You have probably heard that the expected letter has arrived and is in a very 'difficult' form as *I rather suggested to you that it might be.* The P.M. is now considering the next step. The delay is very irritating but I do not see how it can be avoided without creating quite undue heat and friction."⁷ (italics supplied)

And Attlee wrote:

"I have heard from Wavell, but his letter is very indeterminate. I am now considering the next step with my colleagues and will let you know as soon as possible. I am so sorry not to have more definite news for you."⁸

The trick to get Wavell to England having failed, Attlee

4 *ibid.* pp. 490-91.

5 Moon, *Viceroy's Journal*, p. 410.

6 *Transfer of Power*, Vol. IX, pp. 510-11.

7 *ibid.* p. 569.

8 *ibid.*

nevertheless shrank from "summarily dismissing" or "sacking" Wavell. In his letter of 31 January 1947, Attlee informed Wavell, *inter alia*, that Wavell's appointment was a war appointment, and Attlee had been given to understand that a three-year period for his term of office had been mentioned. That period had expired. Attlee spoke of the wide divergence of policy between his Government and the Viceroy; of the onerous duties which Wavell had discharged as Commander during the War, and then as Viceroy, and spoke further of the need to make a change in the Viceroyalty when ushering in a new policy which would prove exacting, and might be prolonged. Consequently, the time had come to terminate Wavell's appointment. However, in the letter Attlee made one last attempt to make it appear that Wavell was "retiring" from a war appointment. Attlee wrote:

"The normal announcement about your successor would be prefaced with the statement that Field Marshal Viscount Wavell who accepted the Viceroyalty as a war appointment *is now retiring.*"⁹ (italics supplied)

Wavell replied on 5 February 1947. After pointing out that the period of 3 years had passed long ago, without Attlee giving any indication that he wished to make a change, Wavell said:

"You are causing me to be removed because of what you term as a wide divergence of policy. The divergence, as I see it, is between my wanting a definite policy for the Interim period and H.M.G. refusing to give me one. I will not at this time enter into further argument on this. I think, however, that I am entitled to observe that *so summary a dismissal of His Majesty's representative in India* is hardly in keeping with the dignity of the appointment. It has been usual to give a retiring Viceroy six months's notice of his replacement. *I may recall to you that I wrote to you six months ago, at the beginning of August last, suggesting that you might now wish to replace the soldier by a politician, but that you gave no indication of any desire to make a change. Whether my conduct or my office since then has deserved dismissal at a few weeks notice is for others to judge.*"¹⁰ (italics supplied)

Wavell rightly spoke of a "summary dismissal" and refused to countenance the suggestion that he was "retiring" from a "war appointment."

Wavell's reply forced Attlee to face the truth. In a letter dated 12 February 1947 addressed to Wavell, Attlee enclosed

⁹ *ibid.* pp. 582-83 at p. 583.

¹⁰ *ibid.* p. 624. The letters deserve to be read as a whole. See *Transfer of Power*, Vol. IX, at pp. 582-83 (Attlee's letter) and pp. 624-25 (Wavell's reply). Attlee's letter illustrates Macaulay's favourite saying: "No man was ever written down, except by himself."

the terms of the announcement which he proposed to make, in which the formal announcement of Mountbatten's appointment was preceded by the words: "It has however seemed that the opening of this new and final phase in India is the appropriate time to *terminate* this war appointment".¹¹ (italics supplied)

Wavell could have seriously embarrassed H.M.G. by making a personal statement in the House of Lords about his dismissal. The documents in the *Transfer of Power* show that high officials in England considered the question whether Wavell had a right to make a personal statement, and concluded that there was nothing to prevent him from doing so.¹² However, when the termination of his appointment as Viceroy was announced, a controversy arose in the British Press. On coming to know of this, with great generosity and a high sense of public duty, Wavell dispatched the following telegram to Attlee on 21 February 1947 :

"I am very sorry that (termination of) my appointment should have caused contention reported in today's papers. The last thing which I wish is that my replacement should become subject of party controversy. You may of course rest assured that I shall do and say nothing that will embarrass my successor in his difficult task and shall do all I can to assure him welcome."^{13,14}

Attlee, who had treated Wavell "shabbily"¹⁵ replied by a telegram, in which, for the first time, he did justice to Wavell's character and work :

"I have just received your fine and public-spirited and generous telegram 4-U. It is in keeping with the high principles on which you have always acted which assure you of the esteem and gratitude of your fellow countrymen. I have always known that your only wish is to secure the best interests of the

11 *ibid.* pp. 678-79 at p. 679.

12 *ibid.* pp. 782-83 at p. 782.

13 "On 21 February Mr. Rowan minuted to Mr. Attlee: 'This is a very fine telegram. You will wish to send a reply in your own words but I have suggested a tentative draft below. The telegram certainly ought to be circulated with your reply to the members of the India Committee and I think also to the Cabinet as a whole. I propose to send copies to Viscount Mountbatten'."

Mr. Attlee minuted: "I agree". His only amendment to Mr. Rowan's draft was to substitute "which assure you" for "and I assure you".

14 *Transfer of Power*, Vol. IX, p. 779.

15 "Mountbatten himself felt that his predecessor had been shabbily treated": Ziegler, *Mountbatten*, *op. cit.* p. 358.

State and I thank you most warmly for what you have said."¹⁶

The Official reasons for Wavell's dismissal

The *official* reason for Wavell's dismissal was set out in Attlee's statement to the House of Commons on 21 February 1947. After referring to the Policy Statement which he had made a day earlier, which fixed the time for the withdrawal of British power from India not later than June 1948, Attlee announced the termination of Wavell's Viceroyalty in these words :

"(Lord Wavell) was appointed Viceroy in 1943 after having held high military command in Middle East, S.E. Asia and India with notable distinction. It was agreed that this should be a war-time appointment. Lord Wavell has discharged this high office during this very difficult period with devotion and high sense of duty. It has, however, seemed that the opening of this new and final phase in India is the appropriate time to terminate this war appointment. His Majesty has been pleased to approve as successor to Lord Wavell the appointment of Viscount Mountbatten of Burma."¹⁷

Writing to the King's personal secretary on 22 February 1947, Attlee said :

"The Policy proposals were not well received by the Opposition Leaders in the Commons or the Lords. The Leader of the Opposition questioned me insistently upon the reasons for the termination of Wavell's Viceroyalty. I said that I did not propose to go beyond the terms of my Statement, and I refused to give way in face of persistent questioning by Mr. Churchill."¹⁸

It is obvious that the real reasons for Wavell's dismissal were suppressed from Parliament — a suppression which was intelligible, because party political controversy would have greatly damaged the peaceful transfer of power to India, when India was drawing near to civil war. Wavell, in effect, approved of this suppression by his telegram to Attlee on 21 February. He preferred to remain under a cloud rather than do or say anything which would injure the cause he had done his utmost to serve — a peaceful and orderly transfer of power to India. Wavell had been comforted by the tribute paid to him on his

¹⁶ *Transfer of Power*, Vol. IX, p. 779.

¹⁷ *Transfer of Power*, Vol. IX, pp. 678-79.

¹⁸ *ibid.* p. 787. Attlee referred to Wavell's fine telegram of 21 February (see p. 96 *ante*).

"resignation" by Azad. For Wavell is reported to have told a friend, "I am glad to say that there is at least one man in India who has tried to understand my stand".¹⁹ With his sense of history, Wavell could not have doubted that when historians came to tell the tale of his Viceroyalty, justice would be done to him.

The real reasons for Wavell's dismissal

The historian's turn to tell the tale has come, for we now possess ample material to give a connected narrative of the real reasons which led Attlee to dismiss Wavell. Attlee was the Deputy Prime Minister in Churchill's war-time coalition. As such member, Attlee had never been helpful to Wavell over India.²⁰ When Attlee became Prime Minister after a landslide Labour victory in the 1945 General Elections, there were grounds for hope that a Labour Government, committed to independence for India, would support Wavell in making political moves for the settlement of the Indian problem which the Churchill coalition had obstructed for nearly eight months. However, unknown to Wavell, *as far back as 22 December 1945*, in a Note addressed to Pethick-Lawrence, Attlee had expressed his distrust of Wavell's capacity to solve the Indian problem²¹:

"Hitherto we have thought on the lines of the Viceroy dealing with elected representatives. I think you share my doubts, as to whether Wavell has sufficient political *nous*²² to deal with the situation. He has not the political training."²³

Attlee suggested sending out Mr. Tom Johnson (who had some experience of India),²⁴ and added :

19 *Azad, op. cit.* p. 180.

20 *Moon, op. cit.* p. 453.

21 *Transfer of Power*, Vol. XII, (published in 1983) pp. 797-798 (Supplementary Documents). Presumably this letter and the reply to it, were not available, when Vol. VI, in which they would have been included, was published in 1977.

22 *nous*: (British slang) commonsense, intelligence, (Collins English Dictionary, 1979).

23 *Transfer of Power*, Vol. XII, (Supplement) pp. 797-98.

24 *ibid.* p. 798. [The third *f.n.* states that no mention is made of such experience in the article on Tom Johnson in the Dictionary of National Biography 1961-70 (Oxford University Press, 1981).]

"such an appointment would *I think, strike the imagination of the Indians* ... It would, I think, make an appeal to Indians as a novel line of development in which India is recognized by Britain as a political entity with which an accommodation has to be made." ²⁵ (italics supplied)

In his reply dated 26 December 1945, Pethick-Lawrence tactfully poured cold water over the suggestion, *inter alia*, by raising the question :

"Could the Viceroy be superseded in effect, by any one, other than a Cabinet Minister? Personally, though I am aware of the Viceroy's limitations I am told he has won confidence of Indian leaders because of his sincerity. *If he resigns, it might be believed that he was more liberal than H.M.G.*" ²⁶ (italics supplied)

This letter is important, because it shows the exaggerated importance which Attlee attached to his own knowledge of India gained as member of the Simon Commission in 1928. It does not seem to have occurred to him that Wavell stood in no need of being instructed on the need to strike the imagination of Indians. As we have seen, in his letter dated 24 October 1944, Wavell had written to Churchill :

"To be effective, any move we must make must be such as to capture the Indian imagination. If India is not to be ruled by force, *it must be ruled by the heart rather than by the head*. Our move must be sincere and friendly, and our outlook towards India must change accordingly. I am prepared to put up proposals for a move, which will involve risks, but which I think constitute the best chance of making progress²⁷. . . It is easy to condemn any plan for betterment of the Indian situation on the ground of risk or probable failure. If we are to make any progress, we must take risks and be prepared for failure; *but a move made generously and honestly, even if it failed, would do good.*" ²⁸ (italics supplied)

In expressing the belief that Wavell was ill equipped to find a solution to India's political problem because of his lack of political training, Attlee overlooked a number of things. First, Wavell had spent more than 13 years of his life in India. As a child he grew up for two and a half years in the Nilgiri Hills. As a young subaltern he spent five years in Northern India and came closest to the knowledge of the common people of India. He was Commander-in-Chief and a member of the Viceroy's Executive Council for two years. And he was the Viceroy of

²⁵ *ibid.*

²⁶ *ibid.* p. 799.

²⁷ *Moon, op. cit.* pp. 98-99.

²⁸ *ibid.* p. 99.

India for nearly three years when Attlee wrote his Note.²⁹ Further, as Penderel Moon has observed,

"(Wavell) did more touring of the Provinces and Indian States and saw a wider cross section of the people than any of his predecessors. During the first six months of his office he went to all the eleven Provinces of British India (to Bengal three times) spending not less than a week in each of them and visiting villages, agricultural stations, mines, factories, and other establishments besides granting a great many interviews. On one visit to Madras he saw all the Collectors (Heads of Districts) of the Provinces — probably an unprecedented performance."³⁰

In a letter dated 22 July 1946 Attlee suggested that Wavell should "attach to (himself) during the anxious months ahead someone with practical experience of political matters. . . . The name occurs to me of Sir Maurice Gwyer,³¹ who is quite exceptionally well qualified. . . . *We have to give you the tools if you are to finish the job*".³² (italics supplied) In his reply to Attlee dated 1 August 1946, Wavell wrote :

"I agree also that I have little personal experience of the working of the Parliamentary system at home, but I doubt whether this is as serious a handicap as you seem to imply. I have now had over five years experience as a member of the Government of India, two years of which were under an experienced administrator and politician in Linlithgow. I have also seen a certain amount of political dealing in the Middle East, in Egypt, Palestine and Iraq. In 1919-20, 1937-8, and 1940-41. I do not lay claim to any great measure of political wisdom but I do know something now of politics and politicians in India and the East. I do not feel the need of an intermediary in dealing with politicians and very much prefer dealing direct. If I may be frank, I think that the late Cabinet Mission had too many unofficial advisers and indirect contacts.

"I feel that the suggestion has probably been made to you that I see no-one except officials and take no advice except from them. I do not think that this impression is correct or fair to the officials. I see a good many unofficial persons of all types, as also do my advisers. . . . As to Maurice Gwyer, I know him well and appreciate his great abilities; but, as I told Pethick-Lawrence, I should find it difficult to make a permanent place for him on my staff, nor do I think it necessary. I can always obtain his views on any particular point if I need them. But on the general government of India I would sooner trust my own judgment than Gwyer's. I think India's troubles at present are due mainly to the fact that her leaders view politics purely from the party angle; and that what is really required is a great deal more commonsense, good administration and firm guidance.

"I appreciate, however, that you and H.M.G. may feel that you would

²⁹ *Transfer of Power*, Vol. IX, p. 1003. (Wavell's Broadcast on All India Radio on 21.3.1947).

³⁰ *Moon, op. cit.* p. 447.

³¹ Retired Chief Justice of the Federal Court of India.

³² *Transfer of Power*, Vol. VIII, pp. 100-101.

*rather have a politician than a soldier at the head of India at present; and if you wish to recommend to His Majesty to make a change, I shall of course accept your decision without any question (But as long as I hold my position,) I think I must be allowed to exercise my own judgment in the matter of the advice I give to H.M.G. I do not believe it has been so very far wrong up to date."*³³ (italics supplied)

Attlee's reply dated 20 August 1946 was evasive. It made no reference to Wavell's counter offer. Attlee said that in making his suggestion he had no idea of indicating that Wavell saw only officials or that they were hidebound, but that rather inevitably from their position they were not very well acquainted with the technique of politics and democratic government.³⁴

The Note sent by Attlee to Pethick-Lawrence, the letter addressed by Attlee to Wavell and his evasive reply show a lamentable state of affairs. Here was a Prime Minister who distrusted his Viceroy's judgment even before the Cabinet Delegation went out to India. After its return he expressed the same distrust by referring to his Viceroy's lack of political training and offered him "the tools" by which "to finish the job". When the offer of the "tools" was politely but firmly declined by Wavell who offered to give up the "job", Attlee did not take up Wavell on his offer.

This disharmony between Attlee and Wavell contributed to, but was not the immediate cause of, Wavell's dismissal. The immediate cause was more complex. First, the transfer of power to India wore a different aspect according as one looked at it from New Delhi or from Whitehall. No doubt Wavell in New Delhi was fully aware of the impact of such transfer on the British Commonwealth and on the whole world. In the last of his periodical letters to the King, written on 24 February 1947,³⁵ Wavell wrote :

"The first principle I established in my mind when I was appointed Viceroy was the vital necessity, not only to the British Commonwealth but to the whole World, of a united, stable, and friendly India; and that therefore all our efforts in the next few years must be directed to promoting that stability and as far as possible, friendliness."³⁶

³³ *Transfer of Power*, Vol. VIII, pp. 167-68.

³⁴ *ibid.* p. 271.

³⁵ *Transfer of Power*, Vol. IX, pp. 801-802.

³⁶ *ibid.* p. 806.

However, if the efforts to establish a *united* India failed, then for Wavell in India, the Indian problem would have to be solved by an orderly withdrawal.³⁷ Once the stage for withdrawal of power was reached, neither imperial interests nor the impact of the withdrawal on the world outside, could be allowed to impede such withdrawal. However, to Attlee's Cabinet in Whitehall, the Indian problem was one of the many vexing problems, domestic and foreign, which England faced after a successful but exhausting War. For after the territories lost to Japan had been won back, *to outward view*, the British Commonwealth and Empire remained intact and saddled with her imperial responsibilities spread all over the globe. However, the strength and power to sustain imperial responsibilities had been sapped by the War, and by the emergence of the United States and Russia as two superpowers. This change is forcibly brought out in a frank and anguished letter which Ernest Bevin³⁸ wrote to Attlee on 1 January 1947 protesting against fixing a date for the withdrawal of British power from India.³⁹ In the course of the letter Bevin wrote :

"I must express my strong views with regard to India, as I mentioned to you this morning. I have examined this problem in relation to Egypt, Palestine, the Middle East, and all the Arab States and Persia and I cannot help feeling that the defeatist attitude adopted both by the Cabinet and by Field-Marshal Wavell is just completely letting us down. I do not believe that, with leadership, the Indian Army is in the bad way that people suggest. I can quite understand that with a mind like Wavell's demoralisation of the whole of the Army and the Police must be inevitable and I would strongly recommend that he be recalled and that you find somebody with courage who, even if he were the last man left there would come out with dignity and uphold the British Empire and Commonwealth.⁴⁰

"2. Further, I cannot help feeling that the President of the Board of Trade (Cripps) is so pro-Congress that a balanced judgment is not being brought to bear on the importance of the Moslem world, while, on the other hand, probably, the Minister of Defence (Alexander) is too pro-Moslem. I listened to yesterday's discussion and, frankly, I was despondent and did not think that the facts justified the pessimism that seemed to pervade the whole Cabinet. I am against fixing a date. I am willing to support a declaration, as we have done, that we are ready to hand India over as a going concern to established governments. I do not mind, even, using the plural in this sense, if Nehru and Jinnah are not going to agree, but the qualification should be that they can

37 *ibid.* p. 807.

38 Foreign Secretary.

39 *Transfer of Power*, Vol. IX, pp. 431-433.

40 *ibid.* p. 431.

preserve law and order . . . you cannot read the telegrams from Egypt and the Middle East nowadays without realising that not only is India going, but Malay, Ceylon and the Middle East is going with it, with a tremendous repercussion on the African territories. . . .⁴¹

"4. . . . I would impress you with this fact. *As Foreign Secretary, I can offer nothing to any foreign country, neither credit, nor coal, nor goods. I am expected to make bricks without straw* — to use that old proverbial phrase. And on top of that, within the British Empire, we knuckle under at the first blow and yet we are expected to preserve the position. . . ." ⁴² (italics supplied)

This letter shows, first, that to the British Foreign Secretary, the Indian problem was part of an Imperial problem, and the impact of withdrawing from India by a particular date on other parts of the Empire required an almost overriding consideration. Secondly, the letter shows the straits to which England had been reduced. Her Foreign Secretary could "offer nothing to any country, neither credit, nor coal, nor goods". He was expected to make bricks without straw!⁴³ However, the discussions held in the Cabinet Meeting on 31 December 1946 which led Bevin to charge Attlee and his Cabinet and Wavell with defeatism requires some explanation. It will be recalled that Wavell returned to India after being assured that the Resolution drafted by Cripps and to be moved in the House of Commons on the lines of the Annex to the Minutes of the Meeting, would give Wavell the substance of what he wanted, for the annex accepted Wavell's view that 31 March 1948 should be fixed for the withdrawal of British power in India by a phased withdrawal. If to do so were to be a "defeatist" then Bevin was right in saying that the attitude adopted by Attlee and his Cabinet and by Wavell was "defeatist". Attlee's reply dated 2 January 1947 makes strange reading. He wrote,

"I agree with you that Wavell has a defeatist mind and I am contemplating replacing him,⁴⁴ but in fairness to him I must say that he has the support

⁴¹ *ibid.* pp. 431-32.

⁴² *ibid.* pp. 432.

⁴³ The far seeing vision of General Marshall, the U.S. Secretary of State, led to his sponsoring a Plan which came to be called the "Marshall Plan" to bring economic aid to stricken Europe after World War II. It was inaugurated in June 1947. Britain ceased to receive Marshall Plan aid in 1950. [Brewer, *Dictionary of Phrase and Fable*, (1981).]

⁴⁴ Attlee had already offered the Viceroyalty to Mountbatten on 18 December 1946.

of the most experienced civil servants in India. I am not a *defeatist but a realist.*"⁴⁵ (italics supplied)

Attlee's "realism" consisted in defending the Cabinet's decision to withdraw from India by 31 March 1948, since there was no practical alternative — and Bevin had suggested none in his letter under reply! But if Attlee and his Cabinet were realists in approving a Plan for withdrawal by a fixed date — a plan to which, *admittedly*, there was no practical alternative, why was Wavell a defeatist in patiently, persistently and with great cogency bringing a reluctant Cabinet to accept such a Plan? The question answers itself. But the matter does not rest here. The reader will recall that while discussions on Wavell's Break-down Plan were going on, Attlee had offered the Viceroyalty to Mountbatten on 18 December 1946. Mountbatten imposed certain conditions before he would accept the offer. His first and most amazing condition was contained in a letter to Attlee dated 20 December 1946. The condition was that the Viceregal system should not be perpetuated. Mountbatten concluded by saying :

*"I feel I could only be of use to you, if I were to go out at the open invitation of the Indian parties in a capacity⁴⁶ which they would themselves define."*⁴⁷ (italics supplied)

If to suggest the fixing of a specified date for the withdrawal of British power from India is to be a defeatist, how does one describe Mountbatten's demand that even before such withdrawal the Viceregal system should be transferred from British to Indian hands? Indian parties were to invite him to be their Viceroy, and those parties were to lay down functions he was to discharge as their Viceroy! This condition, however amazing,⁴⁸ was in character, and calls to mind Ayesha Jalal's words in contrasting Wavell and Mountbatten. She said that in many

⁴⁵ *Transfer of Power*, Vol. IX, p. 445.

⁴⁶ capacity : position or function.

⁴⁷ *Transfer of Power*, Vol. IX, p. 396.

⁴⁸ It is surprising that Mountbatten should not have been aware that his appointment as Viceroy could only be made under s. 3 of the G.I. Act, 35, by His Majesty (on the advice of the Cabinet) and s. 3 defined the powers and duties of the Viceroy (described as Governor-General). His first condition would have made it impossible for *any British Government* to appoint him as Viceroy. See further the next para.

respects "Wavell had qualities of insight which his successor, preoccupied with his own self-image did not possess".⁴⁹ According to Mountbatten all preceding Viceroys had been "imposed" on the Indian people by the British. He, Mountbatten was different. He would become Viceroy on the *open invitation* of Indian parties, and they, and *not the British*, were to determine the scope and nature of his office!

Mountbatten had an interview with Attlee on 1 January 1947. Understandably, neither Attlee nor Mountbatten has recorded what passed at that interview. However, in a letter to Attlee dated 3 January 1947, Mountbatten referred to that interview and said :

"I have thought over very earnestly all that you said to me on 1st January. I absolutely understand why it is not possible to secure an open invitation . . . It makes all the difference to me to note that you propose to make a statement in the House, terminating the British Raj on a specified day . . ." ⁵⁰

In a subsequent letter to Attlee, Mountbatten amplified his reference to the interview of 1 January :

"You explained to me that my own suggestion, that the Indians themselves should invite me, in a capacity that they themselves would define and for a period they themselves thought useful, was not practicable. But when you said that my appointment would coincide with a statement in the House that the British Raj would be withdrawn at the latest on a precise and definite day, I agreed that the point was adequately covered." ⁵¹

Attlee's reply on 16 January was reassuring. He wrote :

"We shall get a clear statement of timing, but an exact day of the month so long ahead would not be very wise. There is no intention whatever of having any escape clause or leaving any doubt that within a definite time the hand-over will take place." ⁵²

It is clear, therefore, that by 16 January 1947 Attlee had tied himself down to fixing a definite date for the withdrawal of British power from India, and all discussions as to whether it was advisable to defer making a statement fixing a date for the withdrawal of power till a last attempt to bring Hindus and

⁴⁹ *Ayesha Jalal, op. cit.* p. 221.

⁵⁰ *Transfer of Power, Vol. IX, p. 451.*

⁵¹ *ibid.* pp. 497-98.

⁵² *ibid.* p. 506.

Muslims together had been made,⁵³ or whether the announcement of Mountbatten's appointment should leave out the announcement of a date for the withdrawal of power, since a statement on the lines proposed by Wavell had a chance albeit a slender one, to bring the Congress and the League together⁵⁴ was mere shadow boxing — by 16 January 1947 it was clear that Mountbatten would not go out as Viceroy unless an announcement was made fixing a date for withdrawal. Attlee had dismissed Wavell, and left it to Mountbatten to dictate to Attlee and the Cabinet the terms on which alone the Viceroyalty would be accepted. But the thing to note is that Mountbatten demanded and successfully obtained the fixation of a date for withdrawal of power for which Wavell had unsuccessfully pleaded for months. It is true that Wavell had suggested that such withdrawal must be planned as a military operation. After all, as he explained, H.M.G. were beating a political retreat and it was necessary to plan that retreat as carefully as a military retreat would be planned. King George VI with his practical good sense noted in his diary: "He, (Mountbatten) must be given a clear directive. Is he to lead a retreat out of India or is he to work for the reconciliation of Hindus and Moslems?"⁵⁵ If he was to lead a retreat within a year and half it is obvious that he must be authorized to make careful plans to see that the retreat was so conducted as to minimise loss and injury to Indians and British alike. Neither the draft directive

⁵³ *ibid.* pp. 735-38. (Minutes of a Meeting of the Cabinet on 17 Feb. 1947 : Future Policy in India). "The Parliamentary Under Secretary for India suggested that H.M.G. should make one more effort to persuade the League to enter the Constituent Assembly. A recent conversation with Jinnah had demonstrated that there were many doubts in Jinnah's mind which might be removed in verbal discussion. If a senior Minister were sent out to India to smooth out difficulties, it would be easier to postpone making an announcement." Attlee replied, *inter alia*, that "The new Viceroy had particularly asked that before he took up his office the proposed announcement should be made, and the date of our intended withdrawal should be specifically stated." (italics supplied) : *ibid.* p. 737.

⁵⁴ *ibid.* p. 764, in which among other things Attlee informed the Private Secretary to His Majesty, that Attlee had verified that Mountbatten was unwilling to proceed to India if it were now decided that no definite term should be set in advance for the transfer of power.

⁵⁵ Wheeler Bennett, *Life of George VI*, p. 711, quoted by Ziegler, *Mountbatten*, p. 358.

drawn by Attlee,⁵⁶ nor the draft directive drawn by Mountbatten⁵⁷ nor the final directive issued by Attlee in the form of a letter⁵⁸ (dated 18 March 1947) contained a whisper of advance planning for gradual withdrawal of power.

Referring to the question put by King George VI in his diary: "Is (Mountbatten) to lead a retreat out of India or is he to work for the reconciliation of Hindus and Moslems", Ziegler wrote: "The answer was, nobody knew; Ministers hoped for reconciliation but expected a retreat". After referring to some of the provisions of the formal directive, Ziegler added :

"Keep India united if you can; if not, try to save something from the wreck; whatever happens get Britain out was the essence of Mountbatten's orders."⁵⁹ (italics supplied)

Penderel Moon had said much the same thing in 1973. He wrote :

"Wavell . . . urged the British Government to fix a date for withdrawal and to make timely arrangements to beat an orderly retreat, and when he found that they preferred just to hope for the best and scuttle if these hopes were not realized, he pressed his advice with a blunt insistence that was, no doubt, partly responsible for his dismissal. In the end the British Government agreed to fix a date, and took credit for 'this bold, and courageous move' that he had for months been vainly advocating."⁶⁰

And so, the wheel has come full circle. Attlee and his Cabinet were the real defeatists and were guilty of the "shameful and ignoble scuttle" with which Attlee had unfairly charged Wavell, a scuttle which Wavell had done his best to avoid. For as far back as 30 May 1946, Wavell had told H.M.G. that

"A policy of immediate withdrawal of our authority, influence and power from India, unconditionally would, to my mind be disastrous and even more fatal to the tradition and morale of our people and to our position in the world than a policy of repression. I could not consent to carry out such a policy. It remains to examine whether any middle course between 'repression' and 'scuttle' can be found, if we are unable to persuade Indians to agree to a peaceful settlement of their Constitution."⁶¹ That middle course was his Breakdown Plan.

Again, in a Note dated 2 December 1946, for discussion with

⁵⁶ *Transfer of Power*, Vol. IX, pp. 652-53.

⁵⁷ *ibid.*, pp. 669-671.

⁵⁸ *ibid.*, pp. 972-974.

⁵⁹ Ziegler, *op. cit.* pp. 358-359.

⁶⁰ Penderel Moon, *op. cit.* p. xiii.

⁶¹ *Transfer of Power*, Vol. VII, pp. 734-735.

the Prime Minister and other Ministries in England, Wavell set out four courses open to H.M.G. : (A) "repression" which had been ruled out; (B) fresh negotiations which was not a practical policy; (C) to surrender to Congress as a majority party. "I do not think this honourable or a wise policy; it will end British rule in India in discredit and eventually *an ignominious scuttle or dismissal by the Congress*. There is no statesmanship or generosity in the Congress" (italics supplied); (D) to announce a withdrawal from India — as proposed in the Breakdown Plan: *Transfer of Power*, Vol. IX, pp. 242-243.

Attlee's justification for Wavell's dismissal untenable

Attlee gave the following retrospective justification for the dismissal of Wavell :

"Of Operation Ebb-Tide (Wavell's Breakdown Plan) Attlee said: 'Wavell was pretty defeatist by then. He produced a Plan worked out by his Indian Civil Service advisers for the evacuation of India with everybody moving from where they were by stages right up through the Ganges Valley till eventually, apparently, they would be collected at Karachi and Bombay. This I thought was what Winston would certainly quite properly describe as an ignoble and sordid scuttle, and I wouldn't look at it.'"⁶²

Reading and re-reading the documents in the *Transfer of Power* as well as the *Viceroy's Journal*, it seems to me that this charge was made mainly to cover up the grave mistakes made by Attlee's government in disregarding Wavell's advice and undermining his authority. Consider the facts. The Cabinet Mission was sent out in response to Wavell's grave warnings to take very seriously the Congress threats of direct action. The object of sending out the Mission was to bring about an agreement between the two main parties, the Congress and the Muslim League, so that the future Constitution of India could be framed by Indians themselves. This object was clearly right. But the directive to the Mission ought to have provided that in default of agreement, the Mission and the Viceroy should make an award providing for the manner in which Indians themselves were to frame their Constitution. Wavell was of the view that the Mission could not have put forward a much better Plan, though there were certain mistakes of detail. However,

⁶² Mosley, *The Last Days of the British Raj*, p. 50.

personally he thought that "it was a pity that (the Plan) was not put forward with more vigour as the award of the power in possession rather than merely suggested as a plan for discussion".⁶³ Wavell's judgment was right. First, if there was to be an award, Pethick-Lawrence and Cripps would have been restrained from excessive contact, direct and indirect, with one main party, the Congress, to the practical exclusion of the other main party, the Muslim League. Secondly, if it was an award, it would have had to be framed with greater precision. Thirdly, there is no reason to believe that the Award would have been less acceptable than "recommendations", for the alternative to not accepting the Award would have been the partition of India. But when faced with that alternative, Nehru might have asked for the Plan to be enforced as an Award, as he in fact did when he told Mountbatten to drop his plan for partition, and enforce the Mission Plan as a settlement since the Congress had accepted the Plan.⁶⁴ As Ziegler has pointed out,

"Ironically, Congress would have accepted with relief in 1947, the terms that they had rejected in 1946, but by that time it was too late — the Muslim League would settle for nothing less than the creation of an independent Pakistan."⁶⁵

But even if the object of the Cabinet Mission was to make recommendations, it was the duty of the Mission to be fair and just to both the main parties especially on a point which the Mission considered fundamental. That the grouping provisions of the Mission's Plan were *fundamental* is clear from the Plan itself. But in his reference seeking the opinion of Lord Jowitt, L.C., on the difference of opinion between the Congress and the Muslim League as to the interpretation of the grouping provisions, Pethick-Lawrence rightly wrote that the difference was *on a fundamental point*.⁶⁶ And yet, as we have seen, when Wavell wanted that the correct position should be made clear to Gandhi, Pethick-Lawrence asked him not to press the point.

⁶³ *Transfer of Power*, Vol. IX, p. 801 at p. 807. (Wavell's letter to the King dated 24 February 1947).

⁶⁴ *Transfer of Power*, Vol. X, p. 1013 at 1014, (India Committee, 28 May 1947): "Pandit Nehru's view was that the proposals set out in the draft announcement should now be abandoned; that the Cabinet Mission's Plan should be imposed as a settlement . . ."

⁶⁵ Ziegler, *op. cit.* p. 353.

⁶⁶ *Transfer of Power*, Vol. IX, pp. 220-221.

Even after the Muslim League had withdrawn its acceptance of the Plan, and had adopted the policy of direct action in July 1946 and even after the Calcutta killings in August 1946, Wavell's repeated requests for a categorical statement on the correct interpretation of the grouping provisions before the Constituent Assembly was convened were rejected. This not only undermined his authority but led to the absurd spectacle of an Assembly being convened to give effect to the Mission Plan when the two main parties differed on an admittedly fundamental point. Over six months were allowed to pass, on one excuse or another, till the demand for the resignation of the Muslim League nominees, and the blunt language in which they, and the Viceroy, put their case, forced Attlee's hand. This unpardonable delay left the Congress and the Muslim League more embittered, because the conduct of Cripps and Pethick-Lawrence had led the Congress to believe that under no circumstances would the British Government take a decisive stand against the Congress and uphold the Muslim League's stand on the grouping provisions of the Plan. Had Wavell's advice been accepted, and the authoritative interpretation of the grouping provisions made clear to Gandhi, months of bickering and bitterness about the interpretation of those provisions would have been avoided. For, had Congress rejected the Plan as authoritatively interpreted, nothing worse would have happened than in fact happened in the rejection of the Plan in May 1947. The Breakdown Plan would have gone into operation, and the announcement of an orderly and phased withdrawal by 31 March 1948 might have brought the parties together to avoid partition. If, however, the parties were not brought together, partition could have been brought about in an orderly way without being compressed into the brief period of Mountbatten's Viceroyalty — with a holocaust at the end of it. Again, having regard to Attlee's opinion of Wavell's lack of "political training", he should either have accepted Wavell's offer on 1 August to replace him by a politician, or decided to follow his advice as that of the man on the spot and given him a free hand. Attlee did neither, preferring to "wait and see". Wavell in vain pressed upon Attlee the statesman's duty "to foresee and act".

Important events in India when Wavell's dismissal was under consideration

But while, behind the scene, steps were being taken to dismiss Wavell, the political situation in India did not stand still. The Congress Working Committee's so-called "acceptance" of H.M.G.'s statement of 6 December 1946 led the Working Committee of the Muslim League to pass a Resolution on 31 January 1947, which stated that the League had decided not to call a Meeting of its Council to reconsider its decision rejecting the Plan because the so-called acceptance was not an acceptance at all. On 5 February, 1947, Wavell received a letter signed by 9 non-Muslim League members of the Interim Government stating that as a consequence of the Muslim League Resolution of 31 January 1947 it was no longer possible for members of the Muslim League to continue in the Interim Government. On 6 February 1947 Wavell conveyed the Congress demand for resignation of the Muslim League members to Liaquat Ali Khan. On 8 February, Liaquat Ali Khan wrote to Wavell stating that the latest Congress Resolution did not differ from its Resolution of 26 June 1946 and indeed, made the position worse, and that he did not consider that Congress or the Sikhs had a greater right to take part in the Interim Government than the League since the Congress had not accepted the Plan.⁶⁷ As Wavell rightly believed that the Plan was the last chance to transfer power to a united India, he felt that an attempt should be made to remove the differences which divided the Congress and the League about the Plan. Accordingly, in his letter of 11 February 1947 to Pethick-Lawrence, Wavell wrote that there was a chance, albeit a slender one, that a statement on the lines proposed by him, if made by H.M.G. might result in getting the League into the Constituent Assembly and that in his opinion, H.M.G. should make that last effort.⁶⁸

On 12 February 1947 Attlee had forwarded to Wavell the draft of the Statement which H.M.G. proposed to make. On 14 February, Burrows, the Governor of Bengal, strongly deprecated the announcement of a date just then for the transfer of power; and on 16 February 1947, Evan Jenkins, the Governor of Punjab, expressed the same opinion. In between, on 14

⁶⁷ *Transfer of Power*, Vol. IX, pp. 647-51.

⁶⁸ *ibid.* p. 661. The statement suggested by Wavell will be found at pp. 662-63.

February 1947, Pethick-Lawrence in his telegram to Wavell explained why H.M.G. did not propose to make the statement on the lines suggested in Wavell's letter of 11 February, but would issue a statement of H.M.G.'s Policy. On 17 February, in a telegram addressed to Pethick-Lawrence, Wavell stated that he believed that the Notes by Burrows and Jenkins might be unduly pessimistic. Nevertheless, he could not recommend to H.M.G. to disregard the views of the Governors, and therefore begged H.M.G. most earnestly to reconsider the proposed course of action and stated that the announcement of the change in the Viceroy should not include the date of the withdrawal of the British.⁶⁹ By his telegram in reply dated 19 February, Pethick-Lawrence stated that H.M.G. had decided to issue a Statement of Policy and went on to charge Wavell with inconsistency in so far as he had himself pressed for a date of the withdrawal of British power to be fixed as announced.⁷⁰ Referring to this correspondence, Wavell noted in his *Journal* under the date 19 February 1947, that

"H.M.G. telegraphed adhering to their announcement; and also sent a long telegram of self-justification and accusation of myself as inconsistent, to which I think I can make an effective reply."⁷¹

Penderel Moon has observed that it did not appear that Wavell sent an effective reply; and Moon set out what Wavell would have said in such a reply :

"Probably he would have pointed out that in forwarding the reports of Burrows and Jenkins he had expressed the view that they were unduly pessimistic; that he had only asked for a temporary postponement of the announcement in order to make one final effort to bring the Congress and the League together in the Constituent Assembly and that from the point of view of staving off a crisis there was no longer any immediate hurry to make the announcement, since neither party really wanted to precipitate a break; and finally that, in his view, before making the announcement, H.M.G. should have some definite plan for demitting power by the due date and that they had rejected his Breakdown Plan, but had not put forward any other."⁷²

However, *Wavell did send an effective reply*. A draft of that reply was prepared and after that draft had been amended, it was sent to Pethick-Lawrence by a letter dated 22 February 1947. On its receipt in London it was circulated to the India and Burma Committee.⁷³ The Note made by Moon corresponds

⁶⁹ *ibid.* pp. 740-41.

⁷⁰ *ibid.* pp. 762-63.

⁷¹ Moon, *Viceroy's Journal*, p. 421.

⁷² *ibid.* pp. 421-22.

⁷³ *Transfer of Power*, Vol. IX, pp. 771-772.

broadly to Wavell's effective reply dated 22 February. In that reply, Wavell stated *inter alia*,

"Your view is that your statement will bring the parties together. I do not think that statement in your form would. I sincerely hope that I am wrong and shall certainly do all I can to persuade the parties to come together."⁷⁴

The Statement of Policy issued by H.M.G. on 20 February 1947 announced that the transfer of power from Britain to India would take place not later than June 1948. However, if a Constitution was not framed in accordance with the Cabinet Mission's Plan by a fully representative Constituent Assembly before that date, His Majesty's Government will have to consider to whom the powers of the Central Government in British India should be handed over, on the due date.⁷⁵

A few important events which followed H.M.G.'s Statement of Policy on 20 February 1947 may be mentioned here. Nehru told Wavell that in view of the Statement by H.M.G. he would not press the demand for the resignation of the Muslim League members of the Interim Government, although that question would have to be decided within a reasonable time. As we have seen earlier, the first casualty of the Statement was the Khizar Ministry in Punjab which resigned on 2 March 1947, and was followed by the imposition of Governor's Rule on 5 March 1947. On 8 March 1947 the Congress Working Committee passed certain resolutions. It welcomed the declaration made by H.M.G. on 20 February, but followed it up with a demand that the Interim Government should be treated in practice as a Dominion Government with the Governor-General as the constitutional head. It invited the Muslim League to meet representatives of the Congress in order to prepare the people to meet the changed circumstances. After referring to the violence in Punjab, and the agitation which had led to the break up of a popular Ministry, the Congress stated that it was necessary to find a way out of the violence in Punjab and observed: "This would necessitate a division of the Punjab into two Provinces; so that the predominantly Muslim part be separated from the predominantly non-Muslim part". Lastly, Liaquat Ali Khan introduced a Central Budget which imposed a Business Profits Tax of 25% on profits exceeding Rs. 1 lac. This tax fell in line with the Congress declarations. However, it was looked upon by the Congress as an attempt to hit promi-

74 *Transfer of Power*, Vol. IX, p. 772.

75 *ibid.* pp. 773-74.

ment businessmen who supplied funds to the Congress. Liaquat Ali Khan accepted Wavell's suggestion of a compromise but only to prevent Wavell's successor from the embarrassment of a contentious Cabinet Meeting at once.⁷⁶

Going back a little, the reader will have noticed that the authoritative interpretation of the grouping provisions given in the Statement of 6 December (p. 87 *ante*), had many escape clauses. If the British Government's interpretation was not accepted, it was suggested that the matter should be referred to the Federal Court. The published documents leave no doubt that the Muslim League accepted the Cabinet Mission Plan in the first instance because of the compulsory grouping provisions: (p. 87 *ante*, *f.n.* 77). Wavell pressed firmly for a clear declaration that the Plan could only be worked according to the intention of the Cabinet Mission. His advice was rejected. It seems bizarre that the interpretation of a Plan designed to bring the two great communities of India together should be left to a Court, all the more so because the League had been told that it was the Viceroy who would resolve any dispute as to such interpretation in consultation, if necessary, with H.M.G. But in the clash of political battle, the deep significance of Jinnah's objection to a reference to the Federal Court was lost. He said:

"... on the very threshold parties fundamentally differ in their interpretation regarding the basic terms. Are we going to commence the proceedings of the Constituent Assembly with litigation and law suits in the Federal Court? Is this the spirit in which the future Constitution can be framed for 400 million people of this sub-continent?"⁷⁷ (*italics supplied*)

Pethick-Lawrence, with a sense of fairness which generally characterised his utterances, said in a Note prepared for Attlee:

"It is only fair to the Viceroy to admit that the difficulties in which we now find ourselves result from the failure to get clear satisfaction on this point (grouping). But our judgment at the time was that to press it to a final conclusion would result in the Congress not accepting the Statement of 16 May."⁷⁸

⁷⁶ *Penderel Moon, op. cit.* p. 432. "Liaquat accepted a reduction of the rate of the proposed Business Profits Tax from 20% from to 16 1/2%. He had originally proposed 25% in the Budget.": *ibid. f.n.* 1.

⁷⁷ *Transfer of Power*, Vol. VIII, p. 321.

⁷⁸ *ibid.* p. 504.

Chapter VIII

LORD MOUNTBATTEN'S VICEROYALTY : 23 MARCH 1947 – 15 AUGUST 1947

The part which Mountbatten played along with Cripps and Attlee for the termination of Wavell's appointment as Viceroy has been set out at pp. 92-93 *ante*. We have also seen the directive issued by Attlee to Mountbatten on 18 March 1947 which amounted, in substance, to get the British out of India anyhow not later than June 1948. The following striking passage brings out the *reductio ad absurdum* in H.M.G. dismissing Wavell and appointing Mountbatten :

"(H.M.G.) which rejected Wavell's demand for the fixing of a date and had decided to dismiss him from the post of Viceroy, only to find that his proposed successor made exactly the same demand and would not agree to take office unless it was granted. So Attlee and his government capitulated and soon were quite happy to take credit for a decision that had in fact been forced upon them." ¹

There is a legend that Nehru was so struck by the air of authority with which Mountbatten spoke, that a few days after his arrival in India, Nehru asked him : "Have you by some miracle got plenipotentiary powers?" "Suppose I have", Mountbatten replied, "What difference would it make?" to which Nehru answered: "Why then, you will succeed where all others have failed".² Whatever Mountbatten may or may not have said to Nehru about "plenipotentiary" powers, it is quite clear that no such powers had been conferred on him. As Ziegler has pointed out :

"Nor, if by ... 'plenipotentiary powers' is meant the liberty to act at one's discretion, without referring back to a home government (there is nothing else it can mean, if it is to have any real significance), did Mountbatten avail himself of such freedom. On the contrary, not only did he submit to London his draft plan for a settlement, but when he needed to modify it he himself flew to London to present his case."³

No doubt Mountbatten was given a freedom to act on his initiative as the man on the spot which had been denied to Wavell.

¹ Moon, *Viceroy's Journal*, Epilogue, p. 457.

² H. V. Hodson, *The Great Divide*, (London, 1969) p. 201, quoted in Moon, *op. cit.* p. xii.

³ Ziegler, *Mountbatten*, pp. 355-56.

As will appear hereafter, except on one point, which the Congress treated as crucial (p. 118 *post*), the Attlee Government, broadly speaking, gave Mountbatten whatever he wanted.

Writing earlier I said that "A fresh appraisal of Mountbatten's character and work as Viceroy must await the publication of the last volume of the *Transfer of Power 1942-7*".⁴ That Volume appeared in 1983, and the last three volumes X to XII, which deal with Mountbatten's Viceroyalty contain ample material for making such fresh appraisal. Further, my work has been made much easier by Ziegler's *Mountbatten*, which appeared in 1985. On the whole, it is an appreciative but not an uncritical account of Mountbatten whom Ziegler greatly admires. It would help the reader if I set out the personal impressions of Mountbatten which Ziegler gives at the end of his book. He relates that in 1973 Solly Zuckerman had written a sketch of Mountbatten (to be published after Mountbatten's death) and had shown it to Mountbatten, who "professed himself delighted", saying "Of course no one knows me better or can expose my weaknesses more effectively because there is no good having a picture without the warts".⁵ Ziegler observes, "A picture of Mountbatten without his warts would indeed be unconvincing"⁶ and proceeds to paint this remarkable picture :

"..... like everything else about him, his faults were on the grandest scale. His vanity, though child-like, was monstrous, his ambition unbridled. *The truth, in his hands, was swiftly converted from what it was to what it should have been. He sought to rewrite history with cavalier indifference to the facts to magnify his own achievements. There was a time when I became so enraged by what I began to feel was his determination to hoodwink me that I found it necessary to place on my desk a notice saying : REMEMBER, IN SPITE OF EVERYTHING, HE WAS A GREAT MAN*".⁷ (italics supplied)

The words I have italicized fail to disguise the distressing fact that Mountbatten preferred falsehood to truth in order to magnify his own achievements. And the following picture which Ziegler draws of Mountbatten as Viceroy of India is even more distressing :

⁴ Seervai, *Constitutional Law of India*, Vol. I, (3rd edn.) p. 47, para 1.71.

⁵ Ziegler, *Mountbatten*, p. 700.

⁶ *ibid.* pp. 700-701. "Paint me as I am", said Oliver Cromwell to Sir Peter Lely, "If you leave out the scars and the wrinkles I will not pay you a shilling".

⁷ *ibid.* p. 701. This passage is followed by observations showing the manifold virtues "which outweighed his defects".

"Open diplomacy was, so far as possible, the order of the day....Yet openness did not exclude a *degree of manipulation, even chicanery*, which would have been inconceivable to either of his immediate predecessors. Mountbatten was well aware that certain of his advisers felt that his tactics sometimes verged on the unethical, but believed that *sleight of hand*⁸ was justifiable to achieve the greater good; *the lie direct was to be avoided*⁹ *the lie circumstantial might be acceptable*. Ian Scott, his Deputy Private Secretary, remembered the Viceroy looking up after proposing a certain course of action and catching the expression on his and Abell's faces: 'I know what you're thinking. Wavell would never have done it. Well, I'm not Wavell, and I will!'"¹⁰ (italics supplied)

These candid passages – and they can be multiplied – support Ziegler's claim in the Foreword that his *Mountbatten* is far from being a hagiography.¹¹ Ziegler observes that most people will feel that his biography provides a generally favourable portrait of Mountbatten and although

"there is much in this book that would have caused (him) indignation or dismay; I hope that at the end he would have accepted that my portrayal is a fair one."¹²

As a biographer Ziegler has succeeded in giving a clear, candid and lively picture of Mountbatten, and the many parts he played. However, a successful and candid biographer may effectively demolish its subject's place in history. For once we accept, as the candid passages quoted at pp. 115-116 *ante* compel us to accept, that Mountbatten preferred falsehood to truth for his own glorification, that he did not hesitate to resort to "manipulation, even to chicanery", "sleight of hand", and "the lie circumstantial" as Viceroy, (as the published documents also amply prove) his credibility as a witness to the part he played in the transfer of power is gravely impaired, if not destroyed. His statements about what he, and others, said and did, become suspect, and cannot be accepted without independent corroboration and scrutiny. The reader will bear this in mind as the narrative of Mountbatten's Viceroyalty unfolds in the following

8 *The Oxford Dictionary of Current Idiomatic English*, Vol. II, (1983) contains the following interesting entry: "*Sleight of hand*: (fig.) dexterity and cunning in general, esp. with intention to deceive."

9 Not always. See Ziegler, *Mountbatten*, p. 382. Mountbatten told Krishna Menon that "he had received strictest instructions not to make any attempt to keep India in the Commonwealth 'a blatant untruth that he justified to London on the score of tactics'." See also *Transfer of Power*, Vol. X, p. 312, and *f.n.* 2 at p. 313.

10 Ziegler, *Mountbatten*, *op. cit.* p. 364.

11 Hagiography: Any biography that idealises or idolises its subject: Collins English Dictionary (1979).

12 Ziegler, *Mountbatten*, *op. cit.* p. 17.

brief historical account. Further, the reader will also bear in mind Mountbatten's "monstrous vanity" when he and the members of his staff spoke of Jinnah's "vanity".

We have referred to the directive issued to Mountbatten as to the manner in which he was to discharge his functions as Viceroy in winding up the British Raj. Neither the draft directive drawn up by Attlee,¹³ nor that drawn up by Mountbatten,¹⁴ contained any reference to the position of the Viceroy *vis-a-vis* the Interim Government. The final directive dated 18 March 1947 (p. 80 *ante*) expressly stated that the relationship was to be governed by paragraphs 3 and 4 of Wavell's letter to Azad dated 30 May 1946 (paras 3 and 4 have been set out at p. 80 *ante*). Those paragraphs stated that the Interim Government could not be treated as a Dominion Cabinet. How this directive came to be added in the final draft does not appear from the published documents. But the great importance attached to this directive is emphasized by the discussion held on 28 March 1947, by the India and Burma Committee with Wavell after his return from India.¹⁵ In the course of his appreciation of the Indian political situation, Wavell said:

"That Congress might put forward a proposal that the Viceroy, during the interim period, should occupy a constitutional position similar to the Governor-General of a Dominion, and that it should be agreed that he should not use his power of veto."¹⁶

"Ministers agreed that, if this proposal was made, it would not be accepted; *it would be wholly unacceptable to Parliament.*"¹⁷ (italics supplied)

Mountbatten "A testator on behalf of H.M.G."

Mountbatten used a revealing phrase to describe his task as Viceroy which lights up the whole political scene in India. He said: "He was in the position of a testator on behalf of His Majesty's Government".¹⁸ Britain was like a testator on his death bed, possessed of vast dominions, properties, powers and privileges. The Congress and the Muslim League were the

¹³ *Transfer of Power*, Vol. IX, pp. 652-53.

¹⁴ *ibid.* pp. 669-671.

¹⁵ *Transfer of Power*, Vol. X, pp. 38-42.

¹⁶ *ibid.* p. 41.

¹⁷ *ibid.*

¹⁸ *ibid.* p. 144. (Viceroy's Staff Meeting, uncirculated record of discussion No.4, 7 April 1947).

heirs apparent. The Cabinet Mission Plan would have enabled those heirs to enjoy their patrimony together. Since the Plan failed, all that remained was a scramble for the division of the patrimony between the Hindus and the Muslims.

Mountbatten set about trying to persuade the parties to work the Cabinet Mission Plan, as his directive required him to do. In his interviews with leaders of the Congress and the Muslim League he was confronted with the following problems:

- (a) The claim of the Congress that the Interim Government should be treated as a Dominion Cabinet with the Viceroy as its constitutional head.
- (b) The claim for "parity" made by the Muslim League.
- (c) Whether the Congress had really accepted the Cabinet Mission Plan as interpreted in H.M.G.'s Statement of 6 December 1946.

These three questions are interconnected but it would lead to greater clarity if question (a) is treated separately from questions (b) and (c), which will be considered together.

As in Wavell's time, so also before Mountbatten, the Congress made a claim that the Interim Government should be treated as a Dominion Cabinet. In an interview with the Associated Press of America at New Delhi on 9 March 1947, Vallabhbhai Patel asserted that the political impasse would be broken at once if power were transferred to the Central Government "as it then stood" with the "Viceroy standing out". In that event, "immediately there would be peace in the country".¹⁹ He said that "If there were conflicts in the Cabinet on any question, *the majority would rule*".²⁰ (italics supplied). In a statement issued on 11 May 1947, Jinnah sarcastically described Patel's proposals as follows :

"...Mr. Patel says, if there will be any conflict in the Cabinet over any question, the Congress brute majority will rule both in the Centre and the present existing legislatures. Then he would proceed with the existing administrative machinery, which is to be handed over to him throughout the country, *with the Police, and the armed forces including the British troops, to put down everybody in the country and crush particularly the 100 million Mussalmans*. This is his prescription and way of getting peace... The Muslim League will never agree to such a monstrous proposal as the one put forward by Mr. Patel to restore peace, which is only a dream of his."²¹ (italics supplied)

¹⁹ *ibid.* pp. 716-17.

²⁰ *ibid.*

²¹ *ibid.* p. 777.

It will be noticed that Jinnah expressed, in strong language, the very same view as to the object of the Congress in demanding a Dominion Cabinet as had been expressed earlier by Wavell and Attlee: (pp. 89-90 *ante*).

In a telegram to Ismay dated 12 May 1947, Sir Eric Mievill wrote:

"The Viceroy is now wondering more and more whether we ought not to work on the lines of trying to demit power on Dominion Status basis at an early date with Jinnah being given adequate safeguards in the interim period." ²²

Ismay's reply telegram dated 12 May said, *inter alia*,

"I do not see how dominion status without successful partition is possible in present circumstances or what adequate safeguards for Jinnah to which you refer can be." ²³

In a Note made by Nehru,²⁴ he wrote, *inter alia*, "In view of impending British withdrawal the constitutional form of Central Government must be a Cabinet with joint responsibility based upon full Dominion autonomy, with certain safeguards for the minorities."²⁵ In the Minutes of the Viceroy's Third Staff Meeting held on 16 May 1947, Mountbatten said that :

"He had already cautiously tried out threatening Mr. Jinnah that, unless he met requirements adequately, power would be demitted to the Interim Government on a Dominion Status basis. Mr. Jinnah had taken this very calmly and said that he could not stop such a step in any event. (Mountbatten) said that this abnormal reaction which was typical of Mr. Jinnah, was rather disturbing. If Mr. Jinnah thought himself betrayed he might derive great satisfaction by going down in history as a martyr for his cause, butchered by the British on the Congress altar. (Mountbatten) said that he would probably not face up Mr. Jinnah finally to the alternative until after the first day of the meeting with the Indian leaders." ²⁶

In an interview between Mountbatten, Nehru and Patel on 17 May 1947, Nehru "stressed very vehemently...that, once the announcement (of Mountbatten's plan) was made, the Interim Government should be treated by convention as a Dominion Government."²⁷ In a Note prepared by Abell on 21 May 1947 dealing with the demands of the Congress to establish a convention whereby the Interim Government would act as a Dominion Cabinet, Abell wrote, *inter alia*, that such a

²² *ibid.* p. 780.

²³ *ibid.* p. 798.

²⁴ *ibid.* pp. 766-771.

²⁵ *ibid.* p. 771.

²⁶ *ibid.* pp. 841-42.

²⁷ *ibid.* p. 871. Mountbatten suggested certain variations and said that he would put Nehru's view before His Majesty's Government.

demand, if granted, would lead to the Muslim League going out of the Interim Government, which would greatly increase the difficulty of keeping the country quiet. Further, it was necessary to consider the position of H.M.G. which could not hide the convention from Parliament and would have to admit that they had authorised the Viceroy to give up all attempts to fulfil the special responsibilities under the Government of India Act. He added :

"Although it is obviously desirable now to go to the limit in increasing the prestige of the Interim Government, that limit has already been reached. And it seems that the only possible way to go further is by getting partition finished and the two Dominion Governments set up. Only then can the Viceroy be rid of his unwelcome responsibility." ²⁸

In a letter addressed to Abell by Mievile on 22 May 1947, Mievile referred to a Note delivered to him by Jinnah which stated, *inter alia*,

"The Muslim League will never agree to any change in the position, functions, or powers of the present Interim Government either by convention or otherwise, but it must be dissolved as soon as two Constituent Assemblies are formed; and all powers should be transferred to them immediately as it was originally laid down in para 16 of the draft announcement." ²⁹

and Jinnah reiterated this position in the Notes which he submitted to Mievile on 26 May 1947.³⁰ Mievile wrote:

"Mr. Jinnah's Notes are confused and lack clarity ... In regard to one matter, however, that is, our desire that the Interim Government should be immediately treated by convention as a Dominion Government subject to the Viceroy's over-riding authority, having regard to the protection of minority interests, Mr. Jinnah has expressed strong disagreement." ³¹

An important meeting of the India and Burma Committee was held on 22 May 1947, Attlee presiding. Mountbatten made an important statement before the Committee. He said that the Congress leaders would no doubt ask for power to be handed over to the Interim Government. He added :

"They would argue that they had accepted the Cabinet Mission Plan and that the arrangements proposed in the announcement (proposed by Mountbatten) were no more than a modification of it, under which Provinces could opt out of the Union immediately instead of in 10 years' time. The refusal of the Muslim League to accept the scheme would therefore be regarded by the Congress leaders as justification for strict adherence to the Cabinet Mission Plan and for the immediate handing over of power to the Interim Government. *But he did not think that Congress could be regarded as having accepted the*

²⁸ *ibid.* p. 936.

³⁰ *ibid.* p. 991.

²⁹ *ibid.* p. 948.

³¹ *ibid.*

Mission's Plan, and, in fact, transfer of power to the Interim Government would be neither advisable nor practicable." ³² (italics supplied)

It is needless to go through the details of notes, memoranda and discussions as to the status of the Interim Government. It is enough to say that the demand of the Congress to be treated as a Dominion Cabinet was not conceded by His Majesty's Government since the Muslim League was implacably opposed to that demand, till the two Dominions were actually established. As stated by the India Committee, the grant to the Interim Government of the status of a Dominion Cabinet, would be wholly unacceptable to Parliament. (p. 118 *ante*.)

The question whether Congress had accepted the Cabinet Mission Plan, and whether parity should be granted to Hindus and Muslims in the framing of the Constitution and in the governance of the country under such Constitution are closely connected with each other, and have been so dealt with in meetings, notes and memoranda. It should have been obvious to the British Government on 18 March 1947, when they issued the directive to Mountbatten, that the Cabinet Mission Plan was dead. On 6 January 1947, the Congress accepted the British Government's statement on grouping, subject to a reservation which effectively destroyed the so called acceptance. Gandhi destroyed the Plan when he advised Bardoloi, the Prime Minister of Assam, to defy the Congress, and to disregard even Gandhi's advice, if he were to give it on the lines of the Congress, and reject the Cabinet Mission's proposal to join Group "C". The discussions which Mountbatten carried on to find out whether the Plan could still be brought into force, can only be described as the triumph of hope over inescapable facts.

The reader will recall that the emphasis laid in Ayesha Jalal's book on parity at the Centre as the main objective of Jinnah led me to a discussion of the safeguards provided for the Muslims enacted in the G.I. Act, 35, : (pp. 26-28 *ante*.) Separate electorates and reservation of seats for the Muslims to safeguard their interests had failed because the refusal of the Congress in 1937 to form Coalition Ministries had taught the minorities "that the majority party in the Legislature could set at naught the wishes of the minorities and that representation in the Legislatures would not alone be a sufficient

³² *ibid.* p. 954.

safeguard."³³ Again, the special responsibility of the Governor, acting in his individual judgment, to protect the legitimate interests of the minorities failed since the discharge of that duty would involve the resignation of the Ministry which resignation the Governors were unwilling to face.

Rejection by Congress of "Parity", a rejection of the Plan

These two safeguards having failed, I have shown that a search began for effective safeguards for the Muslim Community if it was not to remain under a perpetual domination by a "Hindu Raj": (pp. 32-35 and pp. 36-43 ante). The Desai-Liaquat Ali Pact, the Sapru Committee Report, the letter written by Azad to Gandhi as also the evidence given by Azad before the Cabinet Mission, all indicate that parity was looked upon as an effective safeguard. Although the Cabinet Mission rejected Pakistan, the Mission was clear that mere paper safeguards were not adequate to allay the fears of Muslims in a "Hindu Raj"; and effective safeguards had to be provided to allay those fears. In the grouping provisions of the Plan, the Cabinet Mission came near to parity, by providing for three sections, in which Hindu and Muslim Provinces were to be grouped. From the time of the Second Simla Conference it was clear that Congress opposed parity, and that Gandhi looked upon the grouping provisions as even worse than Pakistan. Nor could he understand how a group of Muslim Provinces with a population of nine crores could be equated to a group of Hindu Provinces with a population of about nineteen crores. It will be seen therefore that the grouping provisions of the Plan, and the claim to parity led the Congress in effect to reject the Cabinet Mission Plan.

Jinnah, in an interview with Mountbatten on 7 April 1947,

"...explained at length that the whole basis of the Mission Plan was that it had to be worked in a spirit of co-operation and mutual trust. In May 1946 there had been some prospect that this atmosphere would be created. Now, nearly a year later, the atmosphere so far from improving, had taken a serious turn for the worse and it was clear that in no circumstances did the Congress intend to work the Plan either in accordance with the spirit or the letter."³⁴... On the question of Defence, (Jinnah) said he had come to the conclusion that the Defence forces must be separated and that Pakistan and Hindustan must be

³³ See the letter addressed by V.P. Menon to Evan Jenkins, 7 July 1945, *Transfer of Power*, Vol. XII, p. 790.

³⁴ *Transfer of Power*, Vol. X, p. 149.

responsible separately for their own defence. *On no other basis would it be possible to have any form of central organisation on terms of parity.*"³⁵ (italics supplied)

In his personal Report No.4 dated 24 April 1947, Mountbatten said that he was doing his best to get the Cabinet Mission Plan accepted.³⁶ He reported that he had pointed out to Jinnah and the League leaders that there must be some form of Centre or Supreme Defence Council even if Pakistan was to be created. Mountbatten added :

"So we come to the ridiculous situation where Jinnah in his insistence on Pakistan is likely to get a very truncated edition of it and still have to go to some form of Centre, instead of accepting complete autonomy over Groups B and C with a somewhat similar Centre. *The real difference of course lies in the fact that in the former case there would be parity at the Centre and the League would not be outvoted. But it shows what value the League sets on this parity, since to obtain it they are prepared to sacrifice the richest plums of Pakistan.*"³⁷ (italics supplied)

The Minutes of the Viceroy's 8th Miscellaneous Meeting held on 25 April 1947 contains, *inter alia*, an important interview between Mountbatten and Vallabhbhai Patel on the question of parity. At that interview, among other things, Patel made the following statements:

"(a) Congress would not accept any suggestion for a further degree of parity for the present Central Government; (b) If the Muslim League did not accept the Cabinet Mission's Plan, Congress desire partition; (c) Congress had reached the maximum limit of their concession."³⁸

In the present context, the Minutes of the Viceroy's 9th Miscellaneous Meeting is important:

"(Mountbatten) said that it was his conviction that the only sensible solution for the future of India was one which would produce the greatest degree of unity that the people could be persuaded to accept. In fact, the Cabinet Mission Plan 'still held the field'. However, Mr. Jinnah had repeatedly stated that he would not consider accepting it on the grounds that Congress did not intend to carry it out fairly. (Mountbatten) stated that he was beginning to think that Mr. Jinnah might be right in this belief, especially in view of a statement which Sardar Patel had made to him at a previous meeting"³⁹ in connection with the interpretation by Congress of the procedure for framing the Constitution of Assam, in the light of H.M.G.'s statement of 6 December ... (Mountbatten) said that he had explained to Sardar Patel that the thing that

³⁵ *ibid.*

³⁶ *ibid.* p. 406.

³⁷ *ibid.* p. 407. According to Ayesha Jalal, Mountbatten failed to perceive that the real object of Jinnah was to secure a united India with parity at the Centre: *Ayesha Jalal, op. cit.* p. 260.

³⁸ *Transfer of Power, Vol. X, p. 426.*

³⁹ See (a) above.

most frightened Mr. Jinnah was the prospect of a Centre permanently dominated by the Hindus. He had asked Sardar Patel whether he could think of any way to reduce this fear, and the latter had replied *that he would never consider parity in the Central Government.*⁴⁰ (Mountbatten) said that although he considered Mr. Jinnah about the most difficult and unreasonable man with whom he had ever had to deal, *he, and the senior members of his staff, did feel that Mr. Jinnah's fears had some foundation. Therefore, it was to be considered that the Cabinet Mission Plan was 'dead.'*⁴¹ (italics supplied)

In his Personal Report No.5⁴² dated 1 May 1947, Mountbatten observed, *inter alia*, that Patel had warned Mountbatten: "If you raise this question of parity, you will incur everlasting enmity of Congress, that is the one thing we have been fighting against and will never agree."⁴³

It is clear from the passages set out at pp. 118-123 *ante*, that Congress had obviously not accepted the Cabinet Mission Plan as interpreted by the Statement of 6 December 1946. It did not accept the grouping provisions which were crucial to the Muslim League's acceptance of the Plan. It is equally clear that it did not want to share power with Muslims by accepting parity. In my view, the relevant documents in the *Transfer of Power* relied upon by Ayesha Jalal, support her paradoxical statement that "It was Congress that insisted on partition. It was Jinnah who was against partition".⁴⁴

Once Mountbatten decided that the Cabinet Mission Plan was dead, it became necessary to plan for the partition of India. The official documents show that in framing his plan he gave up all pretence of treating Congress and the Muslim League impartially. He showed documents to Nehru in "an act of friendship", accepted Nehru's suggestions and embodied them in the documents without showing those documents and the suggestions to Jinnah, and obtaining Jinnah's reactions. How far Mountbatten could carry this partiality for the Congress is shown by the following passage from Ayesha Jalal's book :

"Negotiations with one only of two contending sides was the novel concept which Mountbatten now introduced into the Indian political life ... 'Union' as conceived by the Congress was to be given Dominion status in a matter of weeks, forcing the Muslim districts prematurely into a birth which they were unlikely to survive..... in the Viceroy's blunt metaphor, '*Administratively it is the difference between putting up a permanent building, and a nissen hut or a*

⁴⁰ *Transfer of Power*, Vol. X, p. 507. *f.n.* 2 states that at that meeting Sardar Patel had stated that "Congress would not accept any suggestion for a further degree of parity in the present Central Government."

⁴¹ *ibid.* pp. 507-508.

⁴² *ibid.* pp. 533-43.

⁴³ *ibid.* p. 540.

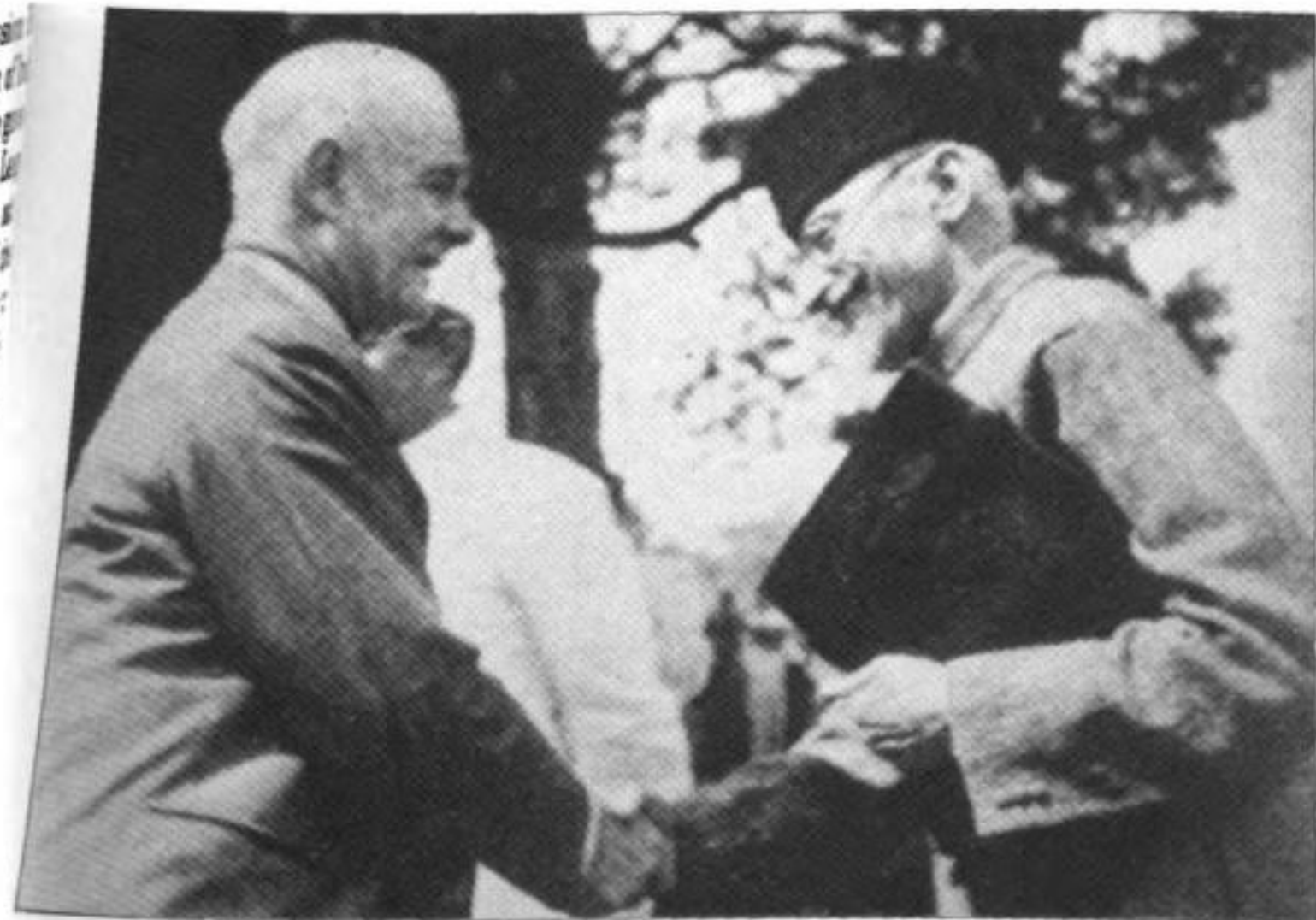
⁴⁴ *Ayesha Jalal, op. cit.* p. 262.

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Gandhi and Jinnah





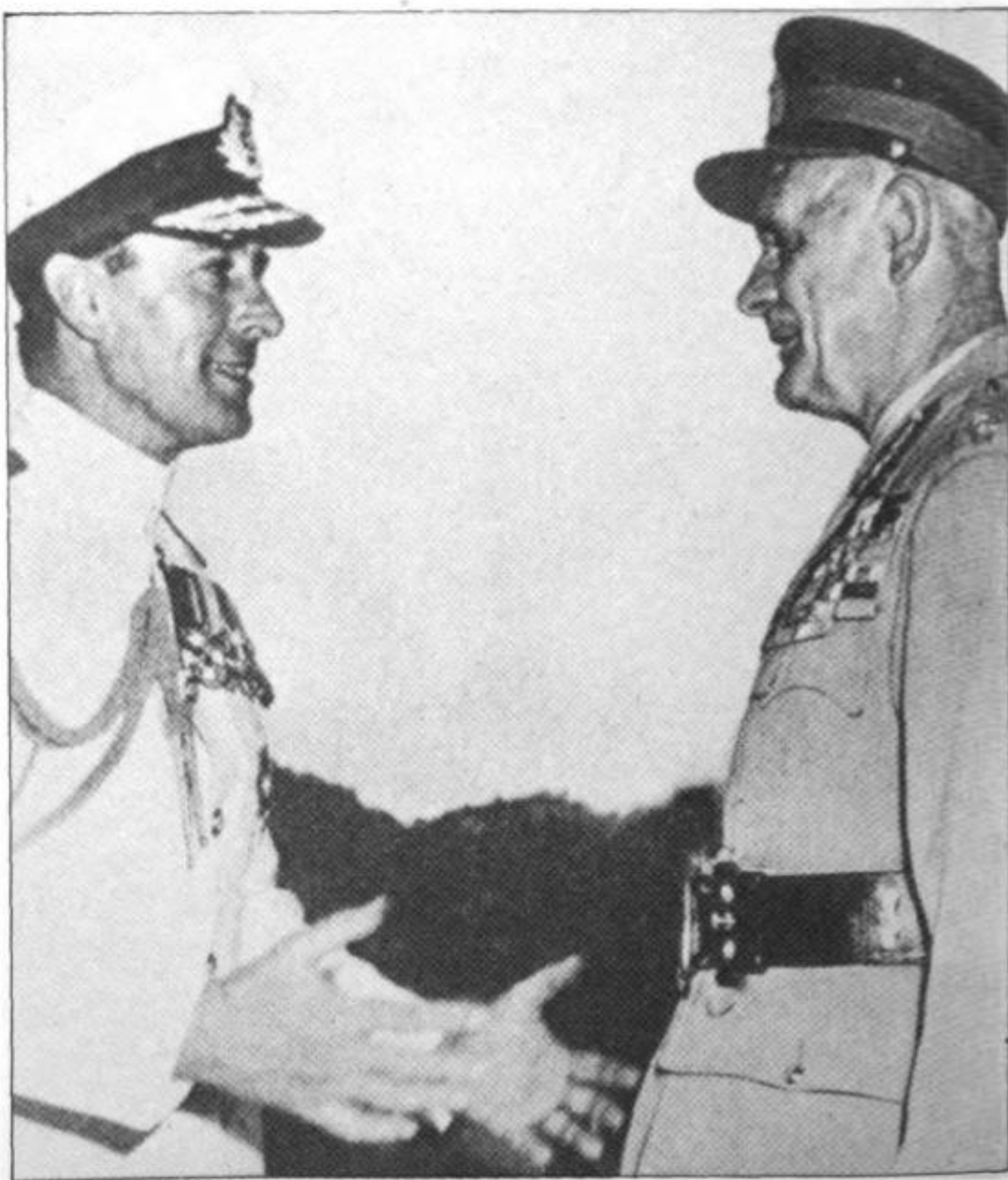
Jawaharlal Nehru with M.A. Jinnah

Prime Minister Clement Atlee



**Members of the Cabinet Mission
(l to r) Mr. A.V. Alexander,
Lord Pethick-Lawrence
and Sir Stafford Cripps.**

Sir Stafford Cripps



Lord Mountbatten and Lord Wavell

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tent. As far as Pakistan is concerned we are putting up a tent. We can do no more."⁴⁵ (italics supplied)

It does not help to refer to Jinnah's statements of his belief in Mountbatten's impartiality, since Jinnah could not have known what was going on in private behind the scenes as set out above. It is clear that Mountbatten departed widely from the duty of the Viceroy to hold the scales even between the two great communities of India.

*Mountbatten's Plan for Partition accepted
after failure of Cabinet Mission's Plan*

Once Mountbatten found that the Cabinet Mission Plan was dead, he, with the assistance of Menon and other advisers evolved a plan for the partition of India which would be acceptable to the Congress and to the Muslim League. It is not necessary to go through the details of the various drafts of the Plan; it is enough to say that Mountbatten carried with him to England a draft which had been shown both to Nehru and to Jinnah. A feature of the draft Plan likely to appeal to the Conservative Party in England was that power was to be transferred to two Dominions—India and Pakistan—as an interim measure, and power would be finally transferred to them before the end of 1947. On his return to India, on 3 June 1947, Mountbatten in a broadcast announced the decision of His Majesty's Government, (which, he said, had the support of the parties in India) to partition India by the creation of the two Dominions of India and Pakistan. The Viceroy's broadcast was followed by broadcasts by Nehru, Jinnah and Baldev Singh indicating their acceptance of the Plan. The Muslim League Council met on 10 June 1947 and by its resolution accepted the principles laid down in the Plan and authorised Jinnah to accept the fundamental principles and empowered him to take all steps and decisions in that behalf. A meeting of the All India Congress Committee was held on 14 June and a resolution was moved accepting the Plan for partition. In spite of Nehru's appeal to Azad to give up his opposition to partition and to Mountbatten's Plan,⁴⁶ Azad felt it to be his duty to oppose the

⁴⁵ *Ayesha Jalal, op. cit.* p. 271, quoting Alan Campbell-Johnson, *Mission with Mountbatten*, (2nd edn., 1972) p. 87.

⁴⁶ *Azad, op. cit.* p. 185.

resolution. Azad added:

"I told Jawaharlal that I could not possibly accept his views. I saw quite clearly that we were taking one wrong decision after another. Instead of retracing our steps we were now going deeper into the morass. The Muslim League had accepted the Cabinet Mission Plan and a satisfactory solution of the Indian problem seemed in sight. Unfortunately, the position changed and Mr. Jinnah got a chance of withdrawing from the League's earlier acceptance of the Plan I warned Jawaharlal that history would never forgive us if we agreed to partition. *The verdict would then be that India was divided as much by the Muslim League as by Congress.*"⁴⁷(italics supplied)

In spite of that opposition, the Working Committee approved of the Cabinet Mission Plan. In his autobiography, Azad records his stand when the matter was debated in the All India Congress Committee. He wrote:

"It was impossible for me to tolerate this abject surrender on the part of the Congress. In my speech I said clearly that the decision which the Working Committee had reached was the result of a most unfortunate development. Partition was a tragedy for India and the only thing that could be said in its favour was that we had done our best to avoid division, but we had failed."⁴⁸

The debate on the resolution continued for another day. However, Gandhi's intervention in support of the resolution was decisive. His opposition to Pakistan was well known – he had said that partition could come to India only over his dead body. But he advised that circumstances had arisen which made partition unavoidable. The resolution was passed by 29 votes to 15.

The British Parliament swiftly implemented the decision to partition India. A Bill (which became the Indian Independence Act, 1947) was introduced in the House of Commons on 4 July 1947 and was passed on 15 July. The next day, it was passed by the House of Lords. There were no amendments. It received the Royal Assent on 18 July. That Act created the two independent Dominions of India and Pakistan,⁴⁹ *divested His Majesty's Government in the United Kingdom of responsibility for the government of the territories which immediately before 15 August 1947, were included in British India,*⁵⁰ made temporary provisions for the government of each Dominion and provided that the powers of the Legislature of the Dominion were, for the purpose of making provision for the Constitution of the Dominion, to be exercisable in the first instance by the Constituent

47 *ibid.* pp. 196-97.

49 s. 1.

48 *ibid.* p. 186.

50 s. 7 (a) read with s. 1 (b).

Assembly for that Dominion,⁵¹ the references to the Constituent Assembly for the Dominion of India being construed as references to the Constituent Assembly, the first sitting whereof was held on 9 December 1946, with its membership modified by certain exclusions and inclusions.⁵² To complete the narrative it may be added that as a result of the machinery⁵³ devised for ascertaining the wishes of the people likely to be affected by partition, between June and July 1947, East Bengal (including Sylhet), West Punjab, Sind, Baluchistan and the North-West Frontier Province voted for Pakistan.

The bringing forward of the date for establishing the two Dominions of India and Pakistan from 30 June 1948 to 15 August 1947 posed formidable problems with inadequate time to solve them.

First, in accordance with the plan of 3 June 1947, it was decided to set up two Boundary Commissions, one for the partition of Punjab and the other for the partition of Bengal as also the separation of Sylhet from Assam.⁵⁴ Sir Cyril Radcliffe, the independent Chairman, landed in India on 8 July 1947, and was told by Mountbatten, Nehru and Jinnah that he and his two Commissions had five weeks time to make an award demarcating the boundaries of the provinces to be partitioned. However, the partition of the Punjab involved a special complication, because partition would disrupt the existence of canal systems, vital to the life of the Punjab, which were developed on the basis of a single administration. Radcliffe informed Mountbatten that he wished to put a proposition to Nehru and Jinnah, namely, that they should enter into an agreement to place the administration of the canal systems under a joint administration. He put his proposition to them, only to be rebuked and rebuffed by both. The members of the two Boundary Commissions were unable to agree on really controversial matters, and,

⁵¹ s. 8 (1).

⁵² s. 19 (3).

⁵³ For the machinery adopted, see *Menon. op. cit.* pp. 394-97.

⁵⁴ "With the consent of both parties Sir Cyril (later Lord) Radcliffe was appointed the Chairman of both Commissions. The remaining members were all High Court Judges. Thus, the members of the Bengal Commission were Justices C.C. Biswas, B.K. Mukherjea, Abu Saleh Mahomed Akram and S. A. Rahman, while the members of the Punjab Commission were Justices Meher Chand Mahajan, Teja Singh, Din Mahomed and Muhammad Munir.": *Menon, op. cit.* p. 408. For the difficulties which faced the Boundary Commission see *ibid.* pp. 408-410. For the Plan of 3 June, see *ibid.* pp. 522-27.

in substance, it fell to Radcliffe to make an award, which came to be known as the "Radcliffe Award". The failure of the leaders to accept Radcliffe's wise suggestion was to lead to prolonged disputes which were only settled when India and Pakistan signed the Indus Basin Development Treaty on 19 September 1960 in Karachi. The Indus Water Treaty was signed by Prime Minister Nehru and President Ayub Khan as well as on behalf of the International Bank for Reconstruction and Development and the agreement concerning the financing of the project was signed by the representatives of Australia, Canada, Germany, New Zealand, Pakistan, the United Kingdom, the United States and the Bank.⁵⁵

Secondly, on what principles were the Armed Forces to be divided since both the Congress and the Muslim League insisted on having their own Armed Forces under their control. Kripalani, the Congress President, pointed out that it was a question intimately connected with that of nationality. Jinnah supported this view, adding that it would be his purpose in Pakistan to observe no communal differences and that all those who lived there regardless of creed would be full-fledged citizens. It appears that at first this view found acceptance, subject to the right of members of a minority community in each State to opt out. Ultimately, however, it was decided that from 15 August, India and Pakistan would have their Armed Forces composed predominantly of non-Muslims and Muslims respectively.⁵⁶

Two Governors-General or One ?

Thirdly, a question was raised whether there should be one Governor-General for the two Dominions during the transition

⁵⁵ Large grants had been made by these countries and the Bank granted large and substantial loans. For a fascinating account of how the treaty came to be made and signed, see *The Law of International Drainage Basins*, edited by Gariston, Hayton and Olmstead. The main provision of the treaty was that the western rivers, Indus, Jhelum and Chinab would be available for the exclusive use and benefit of Pakistan with limited exceptions and the entire flow of the eastern rivers, Ravi, Beas and Sutlej would be available for the exclusive use and benefit of India, with limited exceptions. This division involved large construction works and link canals which were only made possible by substantial grants from the countries mentioned earlier and by loans from the World Bank and the International Bank for Reconstruction and Development.

⁵⁶ For a fuller account, see *Menon, op. cit.* pp. 405-07.

period and whether Mountbatten should be "re-appointed". It seems surprising that such a question should have been raised at all, and even more surprising that it should have been the subject of considerable discussion till it became a contest of will between Mountbatten and Jinnah, with Jinnah as the victor. Menon's discussion of this topic in *The Transfer of Power in India*⁵⁷ is unsatisfactory and incorrect, as is clear from the documents now published. A lively and dramatic, but a substantially accurate, account of the episode will be found in Mosley's *Last Days of the British Raj*.⁵⁸ However, the following is a brief account of the episode based on published documents. Menon had prepared a draft of "Heads of Agreement" which, it was hoped, the Indian leaders would sign.⁵⁹ Clause 6 of the Draft provided that "The Governor-General should be common to both States. We suggest that the present Governor-General should be re-appointed." A letter from Nehru to Mountbatten dated 17 May, commenting on "Proposals for Transfer of Power during Interim Period", said, among other things, "We agree to the proposal that during the interim period, the Governor-General should be common to both States, if there are two States. For our part we shall be happy if you could continue in the office and help us with your experience".⁶⁰ The record of an interview between Mountbatten and Jinnah and Liaquat Ali Khan on 17 May shows that Mountbatten wanted Jinnah's personal views as to whether Jinnah preferred Pakistan to have its own Governor-General or to share a common Governor-General with Hindustan. Jinnah, without committing himself, said that "he felt that it would be better to have two Governors-General. Also there should in his opinion, be a Representative of the Crown responsible for the division of assets between the two States", and that Mountbatten should fill that post. After further discussion Mountbatten suggested that Jinnah should send him a letter on 19 May "giving a full description of his suggestion of a supreme arbitrator and two Governors-General".

57 See pp. 400-402. Menon has left out important documents which are to be found in *Transfer of Power*, Vol. X, which put a different complexion on the episode, and render Menon's account incorrect.

58 See pp. 168-177. The narrative is supported by reference to "Government of India Records".

59 See *Transfer of Power*, Vol. X, pp. 841-43 (Meeting of 16 May 1947).

60 *ibid.* p. 869.

"However, he (Mountbatten) wished to be quite clear that he would reserve his personal position unless it was clearly stated by Mr. Jinnah in his letter that, if his scheme was found by H.M.G. to be impracticable, he would accept, as a less desirable alternative and as an interim measure, the appointment of a common Governor-General between the two States. Mr. Jinnah at first expressed himself violently opposed to this suggestion, but eventually, after prolonged discussion, he said that he would think it over. He pointed out that if H.M.G. decided, contrary to his own opinion, that his suggestion was unworkable, there would be no reason for him not to accept an alternative."⁶¹

Presumably, in view of Jinnah's personal opinion, two alternative drafts marked "A" and "B" were prepared on 17 May, containing "Proposals for Transfer of Power during the Interim Period on the basis of two Independent States." Clause 2 of draft "A" provided that "If the States desire it, there will be one common Constitutional Governor-General for the two States. He will also act as Arbitrator in matters of common concern between the two States, if the Governments of the two States agree that he should do so." Clause 2 of draft "B" said simply that "There will be a separate Governor-General for each state."⁶² In a letter dated 19 May, Nehru informed Captain Brockman, *inter alia*, "We prefer, therefore, draft 'A' to 'B'. But if, for any reason, one of the States wants to have a separate Governor-General for this period, we have no insuperable objection to it."⁶³ The published documents show that Jinnah did not forward to Mountbatten the details of his suggestion of a supreme arbitrator with two Governors-General for India and Pakistan. Nor did he agree to there being a common Governor-General. It is clear however from Nehru's comment that the Congress had no insuperable objection to two Governors-General.

It would appear that on 8 June, Lord Ismay prepared a memorandum indicating the benefits to Hindustan and Pakistan of a common Governor-General.⁶⁴ Sir Eric Mievill's interview with Liaquat Ali Khan on 20 June failed to obtain any answer about a common Governor-General, as did the interview between Mountbatten and Jinnah on 23 June.⁶⁵ However, at a meeting on 2 July between Jinnah and Mountbatten, Jinnah said that he had decided to become the Governor-General of Pakistan. Mountbatten argued against this decision and suggested a compromise under which Jinnah would be Officiating Governor-General in Pakistan when Mountbatten was in Delhi. Jinnah did not accept the compromise. Thereupon, Mountbat-

⁶¹ *ibid.* p. 872.

⁶² *ibid.* pp. 888-89.

⁶³ *ibid.* p. 892.

⁶⁴ *Transfer of Power*, Vol. XI, p. 231.

⁶⁵ *ibid.* p. 582.

ten recorded : "I asked him 'Do you realise what this will cost you?' He said sadly 'It may cost me several crores of rupees in assets', to which I replied somewhat acidly 'It may well cost you the whole of your assets and the future of Pakistan.' I then got up and left the room".⁶⁶ On the same day "a Staff meeting was called at Lord Ismay's house 'to consider the consequences of Mr. Jinnah's declared wish to be Governor-General of Pakistan'. The main purpose of the meeting was 'to devise a formula whereby His Excellency the Viceroy could remain Governor-General of both Dominions, and, at the same time, satisfy Mr. Jinnah's vanity'."⁶⁷ On 4 July, Liaquat Ali Khan confirmed in a letter to Mountbatten that Jinnah had made up his mind, and requested Mountbatten formally to recommend to the King the appointment of Jinnah as Governor-General of Pakistan. The letter expressed the hope that Mountbatten would remain as Governor-General of India.⁶⁸ This whole episode is unfortunate and should never have been allowed to arise, for it is incredible that the same person could be the constitutional Governor-General of two States. The constitutional head of a Dominion must act on the advice of his ministry. The two independent Dominions would be entitled to pursue their own policies, policies which may conflict, and a constitutional head of two Dominions would be in an impossible position if his two ministries gave him conflicting advice. Menon's explanation that the only way of giving effect to Jinnah's suggestion of a Super-Governor-General was to provide for a common Governor-General⁶⁹ is special pleading. Mountbatten correctly understood Jinnah's proposal when he asked Jinnah to give a full description of his "suggestion of a supreme arbitrator and two Governors-General". This episode left an unfortunate legacy behind. Jinnah's refusal to agree to Mountbatten becoming the Governor-General of India and also of Pakistan inflicted a wound on Mountbatten which time did not heal, and which led him to say

⁶⁶ Viceroy's Personal Report No. 11, 4 July 1947 : See *Transfer of Power*, Vol. XI, pp. 899-900. Ziegler adds : "According to Chaudhury Muhammad Ali, who was present at this encounter, the Viceroy 'belaboured Jinnah with arguments and appeals and bluster Jinnah bore this onslaught with great dignity and patience.' The account is not unconvincing. Mountbatten nearly lost his temper and Jinnah's impassivity would only have fuelled his indignation": *Ziegler, op. cit.* p. 398.

⁶⁷ *Transfer of Power*, Vol. XI, p. 840. [But Cf. "(Mountbatten's) vanity, though childlike, was monstrous, his ambition unbridled.": *Ziegler, op. cit.* p. 701.]

⁶⁸ *ibid* p. 902.

⁶⁹ *ibid.*

in public, harsh and unkind things about Jinnah.⁷⁰

Was partition inevitable?

The question has been asked, was the partition of India inevitable? Opinions on this point have differed. After the Congress committed the grave error of refusing to form Coalition Ministries in 1937,⁷¹ the first opportunity of avoiding partition was after the 1937 Elections when Jinnah showed that he was not thinking of a separate State of Pakistan and made a public appeal to Gandhi to tackle the question of Hindu-Muslim unity. We have seen that Gandhi's reply was depressing because he said that he was in total darkness and cried to God for help to solve the problem, and Gandhi's cry remained unanswered. The second opportunity of avoiding partition was the Desai-Liaquat Ali Pact which, had it been implemented with goodwill, might have broken the deadlock. The repudiation of Bhulabhai Desai by the Congress put an end to the hope of repairing the damage which had been done in 1937. One more opportunity remained. It was seized by Azad when he put his ideas before the Cabinet Mission, and succeeded in persuading the Congress Working Committee to adopt his plan. The Cabinet Mission Plan remained substantially the same as Azad's⁷²; it would have secured a united India, and the compulsory grouping scheme in the three sections would have given the Muslims all that they could get from Pakistan, without the penalties, perils and burdens flowing from a Pakistan separated from India. It was this idea which, when propounded by Azad, commended itself to the Cabinet Mission. This opportunity of keeping India united was lost, first, because the Congress accepted the plan with a qualification which destroyed its value for the Muslim League; secondly, because of the failure of the Mission and, later, of the British Government to make their intention clear before dam-

70 See Larry Collins and Dominique Lapierre, *Mountbatten and the Partition of India* (1985) Tarang Paperbacks: Jinnah was "the evil genius of the whole thing" (p. 65); a "clot" (pp. 67-8); "shown up for a bastard he was" (p. 69); a "psychopathic case" (p. 131); "suffering from megalomania in its worst form" (p. 253). (italics supplied)

71 See p. 19 *ante*.

72 See Azad, *op. cit.* p. 173: "He (Wavell) repeatedly told me that even from the point of the Muslim League, no better solution was possible. Since the Cabinet Mission Plan was largely based on the scheme I had formulated in my statement of 15 April, I naturally agreed."

age had been done by allowing the Congress reservations about the Cabinet Mission Plan to remain outstanding for over five months. Patel rightly complained about this delay, and expressed "..... regret that H.M.G. did not state their position earlier if their present statement (of 6 December 1946) represented their intention; Congress is now put in a very difficult position *vis-a-vis* Assam and the Sikhs".⁷³ In any rational sense, partition was not inevitable. It became inevitable because Hindu leaders, including a leader as eminent as Nehru failed to realise that by 1946 "the Muslim League dominated the Muslims as the Congress dominated the Hindus",⁷⁴ and that the Congress and the League would have to live and work together if India was to remain united.

Would the Cabinet Mission Plan have worked satisfactorily?

Secondly, would the Cabinet Mission Plan have worked satisfactorily? If the Congress and the Muslim League had joined hands, the problem of the "Native States" ruled by autocratic rulers would have posed no serious difficulties, and those States would have been absorbed in a united India as they were absorbed in a divided India. No doubt the Centre would not have been a strong Centre as it is in our Constitution, but as against that, India would have had a united Army, common communications to guard its extensive and historically vulnerable frontiers, and one foreign policy. Besides, a united India could have utilised its limited resources for the welfare of the people instead of India, Pakistan and later Bangladesh spending crores of rupees on costly armaments, each State treating the other two as potential enemies. Nor would Pakistan have been split in two by the creation of Bangladesh — a State created with Indian help, but not very much more friendly to

73 In an interview with Sir John Colville, Acting Viceroy, on 10 December 1946: See *Transfer of Power*, Vol. IX, p. 316.

74 See p. 30-31 *ante*. Or, as Wavell's biographer put it, "It may be asserted that this non-political soldier (Wavell) with his one eye saw more clearly than the experts in London, than some of his own advisors, and even than the sophisticated Nehru himself. Since the time of the Cripps Mission, Jinnah and the Muslim League had extended their power-base so far and so effectively that any idea of treating with them other than on the same level as Congress was doomed. This was the reality whose truth was ratified by the final split.": Lewin, *The Chief*, p. 232.

India than Pakistan. And most important of all, democratic institutions would not have been snuffed out in any part of India and replaced by military dictatorships, as in Pakistan and Bangladesh. But the plan required mutual co-operation and goodwill, a willingness to forget the past and to work for the well-being of a free and independent India. But between 1942 and 1947 goodwill and co-operation were rare commodities in India; they were not sought for, because distinguished Congress leaders confidently believed that Pakistan would have to seek reunion with India. On 19 May 1947, Mountbatten reported to the British Cabinet that "It had become clear that the Muslim League would resort to arms if Pakistan in some form was not conceded. In the face of this threat, the Congress leaders had modified their former attitude; indeed they were now inclined to feel that it would be to their advantage to be relieved of responsibility for the Provinces that would form Pakistan, *while at the same time they were confident that those Provinces would ultimately have to seek reunion with the remainder of India*".⁷⁵ (italics supplied) Jinnah left India for Pakistan on 7 August 1947, with an appeal to both Hindus and Muslims to "bury the past" and wished India success and prosperity. The next day, Patel said in Delhi "The poison had been removed from the body of India. We are now one and indivisible. You cannot divide the sea or the waters of the river. As for the Muslims they have their roots, their sacred places and their centres here. I do not know what they can possibly do in Pakistan. It will not be long before they return to us".⁷⁶ Hardly the words to promote goodwill and neighbourliness either then or in the days to come.

In Chapter XX of his book Menon has described the Cabinet Mission Plan, as intended by its authors, to be "no more than a facade of unity", and he said that, in any event, the three tier Constitution was unwieldy and carried with it the potentiality of continued friction.⁷⁷ However, by a strange irony, in an article he wrote for *The Statesman*, on 21 October 1947 he paid an unconscious tribute to the Plan which he consciously rejected. He wrote that public opinion in India would insist on adequate military preparations, and no responsible Government would be able to resist the demand, and this would lead to counter-preparations on the Pakistan side. He added :

"This is a danger which must be averted. Mahatma Gandhi has been

⁷⁵ *Transfer of Power*, Vol. X, p. 896.

⁷⁶ *Mosley, op. cit.* p. 248.

⁷⁷ *Menon, op. cit.* p. 447.

insisting that freedom would lose its significance if the lot of the common man were not improved. Similarly, the agitation for Pakistan was based upon the need for the Muslims to build up their life in their own way. Neither object can be achieved if the two States' resources are frittered away in futile military preparations. It is imperative that a way be found for building up a basis of security for both.

"In essential respects their interests are bound up with each other Why then should not both recognize this, and join up formally in mutual union for the three essential subjects of defence and foreign affairs (mutually dependent) and communications upon which defence depends? In this lies salvation. (italics supplied)

*"Pakistan may be loath to surrender the sentimental satisfaction of a separate national State for the Muslims. But a union at the top for these three subjects would not affect the separate existence of the two States for other matters."*⁷⁸

But it was just because Azad and the Cabinet Mission realised the vital importance of common defence, common communications and a common foreign policy for the sub-continent of India, that the Cabinet Mission Plan allocated these subjects to the Union of India while conferring on the Provinces, grouped in the three sections, all other powers, including residuary powers. When Nehru and Patel accepted partition to secure for India a federation with a strong centre, so that India would be free to develop in such manner as she thought fit, they chose partition as a lesser evil. Menon's prescription overlooks the fact that either we had to be content with a loose federation and a weak centre in order to secure the blessings of a common policy in foreign affairs, defence and communications in a united India, or be content to break up the country into India and Pakistan, each State being free to pursue policies which it considered most beneficial to itself, regardless of how they affected the other. Or, to put the choice more simply, we could have built on trust and co-operation and remained a united country; or we could have built on distrust and disharmony and become two countries; each pursuing its own individual good. Menon's prescription is self-contradictory for it seeks to combine two contradictory alternatives.

Further, a little reflection would show that once India and Pakistan became two sovereign States, Menon's suggestion of a "union at the top" for the purposes of "Defence", "Foreign Affairs" and "Communications" was untenable. First, union at the top between the two sovereign States of India and Pakistan

⁷⁸ *ibid.* p. 449.

must involve parity between them, that is, Pakistan must have an equal say with India on Defence, Foreign Affairs and Communications and vice-versa. Such parity, when recommended for a united India by Sapru, by Azad and by the Nationalist Muslims was indignantly rejected by Gandhi, Nehru and Patel. Menon himself has said :

*"Even the safeguards and protection demanded for their community by Nationalist Muslims went so far that they would have prevented for all time the growth of a united nation."*⁷⁹

Once parity was rejected by the Congress in a *united* India, a *fortiori*, parity would be rejected by the Congress between two sovereign States carved out of a united India. Secondly, union at the top for Defence, Foreign Affairs and Communications would carry with it a subject which Menon leaves out — the finances required for the purposes of Defence, Foreign Affairs and Communications. Thirdly, the content of the three subjects Defence, Foreign Affairs and Communications (and the raising of finance for them) would require to be defined or demarcated. Menon knew that the Union Powers Committee appointed by the Constituent Assembly (when the representatives of the Muslim League were absent) had made a Report dated 17 April 1947 which was presented to the Constituent Assembly on 28 April 1947.⁸⁰ The number of powers "connected with" or "implied in" the four topics of Defence, Foreign Affairs, Communications and Finance were set out as follows: "Defence" covered 6 topics of legislative power with the addition of Emergency Powers on the lines of s.102 and 126 (a) of the G.I. Act, 35. "Foreign Affairs" covered 17 topics of legislative power. "Communications" covered 12 topics of legislative power. The expression "The powers necessary to raise the finances required" covered 8 topics of legislative power. The "implied or inherent power" covered 14 topics of legislative power. In addition to the above, it was recommended that 8 topics of legislative power should be included in the Union List by agreement. In the result a minimal federation contemplated in the Cabinet Mission Plan was enlarged into 65 topics as subjects of Union legislative and executive power! *This Report was prepared before the Cabinet Mission Plan had been abandoned. Ayesha Jalal has rightly ob-*

⁷⁹ Menon, *op. cit.* p. 447.

⁸⁰ For the subjects included in the Report by a wide interpretation of Defence, Foreign Affairs and Communications, see Shiva Rao, *The Framing of India's Constitution*, Vol. II, pp. 743-47.

served that this Report :

"Slammed the door shut on Jinnah and the League once and for all. By widely interpreting the three common subjects, the Report converted the Union Centre into something very different from what the Mission had intended. (After setting out some of the numerous Union subjects included in the Report, she said) In short, the Union Government was to be equipped with all the powers exercised by the existing Centre far and beyond what the Mission had considered necessary to secure an agreed constitution for the whole of India." ⁸¹

The absurdity of the suggestion of "union at the top" between India and Pakistan in respect of Defence, Foreign Affairs, Communications and Finance (as widely interpreted by the Congress) is obvious. Such a union would mean that all the legislative and executive powers of the Union must be jointly exercised in the territories of India and Pakistan. To put it differently, none of these powers could be exercised by India on its own or by Pakistan on its own, and there could be no machinery to solve an impasse arising each day from the joint exercise of legislative and executive power, including the emergency powers of two sovereign States. Neither India nor Pakistan would acquiesce in a situation where their defence establishments, communications, broadcasting systems, their basic industries and their taxing system depended on the consent of the other sovereign State.

One other cause which led the Congress to accept partition must be noted here. It was said that the interim government did not act harmoniously and did not act as a Cabinet with Nehru as the *de facto* Prime Minister. This situation was aggravated by the fact that Patel had insisted on retaining the Home Ministry and had readily agreed that the Finance Ministry be offered to the Muslim League, only to discover that Liaquat Ali Khan as the Finance Minister controlled all ministries, including the Home Ministry. The position of the Interim Cabinet has been fully discussed at pp. 118-120 *ante*. The Interim Government failed to act harmoniously because Nehru wanted to be treated as the *de facto* Prime Minister of a Dominion Cabinet, a claim which the Muslim League strenuously opposed and which His Majesty's Government never conceded.

Why did Mountbatten choose 15 August 1947?

Assuming that partition had become inevitable and was ac-

⁸¹ *Ayesha Jalal, op. cit.* p. 261.

cepted by the Congress and the Muslim League, was there any justification for the haste and hurry with which the date of transfer of power was brought forward from June 1948, first to October 1947⁸² and then to 15 August 1947? Why did Mountbatten choose 15 August? A book on Mountbatten reports him as having told its authors,

"The date I chose came out of the blue. I chose it in reply to a question. *I was determined to show I was master of the whole event.* When they asked: had we set a date, I knew it had to be soon. I hadn't worked it out exactly then — I thought it had to be about August or September and I then went to the 15th of August. Why? Because it was the second anniversary of Japan's surrender."⁸³ (italics supplied)

This statement cannot be put down, as some other statements in the book have been put down, to failing memory about events which took place about 25 years earlier. For, on 15 August, as Independence Day was being celebrated in New Delhi,

"..... Lord Mountbatten issued (sic) a broadcast to the United States of America to celebrate the second anniversary of the Allied Victory over Japan. (He) said: Two years ago to-day, I had just returned from the Potsdam Conference and was in the Prime Minister's room in 10 Downing Street, when the news of Japanese surrender came through. Here, as I speak to you tonight in Delhi, we are celebrating an event no less momentous for the future of the world — India's Independence Day. In the Atlantic Charter we — the British and the Americans — dedicated ourselves to champion the self-determination of people and the independence of nations. Bitter experience has taught us that it is often easier to win a war than to achieve a war aim; so let us remember August 15th — V.J. Day — not only as the celebration of a victory, but also as the fulfilment of a pledge."⁸⁴ (italics supplied)

That 15 August 1947 was the second anniversary of the surrender of Japan may have had a personal and historic association for Mountbatten, as he had been the Supreme Commander for South-East Asia in the War against Japan. But that fact was extraneous and irrelevant to his task — to transfer power with the least amount of bloodshed and misery. Mountbatten realised that the date he had fixed had exposed him to criticism for haste and hurry. In para 17 of the conclusions appended to a Report which he made in September 1948⁸⁵ he summarises five

⁸² *Transfer of Power*, Vol. X. p. 872.

⁸³ Larry Collins & Dominique Lapierre, *Mountbatten and the Partition of India, March 22-August 15, 1947* (Tarang Paperbacks, 1985) p. 72. The book takes the form of questions put by its authors to Mountbatten and his replies.

⁸⁴ *Menon*, *op. cit.* pp. 422-23.

⁸⁵ Report of the Last Viceroyalty submitted to His Majesty's Government in September, 1948. See *Hodson*, *op. cit.* pp. 548-52.

reasons for selecting 15 August, *but those reasons make no reference to the second anniversary of the Japanese surrender.* Four of the five reasons he gave for fixing 15 August would have applied equally if the transfer had been fixed for September. The fifth reason, namely, that the leaders unanimously accepted 15 August, a date which he presumably suggested, cannot lessen his responsibility, the more so because the leaders could not have known that he would suppress the Boundary Commission Awards.

*Haste and hurry in bringing forward the date for
partition unjustified*

However, the question whether the haste and hurry in bringing forward the date for partition was justified has been asked and answered by many writers since 600,000 lives were lost and 14 million people "were involved in a painful and pitiful migration". Could this catastrophe, measureless in its pain, have been avoided by fixing a later date which would have gained much needed time to prevent, or, at any rate to greatly mitigate, that disaster? In justification of bringing the date forward to 15 August, it has been suggested that nobody could have foreseen the magnitude and intensity of the catastrophe which followed partition. However, the published documents in Vol. XII of the *Transfer of Power* make this suggestion untenable. Evan Jenkins, the Governor of Punjab, gave clear and persistent warnings to Mountbatten that the Sikhs meant to make trouble if the Governments of Pakistan and India were set up before the lines of demarcation were laid down by the award of the Boundary Commission and if that award were not to their liking. Jenkins annexed a confidential report of a conversation with Giani Khartar Singh which ended with an appeal to Jenkins not to abandon Punjab to tears and bloodshed, for there would be tears and bloodshed if the boundary problem was not suitably solved.⁸⁶ This was on 10 July. Jenkins wrote again on 13 July repeating his warning of the dangers threatening the Punjab. He wrote that communal feeling in Punjab was unbelievably bad. He added: "The Sikhs believe that they will be expropriated and massacred in West Punjab

⁸⁶ *Mosley, op. cit.* pp. 233-36. (Based on Government of India Records).

and smothered by the Hindus and Congress generally in East Punjab". He requested Mountbatten to obtain the Radcliffe Award and announce it *before* 15 August "to stop panic and the mad hurrying to and fro of populations from one Dominion to the other."⁸⁷ Mountbatten obtained a statement from the leaders of the Congress and the Muslim League appealing for a peaceful transfer of power, and expressing the determination of the Governments of the two Dominions to secure such peaceful transfer, as also their determination to accept the Boundary Commission Award whatever it may be. A Boundary Force of 50,000 soldiers was set up for the Punjab under General Rees. However, in the beginning of August, Master Tara Singh, the Sikh leader, "came into the picture", and his appeals to the Sikhs inflamed their religious and communal feelings.⁸⁸ In a final attempt to make the Viceroy and the political leaders in Delhi nip the rebellion in the bud, Jenkins sent a C.I.D. Officer with considerable documentary evidence of serious conspiracies, including a conspiracy to assassinate Jinnah. On 5 August, the evidence was produced before Mountbatten, Ismay, Nehru, Patel, Jinnah and Liaquat Ali Khan.⁸⁹ On the available evidence, there is no justification for the view that disorders in the Punjab of the gravest kind could not have been foreseen. As to Bengal, Lt.-Gen. Tucker was asked whether he would like to have a force corresponding to the Punjab Boundary Force, but he said "No", for he was confident that he could effectively meet the situation with the forces at his command. However, military force did not become necessary, for Gandhi was in Bengal with Suhrawardy (the former Prime Minister of unpartitioned Bengal), and they moved about together to promote communal harmony and extinguish the flames of communal violence. It was Gandhi's finest hour. His courage, his healing touch and tireless efforts succeeded, and such violence as there was, was within manageable limits. In recognition of the achievement, Mountbatten wrote to Gandhi, "In the Punjab we have 50,000 soldiers and large scale rioting on our hands. In Bengal our forces consist of one man, and we have no rioting. As a serving officer, as well as an administrator, may I be allowed to pay my tribute to the One-man Boundary Force, not forgetting his second-in-command, Mr. Suhrawardy?"⁹⁰

⁸⁷ *ibid.* p. 236. (Government of India Records).

⁸⁸ *ibid.*

⁸⁹ *ibid.* pp. 245-47. (See also *Transfer of Power*, Vol. XII, pp. 537-39.)

⁹⁰ *ibid.* p. 258.

In the inflamed communal atmosphere the orderly transfer of power in the Punjab and Bengal depended largely on the demarcation of the boundaries between West and East Bengal, and between West and East Punjab. Therefore, the terms of reference of the two Boundary Commissions assumed great importance, because, "The Boundary Commission (was) instructed to demarcate the boundaries of Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors."⁹¹ The terms of reference of the Boundary Commission for the Punjab were, *mutatis mutandis*, the same. For the Sikhs and Hindus in Western Punjab and the non-Muslim inhabitants of Lahore, the precise boundary line was important, because hoping that the Commission would take into account the ownership of land under "other factors" they had stayed on. "The award would be the signal to them to collect up whatever belongings they had and go East. In the mounting glare of communal tension, the sooner they knew their fate the better."⁹² The part which the Boundary Commission's award and its implementation were to play in the partition of the Punjab was thus crucial to an orderly transfer of power with as little bloodshed and misery as foresight and preparation could devise. Mountbatten knew this, for when 1 October 1947 was the date for the interim transfer of power,⁹³ he proposed telling Jinnah that "It is also possible that the Boundary Commission may not be ready with their recommendations."⁹⁴ Besides, Jenkins had informed Mountbatten of the near civil war atmosphere in the Punjab, particularly the determination of the Sikhs to create trouble, even before Mountbatten returned to India on 2 June. Therefore, a date for the interim transfer of power had to be fixed at least by reference to the Boundary Commission being able to make their award well within the date fixed for the interim transfer of power so that Mountbatten, taking Nehru and Jinnah into his confidence about the award, could take steps to see that all those who wished to cross over to the other side of the boundary line had time to do so when one central authority remained to enforce peaceful and orderly transfer. Further, the movement of people from one

⁹¹ Gwyer & Appadorai, *Speeches and Documents of the Indian Constitution*, Vol. II, p. 685.

⁹² Mosley, *op. cit.* p. 262.

⁹³ See *f.n.* 82 *ante*.

⁹⁴ *Transfer of Power*, Vol. X, p. 814.

side of the boundary to the other, could have been protected by fully armed convoys. But the Boundary Commissions were not appointed till 30 June; Radcliffe, their independent Chairman, did not reach Delhi till 8 July. Was there any justification for bringing the date forward from 1 October to 15 August?

CHAPTER IX

RADCLIFFE'S BOUNDARY AWARD ON THE PUNJAB

When were the Radcliffe Awards ready? The publication of the XIIth and final volume of the *Transfer of Power* enables us to answer that question fully and with certainty. Even before the partition of India was announced on 3 June 1947, the law and order position in the Punjab was causing anxiety. One of the consequences of Attlee's statement on 20 February 1947, was that the Khizar Ministry in Punjab resigned on 2 March 1947, and on 5 March 1947, Evan Jenkins, the Governor of Punjab issued a proclamation under s. 93 of the G.I. Act, 35, placing Punjab under "Governor's Rule". Again, when the Plan for partition was being evolved in India and was to be discussed in London, Azad had an interview with Mountbatten on 14 May 1947, which Azad has recorded in his autobiography. He records¹ that he pleaded with Mountbatten not to bury the Cabinet Mission Plan, and to defer the solution of the political problem for a year or two. He added :

"I also asked Lord Mountbatten to take into consideration the likely consequences of the partition of the country. Even without partition, there had been riots in Calcutta, Noakhali, Bihar, Bombay and the Punjab. Hindus had attacked Muslims and Muslims had attacked Hindus. *If the country was divided in such an atmosphere, there would be rivers of blood flowing in different parts of the country and the British would be responsible for the carnage.* (italics supplied)

"Without a moment's hesitation Lord Mountbatten replied, 'At least on this one question *I shall give you complete assurance.* I shall see to it that there is no bloodshed and riot. I am a soldier, not a civilian. *Once partition is accepted in principle, I shall issue orders to see that there are no communal disturbances anywhere in the country. If there should be the slightest agitation, I shall adopt the sternest measures to nip the trouble in the bud. I shall not use even the armed police, I will order the Army and Air Force to act and I will use tanks and aeroplanes to suppress anybody who wants to create trouble.*'"² (italics supplied)

Mountbatten's assurance about using tanks and aeroplanes is corroborated by the Minutes of the Cabinet Committee Meeting held on 23 May 1947 in the course of which Attlee said :

"... the communal feeling in India was now intense and it was possible that serious disorders might break out in the Punjab and certain other Provinces at any time after the announcement of the Plan for partitioning India. It was the Viceroy's considered view that the only hope of checking communal warfare was to suppress the first signs of it strongly and ruthlessly, *using for this purpose all the force required, including tanks and aircraft,* and giving full publicity

¹ Azad, *India Wins Freedom*, pp. 189-190.

² *ibid.* p. 190.

throughout India to the action taken and the reasons for it. In this view the Viceroy had the unanimous support of his Interim Government. It was important that he should also be assured that this policy had the support of His Majesty's Government. *The Cabinet agreed that the policy which the Viceroy proposed to follow in this matter should have their full support.*"³ (italics supplied)

After the decision to partition India was announced, and even more, after the Radcliffe Commission was appointed to fix the boundary dividing Punjab between India and Pakistan, the situation in Punjab grew worse, and grave disorders, accompanied by mass movements of population, were on the increase. The publication of Radcliffe's Award on Punjab ("the Punjab Award") was, therefore, awaited with anxiety by Evan Jenkins, and by the Punjab Partition Committee in Punjab. Having regard to the holocaust which followed the publication of the Punjab Award on 16 August 1947, and the "painful and pitiful" mass migrations which took place, we must now consider the Punjab Award, and matters connected with it in some detail. Broadly speaking, there are three versions as to why the Punjab Award was not published before 15 August 1947, namely, V.P. Menon's version; Campbell-Johnson's version; and Mountbatten's own version. None of these versions can be accepted as correct, but in order to make this statement good, it is necessary to refer to relevant documents in the *Transfer of Power* about Radcliffe's Award and matters connected with it.

On 16 July 1947, Mr. Abbott, I.C.S. (Secretary to Evan Jenkins) wrote to Abell (Private Secretary to Mountbatten) and said that Evan Jenkins had made a special request for

"as much advance intimation, not only of the date of the award but of its contents as can be given. Whatever the date and whatever government will be in power when the award is announced, it will be necessary to take precautions, especially in those districts which are likely to be affected, particularly those in the central Punjab."⁴

On 21 July 1947, Abell wrote to Mr. Beaumont, I.C.S. (Secretary to Radcliffe) that Mountbatten had met Evan Jenkins, the Governor of Punjab, on the previous day when

"The Governor represented to him that it would be of great practical advantage if he could be given advance information of the general purport of the award of the Boundary Commission when the time comes. *Even a few hours' warning would be better than none as the nature of the award would affect the distribution of police and troops. If it is possible to give us an abstract here in*

³ *Transfer of Power*, Vol. X, p. 967.

⁴ *Transfer of Power*, Vol. XII, p. 191.

advance, we could telegraph it in secret cipher to the Governor."⁵ (italics supplied)

Between the letter of 16 July 1947 and the reply to it dated 21 July 1947, an event of cardinal importance had taken place. As we have seen, the British Parliament enacted the Indian Independence Act, 1947,⁶ which came into force on 18 July 1947. The Act set up the two independent Dominions of India and Pakistan from 15 August 1947 ("the appointed day"). Section 7(1) (a) of the Act provided that "as from 15 August 1947, His Majesty's Government in the United Kingdom will have no responsibility as respects the Government of (British) India". Therefore, all correspondence carried on by Mountbatten, or on his behalf, at least after 18 July 1947 was carried on with the full knowledge that his vast powers and authority as Viceroy over *undivided* British India would come to an end on the midnight of 14 August 1947. From 15 August he became the Governor-General of the Dominion of India, and could only act on the advice of his Council of Ministers. Over that part of British India which became the Dominion of Pakistan his authority would cease on the midnight of 14 August. Hence it was of the utmost importance that the Punjab Award should be published well before 15 August if the violent disturbances which were expected to erupt on its publication were to be dealt with effectively. For, till the midnight of 14 August, Mountbatten as Viceroy could exercise his vast powers, including emergency powers, over the whole of British India, which powers included the use of the Army and the Air Force — the tanks and aeroplanes of which he had spoken to Azad and Attlee. The letter of 21 July referred to above, and the correspondence referred to at pp. 146-7 *post*, show that Mountbatten was fully aware of the extreme importance of publishing the Punjab Award as early as possible; and till 9 August 1947, he *professed* to share the consensus of opinion set out at p. 147 *post* that the Punjab Award should be published as early as possible.

On 22 July 1947, writing to Radcliffe, Mountbatten said that he had a discussion at Lahore with the Punjab Partition Committee.⁷ Referring to the assurance he had given to that Committee that he would write to Radcliffe of the urgency of the earliest possible date for the Punjab Boundary Award, Mountbatten continued :

⁵ *ibid.* p. 279.

⁶ See p. 126 *ante* for a brief summary of its main provisions.

⁷ See *Transfer of Power*, Vol. XII, p. 291, for the Minutes of the Meeting of the Committee over which Mountbatten presided.

"... It was emphasized (in the Punjab Partition Committee) that *the risk of disorder would be greatly increased if the award had to be announced at the very last moment before the 15th August.*

"2. *I know that you fully appreciate this, but I promised that I would mention it again to you, and say that we should all be grateful for every extra day earlier that you could manage to get the award announced. I wonder if there is any chance of getting it out by the 10th?*"⁸ (italics supplied)

Replying the next day, Radcliffe said :

"*I will certainly bear in mind the importance of the earliest possible date for the award. . . . I do not think that I could manage the 10th. But I think that I can promise the 12th, and I will do the earlier day if I possibly can.*"⁹ (italics supplied, except that "think" had been italicised by Radcliffe himself).

On 6 August 1947, Mountbatten wrote to Evan Jenkins, *inter alia*,

"I have not forgotten your request¹⁰ that you should be given advance warning of the nature of the Boundary Commission's award and *I will try to secure this.*"¹¹ (italics supplied)

On 8 August 1947 Abell wrote to Abbott :

"I enclose a map showing roughly the boundary which Sir Cyril Radcliffe proposed to demarcate in his award, and *a note by Christopher Beaumont describing it.* There will not be any great changes from this boundary, but it will have to be accurately defined with reference to village and zail boundaries in Lahore district.

"*The award itself is expected within the next 48 hours, and I will let you know later about the probable time of announcement. Perhaps you would ring me up if H.E. the Governor has any views on this point?*"¹² (italics supplied)

⁸ *ibid.* pp. 290-91.

⁹ *ibid.* p. 305.

¹⁰ See Abell's letter dated 21 July to Beaumont, quoted at p. 144 *ante*.

¹¹ *Transfer of Power*, Vol. XII, p. 557.

¹² *ibid.* p. 579. The relevant portions of the editorial Note to this letter runs thus :

"No copy of this map, or of the note by Mr. Beaumont describing it, is on the file. In April 1948, in a telegram to Lord Ismay discussing points of controversy which had arisen over the Punjab Boundary Award, Lord Mountbatten made the following comment about Sir G. Abell's letter to Mr. Abbott: 'The point that arises here was that Abell sent the letter concerned without my knowledge. It may be hard to convince people that that was so. It will look to have been an odd procedure.'

"Sir E. Jenkins, in a letter dated April 1948 to Lord Mountbatten in which he too discussed points of controversy which had arisen over the Punjab Award, described the two documents in question as follows : 'The enclosures were a schedule (I think typed) and a section of a printed map with a line drawn thereon, together showing a Boundary which included in Pakistan a sharp salient in the Ferozepore District. This salient enclosed

In his reply dated 9 August 1947, Abbott wrote :

"The Governor is taking law and order action on the preliminary information given. He trusts final version will be very precise and will be related as far as possible to existing administrative units and borders. To enable us to arrange publicity and administrative arrangements he would like the document in official form 24 hours before it is released, e.g. if it could be flown U (sic) 10th evening, it could be released 11th evening in New Delhi." ¹³

The above correspondence shows a consensus of opinion between Evan Jenkins, the Punjab Partition Committee and Mountbatten that every day's delay in publication of the Punjab Award would greatly increase the risk of disorder in Punjab. With this consensus of opinion Radcliffe concurred, when he wrote: "I will certainly bear in mind the importance of the earliest possible date for the (Punjab) Award". And he added that he would try to to have the Award ready on the 10th, if he could possibly do so. Radcliffe was better than his word, and the Punjab Award was ready on 9 August. ¹⁴

Departing from chronology, the following Note dated 11 August 1947 by Maj-Gen. D.C. Hawthorne, stated, *inter alia*,

". . . The refugee problem mainly from East Punjab to West Punjab is becoming increasingly difficult *and more and more of the population is on the move; naturally the Civil (sic) (authorities?) are demanding escorts from the Punjab Boundary Force to protect these defenceless refugees as they move and the Commander, Punjab Border Force is doing what he can.*" ¹⁵ (italics supplied)

Again, on 13 August 1947, Evan Jenkins wrote to Mountbatten, stating, *inter alia*,

"The Hindus are thoroughly terrified, *and the Muslim movement from the East is balanced by similar movement of Hindus from the West. We seem to have for the moment scotched the Hindu-Sikh bombing conspiracy and the Hindus are more concerned to get out of Lahore safely than with anything else.*" ¹⁶ (italics supplied)

On 13 August 1947 a telephone message to the Viceroy's office

the whole of the Ferozepore and Zira Tahsils.' Jenkins also stated that : 'About the 10th or 11th August, when we were still expecting the award on 13th August, at latest, I received a scraphone message from Viceroy's House containing the words "Eliminate Salient". . . . The change caused some surprise, not because the Ferozepore salient had been regarded as inevitable or even probable, *but because it seemed odd that any advance information had been given by the Commission if the award was not substantially complete.*' (italics supplied)

¹³ *ibid.* p. 615.

¹⁵ *Transfer of Power*, Vol. XII, p. 667.

¹⁴ See pp. 149-150 *post.*

¹⁶ *ibid.* p. 703.

from Gen. Messervy and Gen. Rees stated, *inter alia*, "... Postponement of Boundary Commission's Award causing uncertainty." ¹⁷ (italics supplied) Finally, on 15 August 1947, in a Note prepared for the Joint Defence Council by the Commander-in-Chief Field Marshal Sir Claude Auchinleck, on the situation in the Punjab Border Force area, he recorded his visit to Lahore on 14 August 1947 and observed :

"5. *Border Commission: The delay in announcing the award of the Border Commission is having a most disturbing and harmful effect.*" ¹⁸ It is realised of course that the announcement may add fresh fuel to the fire, but lacking the announcement, the wildest rumours are current, and are being spread by mischief makers of whom there is no lack." ¹⁹

On 14 August 1947, Mountbatten despatched a telegram to Lord Listowell, the Secretary of State for India at 10.15 p.m., which stated, *inter alia*,

"2. I personally have scrupulously avoided all connection with Boundary Commissions, including interpretation of their terms of reference and putting before them the various points of view forwarded to me. *** 6. Radcliffe sent in the Bengal award on 12th August. This contained the allocation of Chittagong Hill Tracts to Pakistan and I was warned that there would be serious reactions amongst Congress leaders at this. *** 8. I have taken following actions : - (a) I have decided not to publish the awards myself; ..." ²⁰

Mountbatten sent his "Personal Report No. 17" dated 16 August 1947²¹ to Listowell, but it is too long to set out here. However, paragraphs 11, 12 and 13 are so important that they are set out below:

"11. It was on Tuesday, 12th August, that I was finally informed by Radcliffe that his awards would be ready by noon the following day, just too late for me to see before leaving for Karachi. For some time past, I and my staff had been considering the question of when and how these awards should be published. From the purely administrative point of view, there were considerable advantages in immediate publication so that the new boundaries could take effect from 15th August, and the officials of the right Dominion could be in their places to look after the districts which had been allotted to their side before that date. However, it had been obvious all along that the later we postponed publication, the less would the inevitable odium react upon the British.

"12. The matter came to a head at the Meeting which I held with members

¹⁷ *ibid.* p. 705.

¹⁸ Cf. General Messervy and Gen. Rees's telephonic message quoted above.

¹⁹ *Transfer of Power*, Vol. XII, p. 736.

²⁰ *ibid.* pp. 732-733.

²¹ *ibid.* pp. 757-776. The reader interested in the Punjab Award and the matters connected with it, both before and after it was made, should turn to paras 1 to 16: *ibid.* pp. 757-761.

of my staff on the evening of the 12th. The Bengal award had by then been sent in but I had deliberately refrained from reading it. I was told however that it allotted the Chittagong Hill Tracts to Pakistan. My Reforms Commissioner, V.P. Menon, was present at the meeting and was able to warn me of the disastrous effects that this was likely to have on the Congress leaders. He went so far as to say that Nehru and Patel were both certain to blow up, since they had only recently assured a delegation from the Chittagong Hill Tracts that there was no question of their being allotted to Pakistan. (V.P. Menon admitted that they had no authority for making such a statement).

"13. V.P. Menon went on to say that if the details of the award were given to them before the 15th he thought they might well refuse to attend the meeting of the Constituent Assembly which I was to address. If given to them later in the day he thought they would refuse to come to the State banquet and the evening party. In any case he said that unless the situation were handled with the utmost care, the Congress would blow up. I have never known V. P. Menon to mislead me, and I decided that somehow we must prevent the leaders from knowing the details of the award until after the 15th August; all our work and the hope of good Indo-British relations on the day of the transfer of power would risk being destroyed if we could not do this."²² (italics supplied).

Mountbatten's suppression of Radcliffe's Punjab Award — The "Great Betrayal"

Reverting to 9 August 1947, an extraordinary event took place in relation to Radcliffe's Punjab Award. The importance of this event does not seem to have been recognized in Ziegler's *Mountbatten* or in various other books. On 9 August 1947 the Viceroy's 69th Staff Meeting was held, and the Minutes of that Meeting are on record.²³ Besides Mountbatten, who presided, there were present: Lord Ismay (Chief of the Viceroy's Staff), Abell (Private Secretary to the Viceroy), Mr. Christie, I.C.S. (Jt. Private Secretary to the Viceroy), Campbell-Johnson (Press Attache to the Viceroy), and Lt.-Col. Erskine Crum (Conference Secretary to the Viceroy). *V.P. Menon was not present at this meeting* although he used to attend the Viceroy's Staff Meetings.²⁴ Therefore, not a single Indian was present at the Meeting nor a party to the discussion and decisions recorded in the Minutes. Again, neither Evan Jenkins nor the Punjab Partition Committee was consulted before the decisions recorded in the Minutes were taken, although both of them had pressed that Radcliffe's Punjab Award should be made available as early as possible, and Mountbatten had agreed with them *and made that*

²² *ibid.* p. 760.

²³ *Transfer of Power*, Vol. XII, p. 610.

²⁴ See *Transfer of Power*, Vol. XII, p. 566 (68th Staff Meeting) and p. 673 (70th Staff Meeting).

very request to Radcliffe. Nor was Evan Jenkins or the Punjab Partition Committee informed afterwards of the decision taken at the 69th Staff Meeting on 9 August 1947 not to publish the Award before 15th August. Nor was the Commander-in-Chief consulted. The Minutes of the 69th Staff Meeting record, *inter alia*, as follows :

1. *Punjab.* It was stated that Sir Cyril Radcliffe would be ready by that evening to announce the award of the Punjab Boundary Commission. The VICEROY recalled that he had asked for the award to be ready by 10th August.²⁵ However, it was now for reconsideration whether it would in fact be desirable to publish it straightaway. Without question, the earlier it was published, the more the British would have to bear the responsibility for the disturbances which would undoubtedly result. Lord Ismay gave his opinion that it would be better to defer the publication of the award until 14th August. Sir George Abell said that he had asked Sir Evan Jenkins for his opinion as to the best date for the announcement. He pointed out that there were administrative advantages from early publication. The VICEROY emphasized the necessity for maintaining secrecy, *not only on the terms of the award, but also on the fact that it would be ready that day.*"²⁶ (italics supplied)

The Editor's Note sets out Campbell - Johnson's record of the discussions at this meeting. It runs :

"Mr. A. Campbell-Johnson made the following record of this discussion. Various points of view about publication were put forward. On administrative grounds it was argued that earliest possible announcement would be of help to Jenkins and would enable last-minute troop movements to be made into the affected areas in advance of the transfer of power. Alternatively, it was suggested that in so far as the Award would in any case be bound to touch off trouble, the best date to release it would be on the 14th August. Mountbatten said that if he could exercise some discretion in the matter he would much prefer to postpone its appearance until after the Independence Day celebrations, feeling that the problem of its timing was really one of psychology, *and that the controversy and grief that it was bound to arouse on both sides should not be allowed to mar Independence Day itself.*" Alan Campbell-Johnson, *Mission with Mountbatten*, London, 1951, p. 152."²⁷ (italics supplied)

The Editor's Note then proceeds :

"An entry in Mr. Christie's diary for 9 August reads as follows: 'Staff Meeting to-day concerned with Boundary Commission timing of announcement and precautions — George (Sir G. Abell) tells me His Excellency is in a tired flap, & is having to be strenuously dissuaded from asking Radcliffe to alter his award'."²⁸

Before commenting on the decision taken at this Meeting, I must

²⁵ To Radcliffe, dated 22 July 1947, quoted earlier.

²⁶ *Transfer of Power*, Vol. XII, p. 611.

²⁷ *ibid.* f.n. 3.

²⁸ *ibid.*

refer to two other documents: (i) the Minutes of the Viceroy's 70th Staff Meeting held on 12 August 1947, *at which meeting V.P. Menon was present*; and (ii) Mountbatten's telegram to Evan Jenkins dated 12 August 1947.

The Minutes of the Meeting of 12 August are cryptically brief, and but for the Editor's Note No. 2 to the Minutes, very few people would have known what really happened at that meeting. The Minutes ran as follows :

"The Meeting discussed the action necessary as a result of the fact that it appeared impossible to publish the award of the Boundary Commission as early as it was hoped.²⁹ H.E. the VICEROY (i) directed P.S.V. to inform the Governors of the Punjab and Bengal of the delay in this matter; (ii) directed J.P.S.V. to take all other action consequent upon the decision reached, including a telegram to the Secretary of State."³⁰ (italics supplied)

In face of the Minutes of the 69th Staff Meeting which show that the Punjab Award was ready on 9th August, it is obvious that the cryptic brevity of the Minutes was deliberate. The Editor's Note to the Meeting of 12 August runs thus:

"2. An entry in Mr. Christie's diary for 12 August reads as follows: 'The Staff Meeting, twice postponed, began at 5 and went on for 2³/₄ hours. Then we got on to the Boundary Commission — V.P. (V.P. Menon) showed a quite unexpected flare up of communal bias when he heard about the C (Chittagong) H (Hill) T (Tracts). H.E. most anxious to postpone publication till after 15th. Pug (Lord Ismay) against this for administrative reasons. H.E. adamant: sent Alan (Mr. Campbell-Johnson) and me to Sir C.R. (Radcliffe) to arrange the dates. C.R. refused flat — too many people know it's ready. *Stretched a point to redate 13th; will arrive complete after H.E. has gone to Karachi.* Back to H.E. who had had a couple. Didn't like it, but swallowed it.'...

"Campbell-Johnson in his account of the visit to Radcliffe says that Radcliffe explained that both the Punjab and Bengal awards were complete and ready, but that the Sylhet award was not. He also states that Mountbatten was 'greatly relieved' when advised that it would therefore be physically very difficult for all three awards to come into his possession before his return to Delhi from Karachi on the evening of 14 August, or for the texts to be printed and available before the 16th — Independence Day itself being a national holiday. Alan Campbell-Johnson, *Mission with Mountbatten*, London, 1951, p. 153."³¹

Why Radcliffe weakly "stretched a point" and agreed to redate the Award 13th must remain a mystery, for, as we have seen, Radcliffe was fully aware of the importance of publishing the

²⁹ *ibid.* p. 673. The Editor's Note No. 1 rightly compares these Minutes with the 1st Item of the Viceroy's 69th Staff Meeting which has been quoted at p. 150 *ante*.

³⁰ *ibid.* p. 674.

³¹ *ibid.*

Punjab Award *at the earliest*, and he was equally aware that, in respect of its publication, *Mountbatten and Evan Jenkins had treated the Punjab Award as distinct and separate* from the two other Awards.³²

The Staff Meeting of 12 August 1947 ended at about 8 p.m. Mountbatten dispatched a telegram to Evan Jenkins the same evening at 11.15 p.m. It said, *inter alia*, "It is now clear that the complete awards for Punjab and Bengal will not be ready for publication till 15th evening or 16th morning".

Writing earlier, I had said :

"Assuming that partition had become inevitable was there any justification for the haste and hurry with which the date of transfer of power was brought forward from June 1948 first to October 1947 and then to 15 August 1947? The last and unpublished volume of the *Transfer of Power 1942-7* holds the key to the answer if it is to be based on a fresh assessment of published documents."³³

When I asked the question, and answered it, I had no idea that Volume XII of the *Transfer of Power* ("Vol. XII") would contain documents which would require a radical revision of current opinions as to Mountbatten's motives and conduct as Viceroy, more particularly as disclosed by his suppression of Radcliffe's Punjab Award ("the Punjab Award"). With hindsight, this is not surprising, for the Minutes of the 69th Staff Meeting held by Mountbatten formed part of the "Mountbatten Papers" which were not available to the public, nor, in their entirety, presumably even to scholars, till Ziegler's official biography of Mountbatten was published in 1985. Further, under the practice then prevailing in England, official documents relating to the transfer of power to India would not have been available to the public before 1999. However, as the reader will have seen from the narrative at pp. 143-152, a clear picture of Mountbatten's motives and conduct in suppressing the Punjab Award required a careful analytical study of official documents *as well as* of the Mountbatten Papers. Volume XII has made such a study possible, because,

"(by) far the greater part of the hitherto unpublished documents reproduced in Vol. XII are drawn from the official archives of the India Office in the

³² The Punjab and the Bengal Awards are dated 12 August 1947 and the Sylhet Award is dated 13 August: *ibid.* pp. 744, 749, 754.

³³ *Seervai*, Vol. I, (3rd edn.) p. 42. (1983.)

custody of the India Office Records or from the Mountbatten Papers." ³⁴ (italics supplied)

Many readers will naturally ask : Does not Ziegler's *Mountbatten* contain such a study, since he had unrestricted access to the Mountbatten Papers, and also to Vol. XII of the *Transfer of Power* as the Notes to Chapter 33 of his *Mountbatten* clearly show?³⁵ The answer is that it contains no such study. It is outside the scope of this book to show in detail that Ziegler's account of Mountbatten's suppression of the Punjab Award is not correct. Probably a correct account would have obliged him to track down and separate out of 489 published documents about 16 documents relevant to the Punjab Award, which documents appear widely separated from each other in Vol. XII, and, thereafter, weave out of the 16 selected documents a coherent account of Mountbatten's responsibility for suppressing the Punjab Award. Be that as it may, it is enough to say that the following observations of Ziegler are untenable. He said :

"On 9 August with less than a week to go for the transfer of power word came that the award of the Punjab Boundary Commission might be presented to the Viceroy that very evening. *This confronted the Viceroy with a problem of presentation which up till then he had been ignoring.* Should the awards be made public as soon as they were received, or held up for a few days until the celebrations of independence were over?" ³⁶ (italics supplied)

The words I have italicized are directly contradicted by the documents which I have extracted from Vol. XII: (pp. 144-152 *ante*). These documents show that far from ignoring the problem of the presentation of the Punjab Award till 9 August 1947, Mountbatten had considered that problem at least as early as 22 July 1947. For, on that day he wrote to Radcliffe pressing upon him the need to get the award *announced* as soon as possible. Mountbatten added: "We should all be grateful for every extra day earlier that you could manage to get the award announced. I wonder whether there is any chance of getting it out by the 10th?": (p. 146 *ante*). Right up to 8 August 1947, Mountbatten *professed* his firm determination to publish the Punjab Award as early as possible because "the risk of disorder would be greatly increased if the award had to be announced at the very last moment before the 15th August". It is surprising that Ziegler in dealing with the publication of the Punjab Award does not refer to the one document which is decisive on the point, namely, the Minutes of

³⁴ *Transfer of Power*, Vol. XII, p. xxx.

³⁵ *Ziegler, op. cit.* pp. 734-35.

³⁶ *ibid.* p. 417.

the Viceroy's 69th Staff Meeting held on 9 August 1947, for they show a complete *volte face* on the part of Mountbatten from the stand he had *professed* to take from 22 July to 8 August 1947. Ziegler's omission to consider the grave implications of one crucial document in the light of what had gone before it and what came after it, makes his account of Mountbatten's responsibility for the suppression of the Punjab Award incorrect and untenable.

It is not suggested here that Ziegler read the crucial document and, because of its grave effect on Mountbatten's reputation, looked the other way. It is most likely that he took the account of what happened on 9 August from the other sources which he quotes: Campbell-Johnson's *Mission with Mountbatten*³⁷ and Christie's *Diary*.³⁸ Had he gone to the original source — the Minutes of 9 August as given in the *Transfer of Power with the Editor's Notes*, he would have realized that the documents relevant to the suppression of the Punjab Award furnished one more proof of the harsh judgments he had passed on Mountbatten's character. The reader will find those judgments set out at pp. 115-116 *ante*. Put briefly, Ziegler said, in substance, that Mountbatten preferred falsehood to truth for his own glorification. And as Viceroy, Mountbatten did not reject as unworthy "manipulation and even chicanery", that he considered "sleight of hand" justified if he believed that the object to be achieved was a good one; and that though the lie direct was forbidden, the "lie circumstantial" was permissible.

I said earlier³⁹ that the documents contained in Vol. XII would require a radical revision of current opinions as to Mountbatten's motives and conduct as Viceroy, more particularly as disclosed by his suppression of the Punjab Award. No doubt on Independence Day (15 August 1947) Mountbatten was the central figure in the midst of huge and delirious crowds shouting "*Mountbatten ki jai*", "*Lady Mountbatten ki jai*" and even "*Pandit Mountbatten ki jai*".⁴⁰ He would have been more than human if this warm reception did not make him feel that his achievement in India would endure, and he and they would go down in history since "the old and the new order were reconciled in himself".⁴¹ And this feeling would be confirmed when at the

37 Ziegler, *op. cit.* p. 471, and note 3 at p. 734.

38 *ibid.* p. 421.

40 Ziegler, *op. cit.* p. 425

41 *ibid.* p. 423, quoting Campbell - Johnson.

39 See p. 152 *ante*.

farewell banquet in his honour, Jawaharlal Nehru referred to the love and affection of the people which Lord and Lady Mountbatten had won for themselves, and then added :

"It is difficult for me or anyone to judge of what we have done during the last year or so. We are too near to it and too intimately connected with events. Maybe we have made many mistakes, you and we. *Historians a generation or two hence will perhaps be able to judge what we have done right and what we have done wrong.* Nevertheless, whether we did right or wrong, the test, perhaps the right test, is whether we tried to do right, or did not I do believe that we did try to do right, *and I am convinced that you tried to do the right thing by India,* and therefore many of our sins will be forgiven us and many of our errors also."⁴² (*italics supplied*)

But however sincere and deeply felt the tribute, Nehru knew that history might, as at times it does, reverse contemporary verdicts, and with characteristic detachment he left it to "historians a generation or two later" to apportion praise or blame to the principal actors who partitioned India, with Mountbatten at their head. A generation has gone by since Nehru expressed his conviction *that Mountbatten had tried to do the right thing by India*; and Vol. XII of the *Transfer of Power* has provided historians, and students of history, with ample material to pass judgment on Mountbatten's actions as Viceroy of India. Mercifully, a satisfactory "verdict of history" on Mountbatten was not possible till Vol. XII was published in 1983 — nearly 17 years after Nehru's death. *Mercifully*, because the revelations contained in that Volume would have shattered Nehru's conviction that *Mountbatten had tried to do the right thing by India.*

Mountbatten and three important periods of his Viceroyalty

The narrative at pp. 144-152 *ante* covers broadly speaking, three periods. In the first period, when a plan for partitioning India was being formulated, we find that Azad's fear of rivers of blood flowing in different parts of India, if partition was hurried, was promptly met by Mountbatten's assurance that he would use tanks and aircraft to put down any violence which might erupt on partition being announced. *In this assurance he had the full support of the British Government.*

The second period began with the announcement of partition on 3 June 1947. In this period, Mountbatten could act with

⁴² Ziegler, *op. cit.* p. 479.

confidence, because he had the support which the British Government had given to his policy of putting down violence and disorder by the use, if need be, of tanks and aircraft, a support which necessarily carried with it the assurance that the British Government would not shirk its responsibility for the good government of India, for fear that the use of such force might expose the British Government to odium. As we have seen, the consensus of opinion between Evan Jenkins, the Punjab Partition Committee and Mountbatten himself was that the publication of the Punjab Award well before 15 August would *reduce* the risk of disorder which was expected to follow the publication of the Punjab Award. In this view Radcliffe concurred and got ready to announce the Punjab Award on 9 August.

During the second period, as the correspondence at pp. 144-47 *ante* shows, Mountbatten professed the keenest desire to secure the earliest publication of the Punjab Award. He gave repeated assurances to that effect to Evan Jenkins. He gave the same assurance to the Punjab Partition Committee. And he wrote to Radcliffe about the extreme importance of an early publication of the Punjab Award. It is impossible to believe that in doing all this, Mountbatten did not know that if the Punjab Award was published well before 15 August, the British would have to bear the responsibility and the odium for putting down by force the disturbances which would undoubtedly take place. His assurance to Azad as early as May 1947 showed that as Viceroy, Mountbatten was resolved to shoulder the responsibility of sternly suppressing such disturbances — a resolve which was backed by the British Government.

In fact, Mountbatten knew that grave disorders were taking place in the Punjab even as Radcliffe was getting the Punjab Award ready. Again, increasingly the flow of refugees from East to West and *vice versa* was posing grave problems of law and order, including the need to provide adequately armed convoys to protect helpless refugees. Consequently, Mountbatten was duty-bound to exercise his full authority over a united British India over which he retained full control till the midnight of 14 August. Why then, did he abdicate that duty by suppressing the announcement of the Punjab Award till after 15 August, although the Award was ready on 9 August? This takes us to the third and most distressing period of Mountbatten's Viceroyalty.

In considering the third period, it must not be forgotten that

no account dealing with the suppression of the Punjab Award can be correct if it does not expressly refer to, or set out, para 1 of the Minutes of the Viceroy's 69th Staff Meeting held on 9 August 1947. For the convenience of the reader, that para is set out below:

"1. Punjab. It was stated that Sir Cyril Radcliffe would be ready *by that evening to announce the award of the Punjab Boundary Commission*. The VICEROY recalled that he had asked for the award to be ready by 10th August. *However, it was now for reconsideration whether it would in fact be desirable to publish it straightaway. Without question, the earlier it was published, the more the British would have to bear the responsibility for the disturbances which would undoubtedly result ...*"⁴³ (italics supplied)

Menon's version, Campbell-Johnson's version and Mountbatten's own version for not publishing the award till after 15 August 1947 are necessarily incorrect because they do not refer to the aforesaid decision taken on 9 August.

Menon gave the following reason why Radcliffe's Punjab Award could not be published before 17 August 1947 :

"(Radcliffe) was ready with his award *only on 13 August*. It was Lord Mountbatten's plan to hand over copies of the award to the leaders of the Congress and the Muslim League immediately after he had received them from Sir Cyril Radcliffe, but since he was going to Karachi on the 13th, he could not possibly summon the party leaders on that date. The earliest he was able to get the leaders together from Karachi as well as Delhi to receive the Radcliffe award was on 17 August, and copies were handed over on that day; in fact before the meeting on the 17th, *no one, not even Lord Mountbatten, had seen or read the award.*"⁴⁴ (italics supplied)

This account of Menon is totally incorrect and the most favourable explanation for it is that as he was giving it after 10 years, he forgot that he had attended the Viceroy's 70th Staff Meeting on 12 August when he heard that the Chittagong Hill Tracts had been given to Pakistan by the Bengal Award, and he strongly advised Mountbatten not to publish the Awards till after the Independence Day.⁴⁵ Further, and more fundamentally, Menon's version is incorrect because the Minutes of the Staff Meeting of 9 August show that Radcliffe was ready to *announce* the Punjab Award on 9 August, a fact which Menon might not have known, since he was excluded from that Meeting, or, at any rate, was not present at it.

⁴³ *Transfer of Power*, Vol. XII, p. 611.

⁴⁴ *Menon, op. cit.* p. 409.

⁴⁵ *Transfer of Power*, Vol. XII, p. 760, paras 12 and 13. Menon makes no reference in his *Transfer of Power in India* to the fact that he attended the meeting of 12 August or to the discussion which took place at that meeting about publication of the Radcliffe Awards : see *Menon, op. cit.* p. 409.

Campbell-Johnson's version is clearly wrong because he was present at the meeting of 9 August, and he knew that Radcliffe was ready to announce the Punjab Award that evening, and he knew also the reason which Mountbatten gave for *reconsidering* the earlier view that the Award should be published as early as possible. In his *Mission With Mountbatten*, Campbell-Johnson reports the discussion which took place at the Meeting of 9 August which is *not a part of the official record* – but which has been given in the Editorial Note to the Minutes of the Meeting: (p. 148 *ante*). According to Campbell-Johnson, Mountbatten said that if he could exercise some discretion in the matter, he would much prefer to postpone its publication only after Independence Day celebrations, feeling that the problem of its timing was really one of psychology, and the controversy and grief that it was bound to arouse on both sides should not be allowed to mar Independence Day itself.⁴⁶ In view of the Minutes of 9 August, this version must be rejected, as a half truth because Campbell-Johnson ignores the reason which Mountbatten gave for not publishing the Award before Independence Day. That reason is part of the official record, and the discussion which Campbell-Johnson reports is not. In any event, that discussion did not displace the reason recorded in the Minutes which would be prepared *after* the discussions are over. If there was any question of "psychology", it was that Mountbatten, *as representing the British Government*, shirked accepting the responsibility of putting down the disturbances which would unquestionably follow the publication of the Punjab Award. The reason which Mountbatten gave on 9 August, can only be described as disgraceful, and as an abdication of his duty to protect the people of Punjab from the grave aftermath of partition, of which he was the principal architect.

The decision taken in secret on 9 August that strict secrecy must be preserved as to the fact that the Award was ready on the 9th and also about its contents, *led to further manipulation and suppression of the truth*. I have said that in the Minutes of the 70th Staff Meeting held on 12 August, the first entry is cryptically brief: "The Meeting discussed the action necessary as a result of the fact that *it appeared impossible* to publish the Awards of the Boundary Commission as early as had been hoped."⁴⁷ (*italics supplied*) The falsity of this statement in the

⁴⁶ *Transfer of Power*, Vol. XII, p. 611, *f.n.3*.

⁴⁷ *ibid.* p. 673.

Minutes has led to the Editorial Note No. 1⁴⁸ which calls attention to the Meeting of 9 August, in which it was stated that Radcliffe was ready to announce the Punjab Award on the evening of 9 August. Further, the first entry does not record the fact that the Viceroy had sent Christie and Campbell-Johnson to Radcliffe to "arrange the dates" of the Award. In other words, Mountbatten stooped so low as to send two important members of his staff to an independent Arbitrator with a request to alter the dates of the Award after Mountbatten knew that the Arbitrator was ready to announce the Punjab Award on the 9th. Therefore, it was *not* "impossible" to publish the Award before 15 August. The gravest reproach to Mountbatten's sense of duty and sense of values is that he placed the celebrations on Independence Day, which no doubt would satisfy Mountbatten's "monstrous vanity", above preventing or minimising the massacre of hundreds of thousands of people and preventing or taking steps to mitigate the "painful and pitiful" migrations of millions of inhabitants of India. Nehru said that he was "*convinced that (Mountbatten had) tried to do the right thing by India*". The published documents tell a different tale. For, no man who had tried to do the right thing by India could ever have abdicated, as Mountbatten did, the Ruler's duty to protect his subjects in the hour of their direst need.

The *official* version which Mountbatten gave for not publishing the Punjab Award before 15 August is contained, first, in his telegram of 14 August to Lord Listowell, the Secretary of State for India, which reached England at 2.30 a.m. on 15 August,⁴⁹ that is, after Listowell had ceased to be the Secretary of State; and, secondly, in Mountbatten's "Personal Report No. 17" dated 16 August addressed to Listowell, who had by then ceased to be the Secretary of State for India. Therefore, the telegram and the Report were merely of academic interest, for Listowell and the British Government were no longer concerned to inquire whether the contents of the telegram and the Report were correct or incorrect, or were internally discrepant, since the British Government had ceased to be responsible for the governance of British India. To put Mountbatten's version in its proper perspective, it is necessary to point out the various devices which he adopted to conceal the truth about the suppression of the Punjab Award from Listowell. The first device which Mountbatten adopted was to omit from his letters, reports and telegrams to

⁴⁸ *ibid.* p. 674.

⁴⁹ *ibid.* p. 732.

Listowell vitally important facts relating to, or connected with, the publication of the Punjab Award, *including any reference to the consensus of opinion that the Award should be published as early as possible*. Thus in Mountbatten's "Personal Report No. 14"⁵⁰ dated 25 July 1947, he described his discussions with the Punjab Partition Committee on 20 July 1947 in paras 6 to 12 of the Report.⁵¹ But he *suppressed* the vital fact recorded in the Minutes of that Meeting, namely,

"The Members of the Punjab Partition Committee during the course of the discussion expressed their view that this date (12 August) should, if possible, be brought forward; and the Viceroy undertook to ask Sir Cyril Radcliffe if he could make his decision by 10th August."⁵²

Mountbatten equally suppressed the fact that he had implemented his assurance to the Punjab Partition Committee by writing to Radcliffe on 22 July pressing him if possible to get the Award ready by 10 August (p. 146 *ante*) and that Radcliffe had responded to the Appeal by stating that he would try the 10th of August if possible. Mountbatten also suppressed the fact that he had repeatedly assured Evan Jenkins that he would try to secure the Punjab Award as early as possible, and in fact, on 8 August Mountbatten's Private Secretary, Abell, had written to the Secretary to Evan Jenkins enclosing a map of the boundary which Radcliffe proposed to demarcate, together with an Explanatory Note. The letter stated further that the Award itself was expected within 48 hours: (p. 146 *ante*). Thus Listowell was kept in the dark about the correspondence which had passed between 21 July and 8 August (pp. 144-146 *ante*), which emphasised the extreme urgency and importance of early publication of the Punjab Award.

Reverting to Mountbatten's telegram dated 14 August to Listowell (p. 148 *ante*) and his "Personal Report No. 17" dated 16 August (pp. 148-149 *ante*), the reader will have noticed that in the telegram, and in the Report, Mountbatten made no mention whatever of the 69th Staff Meeting which he had held on 9 August 1947 *at which V.P. Menon was not present*. That Meeting decided against the early publication of the award contrary to the view consistently held by Evan Jenkins, by the Punjab Partition Committee, by Mountbatten himself, and concurred in by Radcliffe, that early publication of the Award was essential to deal effectively with the disorders expected to follow

50 *ibid.* pp. 333-39.

51 *ibid.* pp. 334-35.

52 *ibid.* p. 291.

on the publication of the Punjab Award. In other words, Listowell, and the British Government, were kept in the dark about a vital decision which affected the honour not only of the British in India, but also of His Majesty's Government.

Our narrative (at p. 148 *ante*) shows that Mountbatten's statement in the telegram of 14 August that he personally had "scrupulously avoided all connections with the Boundary Commission" is untrue. For, we know that he authorized his two principal officers, Christie and Campbell-Johnson, to request Radcliffe to "arrange the dates" so that the Punjab Award would not reach Mountbatten till it was too late to publish it before 15 August, and Radcliffe surprisingly complied with the request. It is needless to say that a person is responsible for the acts which he has authorized his agents to do for him.⁵³

Mountbatten's official version as to why he had decided not to publish the Punjab Award is contained in the telegram of 14 August, and is amplified in paras 11, 12 and 13 of his "Personal Report No. 17" dated 16 August (pp. 148-149 *ante*). Both the telegram and the Personal Report of 16 August make no reference to the Minutes of the Staff Meeting held on 9 August, which showed that Radcliffe was ready to announce the Punjab Award on 9 August, and that fact is enough to discredit Mountbatten's version. However, the Personal Report makes statements which are clearly false. The statement in para 10 that "It was on 12 August that I was finally informed by Radcliffe that his Awards would be ready by noon the following day, just too late for me to see before leaving for Karachi" was untrue to his knowledge as regards the Punjab Award which he knew was ready on 9 August. His statement in the same para "However, *it had been obvious all along*, that the later we postponed publication, the less would the inevitable odium react upon the British" (italics supplied) is deliberately ambiguous and misleading. For, till 9 August, as we have seen, he professed to share the view that it was essential to publish the Punjab Award as soon as practicable, and Radcliffe had complied with Mountbatten's request for expedition by being ready to announce the Punjab Award on 9 August. Mountbatten's statement in para 12 of the Report that "The Bengal Award had by then (12 August) been sent in, but I deliberately refrained from reading it" clearly contradicts his

⁵³ "*Qui facit per alium, facit per se*" : (He who acts through another is deemed to act in person).

earlier statement that he had been finally informed by Radcliffe that his *Awards* would be ready by noon the following day (that is, 13th August). It is reasonable to assume that in a document which had only an academic interest, Mountbatten felt confident that internal discrepancies and contradictions would not be noticed. His version that at the Staff Meeting of 12 August, Menon had warned him that since the Award allotted the Chittagong Hill Tracts to Pakistan, if the Award was published before 15 August the Congress leaders would boycott the celebrations of Independence Day, and therefore he agreed not to publish the Award before Independence Day, especially as he had "never known V. P. Menon to mislead him",⁵⁴ makes strange reading. For, if Menon "had never been known to mislead" Mountbatten, why did not Mountbatten *require* Menon to be present at the Staff Meeting of 9 August 1947 in which the vital decision to suppress the Punjab Award was taken and later implemented by improper devices?

⁵⁴ *Transfer of Power*, Vol. XII, p. 760.

CHAPTER X

MOUNTBATTEN'S RESPONSIBILITY FOR THE MASSACRES AND THE MIGRATIONS IN PUNJAB

In Chapter IX I have described Mountbatten's suppression of the Punjab Award ("the Award") as a "great betrayal". For a great betrayal it certainly was. He betrayed Evan Jenkins and the Punjab Partition Committee by breaking the promise he had made to them that he would try and secure as early a publication of the Award as was possible. He betrayed the leaders of the Congress and the Muslim League by concealing from them the decision he had taken in secret to suppress the Award. He betrayed Attlee's Cabinet by withholding from it, first, the consensus of opinion which Mountbatten professed to share, that every day gained by an early publication of the Award would lessen the risk of disorder; and, secondly, his decision, notwithstanding the consensus, to suppress the publication of the Award before 15 August. Further, he went back on his "complete assurance" to Azad that once partition was accepted, there would be no bloodshed and riot, and that as a soldier, he would put down any violence by calling out the Army and by using tanks and aircraft if necessary. For Mountbatten to stand idly by for 5 days when, admittedly, each day's delay in publishing the Award increased the risk of grave disorders, was not only to betray Azad and the Congress, but also to betray the people of Punjab.

The fact that Mountbatten kept back from Attlee's Cabinet the reason for which, and the devious methods by which, he suppressed the Punjab Award, leads to a reasonable inference that he believed that the Cabinet would have overruled his decision to stand idly by for 5 invaluable days, and would have directed him to use his vast powers as Viceroy over a united India by taking every available step to control and mitigate the violence which was expected to break out on the publication of the Award. No doubt Mountbatten knew that Attlee's Cabinet readily and promptly met almost all the demands he made on it. But he knew also that there were matters on which he could not bend that Cabinet to his will. For example, notwithstanding the great and repeated pressure which the Congress brought to bear on Mountbatten that the Interim Government should be given the status of a Dominion Cabinet, Attlee's Cabinet stood

firm, because to have accepted the demand of the Congress would have been unjust to the Muslims. I find it difficult to believe that a Cabinet which had retained its sense of justice in its treatment of Muslims would have permitted Mountbatten to do nothing for 5 days and take no steps to prevent, or to confine within the narrowest possible limits, murder, butchery, mutilation and defilement of Muslims and Hindus, and to take no steps to protect helpless Muslims and Hindus in their mass migrations. For when Attlee's Cabinet gave full support to Mountbatten's proposal to ruthlessly suppress violence by the use of force, including the use of tanks and aircraft, the Cabinet accepted a Government's elementary duty to protect the life, liberty and property of His Majesty's subjects – no matter what odium the discharge of that duty may bring. Attlee and his Cabinet would not have wished that the last days of the British Raj should be branded with infamy, and be stained with the needless spilling of blood.

Azad and Mosley both held Mountbatten responsible for the agony of the people of Punjab. Referring to the "complete assurance" given to him by Mountbatten, Azad wrote:

"The whole world knows what was the sequel to Lord Mountbatten's brave declaration. When partition actually took place, rivers of blood flowed in large parts of the country. *Innocent men, women and children were massacred. The Indian Army was divided and nothing effective was done to stop the murder of innocent Hindus and Muslims.* That is why in the preceding chapter I have said that perhaps Lord Wavell was right."¹ (italics supplied)

And Mosley wrote:

"And in the years to come, only those who had lived and worked in India, and loved her would regard that the final days of the British Raj were *smearred with so much unnecessary blood.*"² (italics supplied)

When these words were written, neither Azad nor Mosley had access to the documents in the possession of the India Office or to the documents contained in the Mountbatten Papers relating to India, because the 12 volumes of the *Transfer of Power* were published long after Azad and Mosley had written their books.³ If the documents in Vol. XII of the *Transfer of Power*, together with the editorial Notes, had been available to Azad and Mosley, their criticism of Mountbatten would have acquired a sharper edge. If "Nothing effective was done to stop the murder of innocent Hindus and Muslims", Azad could have

1 Azad, *India Wins Freedom*, p. 190. (1959).

2 Mosley, *The Last Days of the British Raj*, p. 286. (1961).

3 Azad, *India Wins Freedom*, (1959); Mosley, *The Last Days of the British Raj*, (1961).

added that the failure to take effective action was the result of Mountbatten's "great betrayal" in suppressing the Punjab Award. And Mosley's regret that the last days of the British Raj should have been "smeared with so much unnecessary blood" would have been confirmed, but with a difference. He would have said that Mountbatten, and Mountbatten alone, was responsible for the spilling of unnecessary blood because by his decision on 9 and 12 August 1947 he abdicated his duty as Viceroy to take every available step to minimise the shedding of blood.⁴

Ayesha Jalal ended her book⁵ with the words:

"While Punjab writhed and turned under the impact of decisions taken in distant places, Mountbatten boldly claimed credit for having accomplished, in less than two and a half months, one of the 'greatest administrative operations in history'. On behalf of the Hindus, Sikhs and Muslims who were slaughtered in their hundreds of thousands, and the refugees who in their millions stumbled fearfully across the frontiers of the two States, the historian has a duty to challenge Mountbatten's contention and ask whether this 'great operation' was not in fact an ignominious scuttle enabling the British to extricate themselves from the awkward responsibility of presiding over India's communal madness."⁶

She has said that she "relied heavily" on the 11 Volumes of the *Transfer of Power* which had been published when her book was written.⁷ However, she has not dealt with Radcliffe's Punjab Award, since documents relating to it are contained in Vol. XII of the *Transfer of Power* which was published after her book was written. Had those documents been available to her, her critical analysis of the relevant documents would have led her to modify her concluding observations, which were correct in part. On behalf of the Hindus, Sikhs and Muslims "who were slaughtered in their hundreds of thousands, and the refugees who in their millions stumbled fearfully across the frontiers of the two States" she would have fixed the responsibility on Mountbatten for the slaughter and for the painful and chaotic migrations of millions of refugees. India's "communal madness" undoubtedly contributed to the holocaust. However, the grievous effects of that madness could have been contained if Mountbatten had not allowed five precious days to go by, but had exercised his immense powers over a *united* India, and had taken prompt and

4 Mosley knew that Mountbatten had suppressed the Award till Independence Day. But he had no access to the Minutes of the Viceroy's Staff Meeting of 9 August and the Staff Meeting of 12 August since both the Minutes were to be found in the Mountbatten Papers.

5 *The Sole Spokesman, Jinnah, the Muslim League and the Demand for Pakistan.*

6 *ibid.* p. 293.

7 *ibid.* p. 296.

drastic steps to minimise the slaughter, and to protect millions of fleeing refugees by organizing a planned and orderly movement for them. Further, the "scuttle" of which she spoke was "ignoble" in a deeper sense. Ever since 1858 the Viceroy, as representing the British Government, had the *ultimate* responsibility for maintaining law and order in India. And for that purpose he was armed with vast powers, which included the use of the Armed Forces, over a *united* British India. By a decision deliberately taken on 9 August he shook off the responsibility of controlling grave disorders from the shoulders of the British, who had borne it for a century, and put it on to the shoulders of inexperienced political leaders of a *divided* British India – a responsibility to be discharged with Armed Forces which had been recently divided.

The glittering receptions, banquets, and parties, and the wildly cheering crowds, in all of which Mountbatten was the central figure on 14 and 15 August have passed into history; and so have the moving farewells and the cheering crowds, when Mountbatten left India in June 1948. The secret of what he had done from 9 August to 15 August 1947 was well kept by a few trusty members of his staff,⁸ and lay buried in the Mountbatten Papers and in the Records of the India Office. If the practice current in 1947-48 was to be followed, his secret was safe till well past 1999. Prime Minister Harold Wilson's decision in 1967 to publish all the papers relating to the Transfer of Power by giving Prof. Mansergh and his assistants unrestricted access to even the most secret documents has shortened the period of secrecy. But even so, it has taken 35 years for the truth to become available to the public, that is, to anyone who was prepared to track it down through the 738 pages of the XIIth Volume of the *Transfer of Power*. I had no suspicion of the truth when I began my study of Mountbatten's part in the Transfer of Power. But the letters, telegrams and documents which are set out at pp. 144-152 *ante*, came to me as a shock – a shock shared by many friends well informed about the Transfer of Power. Just as the publication of the *Viceroy's Journal* made it necessary to revise the prevailing view of the part which Wavell played as Viceroy, so the publication of Volume XII of the *Transfer of Power* has made it necessary to revise the prevailing view of the part which Mountbatten played as Viceroy. The *Viceroy's Journal*, followed by Vols. IV to IX of the *Transfer of*

⁸ Ismay, Abell, Christie, Campbell-Johnson, Erskine Crum. See also pp. 149-150 *ante*.

Power have enhanced Wavell's reputation as a Viceroy. In my view, the publication of Vols. X to XII of the *Transfer of Power*, followed by Ziegler's *Mountbatten*, cannot fail to have a grave effect on Mountbatten's reputation, and it becomes necessary to revise radically earlier opinions about Mountbatten and his Viceroyalty.

For all those who directly witnessed, as also for those who, like me, learnt from a distance about, the massacres and the migrations which followed the publication of the Punjab Award, one question demands an answer: What is the best description for the last 5 days of Mountbatten's Viceroyalty? When Japan attacked Pearl Harbour on 7 December 1941, President Roosevelt described it as "a day which will live in infamy". It seems to me that the best description of the last five days of Mountbatten's Viceroyalty is that they will live in infamy.

That the grim tragedy following partition was stamped on Mountbatten's memory is clear from the attempts he made to justify his actions. He made those attempts confident in the knowledge that his direct responsibility for the tragedy was not known, and would not be known in his life time.⁹ Thus

"Upon his return to the U.K. in June 1948, Mountbatten claimed that the transition period had been relatively peaceful. In support of this contention he noted that only 3 per cent of the population were involved in the disturbance." "But", commented Brecher, "percentages are often misleading; but translated into human terms it meant 10 million or 1 in every 35 persons in the sub-continent. Whether or not the delay would have been more catastrophic is difficult to say, for the clock of history cannot be turned back. Suffice it to note that many Indians and Pakistanis, and Englishmen, are convinced that it could not have been worse if the transfer had been postponed."¹⁰

Again, Mountbatten told Mosley: "What really did anything matter to the Indians except independence?"¹¹ The answer should have been obvious to Mountbatten: it mattered a great deal. Nehru, Jinnah and other leaders had not fought for independence in order "to sup their fill of horror" and in order to live with its accompanying estrangement between India and Pakistan for years to come. Knowing as he did the truth about the last five days of his Viceroyalty, Mountbatten must have known that his attempts to justify his actions were no more than special pleading. Now that the truth is known to us, the mildest way of describing his actions is to say that they were indefensible.

⁹ Under the old practice it would not have been known till well past 1999. As it turned out, Mountbatten died in 1979, and his responsibility for the tragedy did not become known till four years after his death.

¹⁰ Brecher, *Nehru, A Political Biography*, p. 374. ¹¹ *Mosley, op. cit.* p. 263.

CHAPTER XI

RETROSPECT

(a) *General*

For the British, the partition of India marked a failure of British policy which was to transfer power peacefully to a united India. India was divided – a division which was accompanied by massacres and migrations the like of which India had never known before. For the Congress, and for Gandhi, who led it from 1920, partition represented a failure to achieve its goal of independence for a *united* India. And for Gandhi, partition also represented the failure of his doctrine of non-violence as an effective means of solving political and international conflicts.¹ For Jinnah and the Muslim League, partition meant a partial failure. As we have seen, even till 1938 Jinnah wanted a nationalist solution to the Hindu-Muslim problem in a united India: (pp. 21-22*ante*). Since Gandhi was unable to solve the problem for lack of divine illumination, Jinnah and the Muslim League swung over to a demand for partition. However, the League's acceptance of the Cabinet Mission Plan, provided its grouping provisions were adhered to as intended by the Cabinet Mission, showed that the League had agreed to work under a Constitution for a united India. When the Congress, in substance, rejected that Plan, opposed "parity" between Hindus and the Muslims, and pressed for the Interim Government being given the status of a Dominion Cabinet, Jinnah and the League opted for Pakistan. Partition meant a partial failure for Jinnah and the League because they would have preferred a Constitution for a united India in which Hindus and Muslims shared power as equal partners. Since this preferred solution was not available, Jinnah and the League accepted partition as the second best. It is a little unfortunate that those who assail Jinnah for destroying the unity of India do not ask how it was that a man who wanted a nationalist solution as late as 1938, when he was 61 years of age, suddenly became a "communalist". Much must have happened to convert the nationalist Congressman and Ambassador of Hindu-Muslim unity of 1916-1917, and the "nationalist" Indian of 1938, into an advocate of partition and the creator of Pakistan. I believe that the fresh material available to us now, and reasonable inferences to be

¹ This failure is discussed at pp. 172-173 *post*.

drawn from that material, enable us to answer that question.

In this book I have tried to give the answer. Put briefly, it is this: First and foremost, Jinnah's policies must be judged as a reaction to policies of the Congress and its leaders: Gandhi, Nehru and Patel. Jinnah left the Home Rule League and the Congress after Gandhi took them over because he strongly disapproved of the introduction of religion into politics by Gandhi, and because he disapproved equally strongly of unconstitutional means to secure *swaraj*. As Munshi put it, Jinnah believed that "to generate coercive power in the masses would provoke mass conflict between the two communities, as in fact it did. With his keen sense of realities Jinnah firmly set his face against any dialogue with Gandhiji on this point". (pp. 12-13 *ante*.) When Gandhi attended the Second Round Table Conference in 1931, his claim to be the sole representative of India as a whole, and his failure to solve the Hindu-Muslim problem, only widened the rift between the Congress and the League. For a time Jinnah went into political wilderness by taking up legal practice before the Privy Council in England. However, on the passing of the Government of India Act, 1935, he returned to India, became the President of a revived Muslim League and set about strengthening its position as a political party. For a while the outlook for Hindu-Muslim unity appeared bright. There were no great differences in the policies of the Congress and the League as they contested the 1937 elections to the Provincial Legislatures. There was a tacit understanding in the U.P. (to be extended to other Provinces) that a Coalition Ministry would be formed in the U.P. However, when, under the leadership of Nehru, the Congress won an absolute majority in the U.P. and in other Provinces, the understanding was ignored, and no Muslim was appointed in a Congress Ministry unless he became a member of the Congress Party.

A great man has crystalized his attitude to War in four memorable phrases: "In war: resolution; in defeat: defiance; in victory: magnanimity; in peace: goodwill." After Nehru's resounding victory in the 1937 elections, he showed no magnanimity towards Jinnah and the League. On the contrary, the Congress under Nehru "adopted an imperious attitude"; it "went beyond contemptuous words", "the League's offer of co-operation was treated with disdain". (p. 20 *ante*.) Nehru in his correspondence with Jinnah used language which Jinnah

described as "arrogant² and militant" as though Congress were already the ruler of India, and, what was even more unfortunate, Nehru in effect challenged Jinnah to establish the position of the Muslim League by its *inherent strength*. Finally Nehru launched a mass contact movement with Muslims which had to be given up as counter-productive. But even after the 1937 elections, Jinnah did not demand partition. He appealed to Gandhi for a nationalist solution of the Hindu-Muslim problem. It was only when that appeal failed that he braced himself to organize the political power of the Muslim League.

The declaration of the Second World War, the refusal of Congress to support the War unless immediate independence was granted to India, and the resignation of the Congress Ministries in 1941, had the effect of strengthening the Muslim League's position. In 1940 the League had passed the "Pakistan Resolution". When in 1942, the Congress launched the Quit India movement, the Congress cut itself off from political life during the better part of the War. This greatly strengthened the position of Jinnah and the Muslim League. After Wavell had been appointed as Viceroy, he exerted great pressure on the British Government to let him make a move to resolve the political deadlock, and after six months' delay, he was permitted to make the move. In June 1945 he held the Simla Conference, but it failed because of Jinnah's insistence that he should be recognized as the sole representative of the Muslims and should have the right to submit the names of Muslim members for appointments to the Interim Government. In logic and in theory, Jinnah's stand was indefensible. But, as later events were to show, the reasons for his stand were practical. Elections to the Provincial and the Central Legislatures had not been held since 1937, and could not be long deferred. On the basis of the 1937 elections, the Congress could claim to represent Hindus and Muslims alike. To agree to the nominations of Muslims by the Congress would strengthen

2 In an interview with Wavell, Dr. John Mathai, (a Member of the Interim Government, nominated by the Congress) observed that he did not think that the Muslim League would join the Constituent Assembly "mainly because of Jinnah's personality and of the Congress arrogance in 1937-39 which persuaded the Muslims that they would never get a fair deal": Moon, *Viceroy's Journal*, p.424 (italics supplied). See also pp. 27-28 *ante* for similar views expressed by V. P. Menon.

that claim, and undermine the position of the League as the representative of an overwhelming number of Muslims in India. When the Cabinet Mission tried to side-step this issue by putting out a list of names for the Interim Government which left out any nationalist Muslim, the Congress would have accepted the list *sub silentio* but for Gandhi's opposition to it.

Jinnah's insistence on the Muslim League being the sole representative of an overwhelming number of Muslims was confirmed by the 1946 elections. After those elections the Congress could no longer claim to represent the Muslims. Gandhi recognized this in the formula which he and Jinnah signed in October 1946 : (p. 57 *ante.*) The formula was not accepted by the Congress, but the admission made in the formula was based on facts which were indisputable after the 1946 elections.

But between the election results of 1946 and the signing of the Gandhi-Jinnah formula, the Cabinet Mission Plan intervened. When Jinnah accepted that Plan, he agreed to work under a Constitution for a united India. When the Congress in effect rejected that Plan, and when Gandhi denounced it as worse than Pakistan because no parity was possible between Hindu majority Provinces with a population of 19 crores and two groups of Muslim Provinces with a population of 9 crores, the Plan was dead, although it continued to be discussed till Mountbatten pronounced it to be dead on 9 April 1947. Again, Jinnah told Mountbatten that the Congress had no intention of working the Plan fairly, and Mountbatten said that Jinnah's statement was well founded. Further, Patel's statements to Mountbatten made it clear that unless the Muslim League accepted the Plan (*without its safeguards*) the Congress wanted partition (p. 123 *ante*).

In considering whether Jinnah and the League were responsible for the partition of India by raising the cry of Pakistan, it is necessary to ask, and answer, two questions: First, were the fears of the Muslim community that it would be permanently dominated by a "Hindu Raj" genuine? If so, was the community entitled to effective and not mere paper safeguards against such permanent domination? That the fears of the Muslim community were genuine is beyond dispute. The Desai-Liaquat Ali Pact, the Sapru Committee Report, Azad's letter to Gandhi, as well as his interview with the Cabinet Mission, and the interview of the Nationalist Muslims with

members of the Mission, all recognized that those fears were genuine. The Cabinet Mission was also satisfied that those fears were acute and genuine, and underlay the Muslim League's demand for Pakistan. But the Sapru Committee, Azad, the Nationalist Muslims and the Cabinet Mission whilst recognizing those fears, nevertheless rejected Pakistan as a solution for removing them. All the witnesses before the Cabinet Mission, except the Muslim League, had supported a Constitution for a *united* India. Equally, most of them had recognized that the fears of the Muslims of being dominated by a "Hindu Raj" required *effective* safeguards, and "parity", or near "parity", with a minimal federation appeared to furnish effective safeguards. The Cabinet Mission Plan, *as intended by the Mission*, if worked in the spirit of goodwill, supplied effective safeguards, and Jinnah recognized this when he accepted the Cabinet Mission Plan. However, the Hindu Mahasabha, and eminent Hindu leaders of the Congress, like Gandhi, Nehru and Patel (disregarding the views of Sapru, Azad and the Nationalist Muslims) considered parity as "undemocratic" because they took democracy to mean "one man, one vote". They forgot that if, as they firmly held, the unity of India *was the paramount object to be achieved* in framing a new Constitution, theory would have to yield to the need to provide effective safeguards for a community of 9 crores. When Dr. S. P. Mukherji and Mr. Bhopatkar, as representatives of the Hindu Mahasabha, met Cripps and Alexander on 15 April 1946, Cripps made this point when he told Dr. Mukherji that :

"... The Hindus were in an overall majority in India and must be prepared to make the maximum concessions. The principle of majority rule, which the Mahasabha invoked in their Memorandum, could not be applied in an unmodified form where there was a perpetual majority and a perpetual minority."³

It is reasonably clear that it was the Congress which wanted partition. It was Jinnah who was against partition, but accepted it as the second best.

Gandhi claimed that *ahimsa* (i.e. the doctrine of non-violence or non-killing) was a fundamental part of his creed. What part non-violence played in his personal life does not concern us here. But as the doctrine of non-violence played a large part in his leadership of the Congress, we must consider it briefly at this place. Gandhi's greatest success in non-violent

³ *Transfer of Power*, Vol. VII, p. 271.

passive resistance was in South Africa. But his views on non-violence in Indian politics, as well as in international affairs, are not easy to reconcile with his fundamental creed. As will appear presently, there is little doubt that Gandhi used non-violence as a political weapon, and was prepared to support, or connive at, violence to secure political goals. First, I will deal with Gandhi's creed of non-violence in relation to War; and then with his creed of non-violence in relation to the transfer of power.

During the First World War, in the middle of 1918, at a War Conference presided over by the Viceroy, Gandhi seconded the main resolution in support of recruiting Indians to the army to fight on the side of Britain and her allies.⁴ Later, Gandhi wrote to Jinnah and said:

"Can you not see that if every Home Rule Leaguer became a potent recruiting agency whilst at the same time fighting for constitutional rights *we should ensure the passing of the Congress-League scheme?* . . . 'Seek ye first the recruiting office and everything will be added unto you'." ⁵ (italics supplied)

In other words, support for violence and war was justified if it ensured the acceptance of the Congress-League scheme.

The Second World War was to supply a remarkable example. When that War broke out in 1939, and Lord Linlithgow announced that India was at war, Gandhi refused to support the War on the ground that it involved violence, and he would not support violence even to secure the independence of India. In mid 1940, when Great Britain braced herself to face a German invasion, Gandhi published an "open letter" to "every Briton" urging "cessation of hostilities". He said:

"No cause, however just, can warrant the indiscriminate slaughter that is going on minute by minute . . . I do not want Britain to be defeated, nor do I want her to be victorious in a trial of brute strength . . . I want you to fight Nazism without arms . . . I would like you to lay down the arms you have as being useless for saving you or humanity. You will invite Herr Hitler and Signor Mussolini to take what they want of the countries you call your possessions. *Let them take possession of your beautiful island, with your many beautiful buildings. You will give all these, but neither your souls, nor your minds.* If these gentlemen choose to occupy your homes, you will vacate them. If they do not give you free passage out, *you will allow yourself, man, woman and child, to be slaughtered,* but you will refuse to owe allegiance to them... I am telling His Excellency the Viceroy that my services are at the disposal of His Majesty's Government, should they consider them of any practical use in advancing the object of my appeal." ⁶ (italics supplied)

⁴ Wolpert, *Jinnah of Pakistan*, pp. 54-55, and *fn.s.* 27 and 35 at pp. 376-377.

⁵ *ibid.* p. 57.

⁶ *ibid.* pp. 187-188.

It is well known that in June 1940, the prospects of Britain's victory appeared small to the outside world. In words which have become famous, General Weygand told Churchill that Britain's neck would be wrung like a chicken's in 15 days! At first blush Gandhi's open letter appears to support the view that non-violence was a part of Gandhi's basic doctrine. However, there was to be an amazing sequel to this open letter. In 1944, when Gandhi was released from jail, the tide of victory was beginning to flow towards the Allies. In July 1944, Gandhi gave an interview to Gelder of the *News Chronicle*, London. The gist of the interview was this: the Viceroy and the Commander-in-Chief could remain in charge of military operations against Germany, Japan and their allies, and India could be used as a base for such military operations, provided that a National Government was immediately formed, that, except for military operations, the Viceroy became a constitutional head of a National Government and Provincial Ministries were restored. The expenses of military operations would not be borne by India.⁷ In other words, slaughter from minute to minute was justified if India was immediately granted the substance of independence.

Finally, Abdul Gaffar Khan related that at an

"... interview, (he) told Pyarelal that Gandhiji had promised him that independent India would not fail to come to the rescue of the Pakhtoons if Pakistan oppressed them. Gandhiji repeated that statement to one of Khan Saheb's relations at Delhi after Independence. Asked what would happen to his non-violence in that event, Gandhiji replied with a laugh: 'Don't you worry about my non-violence; I shall take care of it.'⁸

So, here too, non-violence would be given up, and violence supported, or connived at, to secure a desirable political end.

Turning to the transfer of power to India, a Note made by Major Wyatt of his conversation with Gandhi on 13 April 1946⁹ contains, *inter alia*, the following :

"5. He (Gandhi) thinks that *there may well have to be a blood-bath in India before her problems are solved. He would urge non-violence on Congress but does not expect them to observe it.* The only thing he expects from Congress in the event of civil war is that they will fight decently and take one tooth for one tooth, and not a hundred teeth for one tooth as the British do."¹⁰ (italics supplied)

⁷ *Transfer of Power*, Vol. IV, pp. 1101-1102.

⁸ Munshi, *My Pilgrimage to Freedom*, p. 130.

⁹ *Transfer of Power*, Vol. VII, pp. 261-62.

¹⁰ *ibid.* p. 262.

(a) In the course of an interview with Wavell on 27 August 1946, Gandhi told Wavell that "If India wants a blood-bath, she shall have it". (p. 78 *ante* and *f.n.* 47.) Not unnaturally, Wavell said that he was very shocked to hear such words from Gandhi.¹¹

(b) Again, Mountbatten reported that in the course of an interview with Gandhi on 1 April 1947,

"(Gandhi) urged me whatever happened, to have the courage to see the truth and act by it, *even though the correct solution might mean grievous loss of life on our departure on an unprecedented scale.*"¹² (*italics supplied*)

These passages are not easy to reconcile with the view that non-violence was a fundamental part of Gandhi's creed. For such a creed is hardly consistent with Gandhi contemplating as inevitable a "blood-bath", advising the Viceroy to act on the "truth" regardless of "grievous loss of life on an unprecedented scale", or with Gandhi advising his followers, as a matter of form, to be non-violent, knowing full well that his advice would be rejected, and that he would then expect them to take a tooth for a tooth.

(c) In a related context, Nehru in answer to Cripps, replied that "he could not see why the Muslim League should not come (into the Constituent Assembly) and put any question of interpretation to the Federal Court. *The only other test was the test of battle.*"¹³ (*italics supplied*)

If these references to blood-baths, to unprecedented carnage and to the test of battle, were meant to convey to the Muslim League that although Gandhi was looked upon as an apostle of non-violence, he, Nehru and the Congress were ready for blood-baths, or for unprecedented carnage, or for battle, if the Muslim League did not accept the Congress interpretation of the Cabinet Mission Plan, then those references, and the climate in which they were made, had the opposite effect. If the threat of blood-baths or unprecedented carnage was to be effective in bringing the Muslim League to its knees, it was necessary that the British Government, yielding to pressure from the Congress, should confer the status of a Dominion Cabinet on the

11 Moon, *The Viceroy's Journal*, p. 341.

12 *Transfer of Power*, Vol. X, p. 69.

13 *Transfer of Power*, Vol. IX, p. 259. (In an interview in London on 4 December 1946 at which Pethick-Lawrence, Alexander and Wavell were also present).

Interim Government. This would enable the Congress to get control of the total machinery of the Government of India, to consolidate its power till the British relinquished power by June 1948, and then deal with the Muslim League: (pp. 89-90 *ante*). The Muslim League met this threat, first, by strongly opposing the Congress demand that the Interim Government should be treated as a Dominion Cabinet. In this the League succeeded. Secondly, the League urged that if the British Government was not prepared to discharge its responsibilities properly by standing up to the Congress, when necessary, the British should quit quickly. Thus Liaquat Ali Khan expressed the view that

"there was very little the Viceroy could do to help the Muslims unless H.M.G. were prepared to fulfil their responsibilities properly and, if necessary to stay in the country, *it will be far better for them to get out and leave the parties to find their own level.*"¹⁴ (italics supplied)

Again, on 4 December 1946 Pethick-Lawrence reported that

"Mr. Liaquat Ali Khan had said that if H.M.G. were not prepared to take a strong line in India and to resist Congress when necessary, *it would be better for the Muslims if the British left India quickly.*"¹⁵ (italics supplied)

Jinnah expressed the same view more graphically in an interview with Wavell. He enumerated the alternatives facing the British Government, the last of which was

"to continue to rule, or else to give up the task and *clear out at once.* He described this as '*hold the baby or throw it up.*'"¹⁶ (italics supplied)

Finally, when Wavell told Liaquat Ali Khan that the British could not break their pledges to give India self-government *at an early date*, Liaquat Ali Khan replied that

"it would be very wrong to leave India to chaos in this way; but that if we are going to do it, we should '*leave fair chaos for both parties*' and not remain to establish the Hindus in power."¹⁷ (italics supplied)

Non-violence having become a matter of form to be replaced by threats of blood-baths and carnage on an unprecedented scale, the Congress and the Muslim League got ready to fight the war of succession to the British Raj. However, when blood-baths and carnage on a relatively small scale took place in Calcutta, in Bombay, in Bihar, in U.P. and in Punjab, they

¹⁴ *Transfer of Power*, Vol. IX, p. 95. (See Abell's Note to Wavell dated 18 November 1946).

¹⁵ *ibid.* p. 253.

¹⁶ *ibid.* p. 109.

¹⁷ *Transfer of Power*, Vol. IX, p. 482; *Viceroy's Journal*, pp. 406-407.

played an important part in inducing the Congress to give up its goal of a united India, which the Cabinet Mission Plan had upheld, and to accept the partition of India. It is sad to think that Gandhi's rejection of the Cabinet Mission's proposal for an Interim Government,¹⁸ and of the Cabinet Mission Plan, should have had the unfortunate consequence of destroying the unity of a free India for which he had fought so valiantly and so long.

In giving an account of the transfer of power, I have avoided going into details which, however interesting, would distract the reader's attention from the central theme. Further, I have not dealt with the difficulties which the leaders of the Congress and the Muslim League had with their own followers, or which the British Government faced in bringing before Parliament the winding up of the British Raj in India. These difficulties shaped the conduct of the Congress and the League to some extent; but when vital decisions had to be taken, Gandhi, Nehru and Patel could have their way in the Congress, and Jinnah could have his way in the Muslim League. And once the Attlee Government overcame its own reluctance to transfer power to India on or before a specified time, it found no serious difficulty in getting Parliament to pass the Indian Independence Act, 1947, which brought the British power in India to an end on 15 August 1947.

In my narrative on the transfer of power I have left out several incidents and episodes which engaged public attention at the time but did not determine the final result.¹⁹ However, there is one important omission: the position of the Native States, as they were then called. Once the "paramountcy" exercised by the British Crown over Native States lapsed, and the treaties between the British Crown and the rulers of Native States stood terminated when India and Pakistan became two independent Dominions, the ultimate disappearance of the rulers of Native States was a question of time. However, thanks to the skill and statesmanship of Vallabhbhai Patel, aided by Mountbatten and Menon, the Indian States were

¹⁸ Cf. "If it had not been for (Gandhi's) last minute intervention, the Congress would have accepted the Mission's proposal for an Interim Government, and, with a Congress-League Coalition Government installed in office at the beginning of July, the communal outbreaks of the next few months would never have occurred": Penderel Moon's Epilogue to the *Viceroy's Journal*, p. 462. See also p. 79 *ante*.

¹⁹ e.g. the I.N.A. Trial and the Naval Mutiny in Bombay.

integrated with India, their rulers preserving their personal dignity and receiving tax free "privy purses".²⁰ The subject has thus lost its importance. Besides, V. P. Menon has published "The Story of the Integration of Indian States",²¹ so that the reader interested in the subject can turn with profit to his book.

The grave disorders which followed partition ultimately reached Delhi, and they were faced by Mountbatten, Nehru and his colleagues with courage, resource and resolution. In Delhi, violence against Muslims and the conditions in which Muslim refugees lived in *Purana Quila*, and at other places, led Gandhi to undertake a fast which was to be continued till the violence against Muslims ceased, harmony between Hindus and Muslims was restored, and the damage done to Muslim shrines and mosques was repaired. He broke his fast because he was satisfied with the pledge given by the people of Delhi that they would carry out the conditions he had laid down for withdrawing his fast. This brave gesture to restore sanity and bring about amity between Hindus and the Muslims who had decided to remain in India, was later to cost him his life at the hands of a Hindu fanatic who shot Gandhi at point-blank range as he was proceeding to his prayer meeting in Birla House on 30 January 1948. Gandhi's martyrdom provoked a strong reaction against the political parties believed to be responsible for his murder; Nehru and Patel joined hands and successfully put down communal violence and restored order. Jawaharlal Nehru remained as Prime Minister of India till his death on 27 May 1964. If Parliamentary institutions survived in India, when they guttered and flickered out in almost all the countries of the East, it was due in no small measure to Jawaharlal Nehru, who was a liberal democrat at heart. A man of action as well as thought, he encouraged science and scientific research and their application to life and industry for improving the well-being of our people. Azad rightly said that since Independence, Nehru became the symbol of our national unity and progress.

(b) *The Viceroyalty of Wavell in Retrospect*

The apparent failure of Wavell, and the apparent success of

20 The tax free Privy Purses were abolished by s. 2 of the Constitution (26th Amendment) Act, 1971, which deleted Art. 291.

21 Menon's *Transfer of Power in India* was published later as a companion volume.

Mountbatten, to transfer power to India gave rise to a legend that although Wavell was a great General and a good man, he was ill equipped for complicated political negotiations with Indian politicians for the transfer of power to India. This legend flourished for a long time, first, because Wavell, unlike his successor, did not advertise his own achievements; and, secondly, because great leaders like Gandhi, Nehru and Patel regarded Wavell as an obstacle to their achieving the goal of the Congress, and actively worked for his removal. The reader will recall Azad's first interview with Wavell (pp. 35-36 *ante*), but a part of it is relevant at this place. Azad said :

"I was impressed by the frankness and sincerity of the Viceroy as he described the proposals to me. I saw that his attitude was not that of a politician but of a soldier. He spoke frankly and directly and came to the point without any attempt at beating about the bush. It struck me that his approach was very different from that of Sir Stafford Cripps. Cripps has tried to present his proposals in as favourable a light as possible. He highlighted the strong points and tried to slur over the difficulties. Lord Wavell made no attempt at embellishment and he certainly was not trying to make an impression."²²

As President of the Congress, Azad had carried on negotiations with Wavell and the Cabinet Mission, and all that he saw of Wavell's work for the peaceful transfer of power to a united India, deepened and confirmed the opinion he had formed of Wavell. When it became known that Wavell was leaving India, Azad issued a statement paying a tribute to Wavell's service, undeterred by the fact that Nehru and his other colleagues did not agree with him because "they were against Wavell".²³ Azad said :

"... I cannot help a feeling of regret that Lord Wavell, who was the initiator of a new chapter in the history of relations between India and England, is retiring from the scene. There was on all hands suspicion and distrust of British intentions at the time of the Simla Conference. I confess that I was myself prejudiced and the events of the last three years had left in mind a legacy of bitterness. It was in that mood that I went to Simla to participate in the proposed conference but when I met Lord Wavell, I experienced a sudden change of mind. I found him a rugged, straightforward soldier void of verbiage and direct both in approach and statement. He was not devious like the politician but came straight to the point and created in the mind an impression of great sincerity which touched my heart. Therefore, I felt it my duty to advise the country to adopt a constructive method for achieving its political objective. . . ."

"I do not know what communications passed between Lord Wavell and H.M.G. in the last two or three weeks. Obviously there were some differences which led to his resignation. We may differ from his appraisal of the

²² Azad, *op. cit.* p. 107.

²³ *ibid.* pp. 178-79.

situation. But we cannot doubt his sincerity or integrity of purpose. Nor can I forget that the credit for the changed atmosphere in Indo-British relations today must be traced back to the step which he so courageously took in June 1945. . . . To Lord Wavell must belong the credit for opening the closed door. In spite of initial opposition from the Coalition Government, he was able to persuade them to agree to make a new offer to India. The result was the Simla Conference. It did not succeed but everything that has followed since then has been a logical development of the courageous step which he took.

"I am confident that India will never forget this service of Lord Wavell and when the time comes for the historian of independent India to appraise the relations of England and India, he will give Lord Wavell the credit for opening a new chapter in these relations."²⁴

If Cripps and Attlee could have read these tributes to Wavell from the President of the Congress, they would have realized how vain was their complaint that Wavell was not a politician. What impressed Azad was "the frankness and sincerity of the Viceroy."²⁵ For Azad it was to the credit of Wavell that he was "*not devious like the politician*" but was a "rugged and straightforward soldier direct both in approach and statement". Azad's comparison between Cripps and Wavell was shrewd, and is amply borne out by the published documents. Cripps had tried to present his proposals in as favourable a light as possible, highlighting the strong points and slurring over the difficulties. Wavell made no attempt at embellishment and *he certainly was not trying to make an impression*.

Wavell's career in the Army does not directly concern us here, but, as will appear hereafter, it had its impact on his Viceroyalty. His greatness as a soldier and as a man has been vividly described in Bernard Ferguson's *Wavell: Portrait of a Soldier*²⁶ and in John Connell's *Wavell, Scholar and Soldier*.²⁷ A more recent account is to be found in Ronald Lewin's *The Chief: Field Marshal Wavell, Commander-in-Chief and Viceroy 1939-47*.²⁸ The picture of Wavell as a soldier that emerges

²⁴ *ibid.* pp. 179-180.

²⁵ Cf. "I am told that (Wavell) has won confidence of the Indian leaders because of his sincerity. If he resigns, it might be believed that he was more liberal than H.M.G.": Pethick-Lawrence to Attlee: see p. 98 *ante*.

²⁶ Collins (1961). Ferguson (later Lord Ballantrae) was Wavell's former A.D.C.

²⁷ Collins (1964). Connell had served on Wavell's staff in Egypt and also in India when Wavell was the Commander-in-Chief.

²⁸ Hutchinson (1980). Most of the book deals with Wavell as Commander-in-Chief. Chapter 8 "Quite a Respectable Position" deals with Wavell's Viceroyalty.

from Lewin's book can be briefly set out in his graphic language:

"The image constantly recurs of a sturdy upright figure, apparently hewn from weathered oak . . . Like the Highlander of (1745) it is in an absolute sense loyal, enduring and brave; not to be subdued by circumstances, menace or self-interest, and utterly devoted to a lifetime's service against the King's enemies." ²⁹

Lewin has referred to the opening section of Wavell's Lectures on *Generals and Generalship* in which he defined a General's qualification by a quotation from Socrates,³⁰ and added :

"This was not ostentation. It merely indicated that Wavell was civilized — civilization meaning that answers to the problems of war must be found not simply in the narrow solutions of staff colleges but in the larger fields of human experience." ³¹

After referring to the lack of rapport between Churchill and Wavell, Lewin wrote :

"If Churchill could have risen above his anxieties . . . he might have seen that Wavell in fact possessed many of the qualities he most admired. For behind the mask that Churchill and others found most impenetrable was a mind original, subtle and daring: quick to note a man's undisclosed promise or to devise an unorthodox strategem." ³²

Referring to Wavell's remark to General Pownall, "My trouble is that I am not really interested in War", Lewin observed :

"(Wavell's) notable qualities of character and intellect, his imagination, his clarity of thought, his broad and penetrating vision, his feel for perspectives and dimensions, his moral courage and his perfect integrity could have been as well, and for him more happily, applied in some other field of endeavour." ³³

Wavell's knowledge of the art of War and its history was profound. "He was enough of a scholar to be under serious consideration for the Chichele Chair of Military Studies at All Souls when war broke out".³⁴ In fact, he delivered three well known Lee Knowles Lectures on *Generals and Generalship* which represented his considered views on the subject.³⁵ Two

²⁹ Lewin, *The Chief*, op. cit. p. 14.

³⁰ *ibid.* pp. 17-18.

³¹ *ibid.* p. 18.

³² *ibid.* p. 26.

³³ *ibid.* p. 28.

³⁴ Moore, *Escape from Empire* (1983), p. 147. In the Bibliography in his book at p. 360, he refers to the *Transfer of Power 1942-7*, 10 Vols. to 1981, 1970 —.

³⁵ Rommel carried the German translation of Wavell's Lectures with him in the African desert. After the war his widow presented Rommel's copy to Lady Wavell. "Of all the British Commanders he fought, Rommel gave as his final conclusion that 'the only one who showed a touch of genius was Wavell'.": Lewin, op. cit. p. 127.

characteristic quotations from his *Lectures on Generals and Generalship* may be referred to at this place. Wavell wrote :

"... The first and true function of the leader (is) never to think the battle or the cause lost. The ancient Romans put up a statue to the Generals who saved them in one of Rome's darkest hours with this inscription 'because he did not despair of the Republic'." ³⁶

And again,

"Does it matter to a general whether he has his men's affection so long as he has their confidence? He must certainly never covet popularity. If he has their appreciation and respect it is sufficient. Efficiency in a general his soldiers have a right to expect; geniality they are usually right to suspect. Marlborough was perhaps the only great General to whom geniality was always natural." ³⁷

Wavell's scholarship was not limited to the study of war and its history, or to writing on these subjects. He wrote a standard Biography of Field Marshal Lord Allenby under whom he had served in Egypt. The biography was not confined to Allenby's military campaigns, but dealt sympathetically with the liberal policies pursued by Allenby as a soldier-statesman during his six years as Special High Commissioner in Egypt, "It was the period of Zaglul Pasha's challenge to British rule and the termination of the Protectorate, for which Allenby.... was largely responsible and over which he presided." ³⁸

The eighth Chapter of Ronald Lewin's biography of Wavell, *The Chief*, contains an appreciative, but not uncritical, account of Wavell and his Viceroyalty. However, it emphasizes an aspect of Wavell which is not generally known. When Wavell was appointed Viceroy-designate, says Lewin, "What had happened, and happened irrecoverably was that (Wavell).... was reaffirming the classical humanism of his earlier youth, the sense of history, of mutual justice and social order, which, in spite of years of constricting service and wartime command, had never been entirely overlaid." ³⁹

Wavell's scholarship found expression in a highly successful and popular anthology of poetry, which he selected and

³⁶ Lewin, *op. cit.* p. 16.

³⁷ *ibid.* p. 20.

³⁸ Moore, *op. cit.* p. 150. Pages 150-151 should be read for the comparison Moore makes between the careers of Allenby and Wavell as soldier-statesmen.

³⁹ Lewin, *op. cit.* pp. 224-25.

annotated, called *Other Men's Flowers*.⁴⁰ The Preface is dated New Delhi, April 1943. Ordinarily one would look upon the anthology as a diversion for a soldier interested in poetry. But with Wavell it was different. Speaking of Francis Thomson's *Hound of Heaven*, Wavell wrote :

"I had it by heart in a few readings, and from that day I have used the magic of its imagery — in my time of stress, to distract my mind from peril or disaster. I have repeated the words of this greatest of all lyrics under fire, on a rough Channel crossing, in pain of body or mind."⁴¹

And again,

"I have a great belief in the inspiration of poetry towards *courage* and *vision* and in its *driving power*. And we want all the courage and vision at our command in days of crisis when our future prosperity and greatness hang in the balance."⁴² (italics supplied)

I have referred to Wavell's anthology of poetry because it is relevant to his source of inspiration and his sense of values as a Viceroy. That source and those values are reflected in the concluding words of Wavell's speech at a farewell dinner given in his honour before he came to India as Viceroy :

"Finally, I think that we must have in our minds always the hope of the vision that may await us at the top, the prospect of an India at peace within herself, a partner in our great Commonwealth of Nations, mother of a prosperous people, a shield for peace in the East, a busy market for trade, and yet with sufficient leisure to develop art and poetry and thought, the real mainsprings of life to which India has already contributed much to the world, a far-distant vision and I believe and hope not unattainable, and one to which I feel we must look forward."⁴³

As "the real mainsprings of life" were never far from Wavell, it is not surprising that Azad "always found (Wavell) a

⁴⁰ See Lewin, pp. 242-251, *op. cit.* Chapter 9, "Postscript: *Other Men's Flowers*" for a vivid and interesting account of Wavell's Anthology. Lewin rightly observes that Wavell's choice of poems for *Other Men's Flowers* "illuminates (Wavell's) own mind": *ibid.* p. 247.

⁴¹ Wavell, *Other Men's Flowers*, (Memorial Edition, 1952) p. 25. It contains an admirable and deeply moving Introduction by his son to whom the Anthology is dedicated. [See also p. 97 for Wavell's *Note* to Greta Briggs's verses on "London Under Bombardment": "I was uncomfortable in body — for the bomber was cramped and draughty — and in mind for I knew I had been caught with insufficient strength to meet a heavy counter-attack (by Rommel); reading this poem and committing it to memory did something to relieve my discomforts of body and mind".]

⁴² *ibid.* p. 19.

⁴³ *Transfer of Power*, Vol. IV. p. 378. The speech was made on 6 October 1943 in reply to a speech made by Winston Churchill.

man of innate refinement and consideration for others.”⁴⁴ In 1944, when Nehru was under detention, Edward Thompson sent some books to Wavell with a request to pass them on to Nehru. Having learnt from Thompson that poetry was one of Nehru’s chief interests, Wavell forwarded the books with a private letter and enclosed also a copy of his own anthology, *Other Men’s Flowers* (London, 1944).⁴⁵ Nehru’s sister, Krishna Hutheesingh has written that Wavell was “a good Viceroy” and besides being conscientious, was “*understanding and humane*”.⁴⁶ (italics supplied) If Nehru’s sister found Wavell understanding and humane, so, in 1937, did the Commander of a Brigade in Portsmouth, who later attained fame as Field Marshal Montgomery. In order to obtain much needed funds for married families in his Garrison, he let out a military football field to hold a fair during the August bank holidays for £ 1500. On coming to know of this, the War Office pointed out that Montgomery had broken an Army Regulation in letting out War Department land. However, they were prepared to overlook it if he paid back £ 1500. He said he had spent it all, and produced all the receipts. The Major-General in charge of Administration told Montgomery that *this incident had ruined his chances of promotion*. “But”, wrote Montgomery,

“General Wavell, G.O.C. -in-C, Southern Command, took a different view. He was really rather amused that I had improved the Garrison’s amenities at the expense of the War Office, all square and above board. He backed me and kept the file on the move, between the War Office and Salisbury. The file was growing rather large. Then I was suddenly promoted and I have never heard any more about that file. But I was ‘Dicky on the perch’ for a while.”⁴⁷

Finally, Nehru himself told Wavell that “failures and successes were only relative and that some failures were greater than successes.”⁴⁸

I have said that Wavell’s career as a soldier had a direct impact on his career as a Viceroy. Wavell himself has supplied the close link between his two careers. He recorded in his

⁴⁴ *Azad, op. cit.* p. 105. Azad said this after recalling how rooms had been reserved for him at the Savoy Hotel for the Simla Conference, but “when Lord Wavell saw the state of my health, he felt that a hotel was not the proper place for me. He therefore placed at my disposal one of the houses attached to the Viceregal estate and arranged that staff from the Viceroy’s establishment should look after me”: *ibid.*

⁴⁵ *Moon, op. cit.* p. 11. *f.n.* 3.

⁴⁶ *ibid.* p. 463.

⁴⁷ *Memoirs of Field Marshal Montgomery*, (Collins, 1968 impression), p. 46.

⁴⁸ *Viceroy’s Journal*, entry under date 10 March 1947, at pp. 426-427.

Journal under entry dated 20 August 1943, when he was the Viceroy-designate, "Woke up about 3 a.m. with some ideas about possible procedure in India and feeling wakeful wrote them out..."⁴⁹ The memorandum which he wrote out for the consideration of his Private Secretary-designate, Evan Jenkins, is too long to quote.⁵⁰ The gist of it has been set out at p. P-29 *ante*. But the opening and concluding words are important, for they show how, as Viceroy, he proposed to draw on his experience and training as a soldier to solve the Indian problem:

"I have been turning over in my mind how I should approach this question of finding a solution of the Indian problem if I discarded all normal methods and trusted entirely to my own commonsense (such as it is) and *my previous experience and training*. As a result I have evolved the following scenario on which I invite your opinion."⁵¹ (*italics supplied*)

* * * * *

"Above is of course only a very crude outline of what is in my mind. Is any such procedure a possibility? *I have always been in military matters an upholder of unorthodox methods when orthodox methods have failed, as I think they have failed in India*"⁵² (*italics supplied*)

In the course of the memorandum, he set out what he proposed to tell the ten Indian leaders, whom he wished to invite to a secret conference. *Inter alia*, he would tell them :

"I have been trained in a profession where it is necessary to take some action in a crisis, and where one has to take big risks. I have perhaps more experience of practical government in crisis than most soldiers, in Egypt and Palestine and now here."⁵³ (*italics supplied*)

In considering Wavell's Viceroyalty, we should not allow his summary dismissal to blind us to the great services he rendered to India. His first and greatest service was to prevent a recurrence of a famine like the Bengal famine in 1942. A day before Wavell was sworn in as Viceroy,⁵⁴ he was told by Linlithgow that "in July he expected that deaths in Bengal might be 1 to 1½ million, but we looked like getting off better than he had thought possible."⁵⁵ However, Wavell was not the man to take things fatalistically. As he said in a moment of self-revelation, "... my instincts are for action and not to sit still over a problem, and my tendencies are progressive".⁵⁶ Within six days of assuming office he visited Calcutta for three days and for the next six months he exerted himself to impress upon

49 *ibid.* p. 14.

50 *ibid.* pp. 467-470 where it is set out in full.

51 *ibid.* p. 467.

52 *ibid.* p. 470.

53 *ibid.* p. 468.

54 On 20 October 1943.

55 *Moon, op. cit.* p. 34.

56 *ibid.* p. 159.

the authorities in all the Provinces that they should give the highest priority to the procurement of food, and to the conservation and equitable distribution of food by introducing rationing. Famine had been accompanied by disease. When on 1 November 1943, Wavell inquired of the Director-General of the Indian Medical Service about the drug position in Bengal, he replied that "he was going down there on 8 November to see for himself, because he had first to go to Simla to attend a meeting of the Sanatorium Committee". Wavell told him that "Sanatoriums at Simla could wait, but the Bengal famine would not, (and) he must get the first possible plane to Calcutta."⁵⁷ Throughout his years in office Wavell persisted in demanding adequate food supplies from His Majesty's Government. As he wrote to Churchill, "In spite of the lesson of the Bengal famine, I have had, during the last nine months literally to fight with all the words I could command, sometimes, almost intemperate, to secure food imports."⁵⁸ Wavell never relaxed his efforts with the result that he managed to secure one million tons of food grains which H.M.G. had said was not available! To have saved millions of people from death by starvation and disease by prompt, resolute and persistent efforts must be regarded as a great achievement.

On the political plane, Wavell was convinced that a move for resolving the political deadlock in India must be made before the War in Europe and the War against Japan came to an end. The imaginative proposal which he wished to make (see pp. 185-6 *ante*) some time after he had assumed office was rejected by Churchill who said that negotiations with Gandhi could only take place over Churchill's dead body. Wavell wished to make a political move when the War was on. However, even his proposal to hold the Simla Conference was obstructed for 8 months. No doubt the Conference failed, but the delay of 8 months left little time to Wavell to make fresh proposals, for the War in Europe had ended before the Simla Conference began, and the War against Japan, which was expected to last for one year more after the defeat of Germany, ended suddenly within three months of that defeat. Thus, through no fault of his own, but due to the obstruction of Churchill's Government, the most propitious time for political moves in India had gone by.

⁵⁷ *ibid.* p. 36.

⁵⁸ *ibid.* p. 95.

Wavell's next great achievement was to alert Attlee's Government to the danger which it faced if the political problem was not solved after the elections to the Central and Provincial Legislatures to be held in 1945-1946. This led to the Cabinet Mission being sent out to India in March 1946. Wavell played a great part in the deliberations of the Cabinet Mission, and, as we have seen, had his straightforward advice to be firm and just both to the Hindus and the Muslims been followed, the bickerings and the violence which followed the Muslim League's declaration of Direct Action would have been avoided. The following striking tribute indicates Wavell's contribution to the work of the Cabinet Mission :

"The Viceroy seems to have inexhaustible reserves of character, and he stands up to the double job of running India and dealing with the Constitutional problem, and he faces a cheerless future with remarkable imperturbability. I should say that he was without doubt a valuable asset in the present situation."⁵⁹

Wavell insisted that the status of the Viceroy's Executive Council, in which the Viceroy had a veto, should not be changed by convention to that of a Dominion Cabinet of which the Viceroy would be the Constitutional head, obliged to follow his Cabinet's advice. He pointed out that such change of status would place in the hands of the majority the control of the armed forces, including British soldiers, with which to coerce the Muslims. Apart from this change of status being unfair and unjust to the Muslims, it would provoke civil war in which the British would be involved. The British Government accepted Wavell's advice, and never departed from it, as long as the Viceroy's Executive Council continued to function under the G.I. Act, 35. With the creation of the two Dominions of India and Pakistan, naturally the Governor-Generals of the two Dominions became the constitutional heads of their respective Dominion Cabinets.

Finally, Wavell's greatest service was to formulate a revolutionary idea in his Breakdown Plan, namely, that a date should be fixed and announced in advance, by which British Power would be withdrawn from India, and he named 31 March 1948 as that date. It is distressing to read the discussions in

⁵⁹ *Transfer of Power*, Vol. VII, pp. 741-42, Sir William Croft, Dy. Under Secretary of State, India Office and on the staff of Cabinet Mission, in a letter dated 30 May 1946 addressed to Sir David Monteath, permanent Under Secretary of State for India.

the India Committee and/or in Attlee's Cabinet on the Breakdown Plan. It was objected that to announce a date for the withdrawal of British Power would precipitate a struggle for power between Hindus and Muslims, would destroy all hopes of a settlement between them, and, in substance, would amount to a recognition of Pakistan. On 20 December 1946, Attlee said that he was prepared in principle to accept the Breakdown Plan if it was differently expressed, but after Wavell had been sent back to India with the assurance that he had got the substance of what he wanted, Attlee and his Cabinet went back on their assurance. I have said that all these discussions were distressing, because the objections raised to the Breakdown Plan were thrown to the winds when Mountbatten insisted that a date should be fixed for withdrawal of British Power from India, and 30 June 1948 was ultimately fixed as that date, and announced in advance. The conduct of the British Government towards Wavell's Plan is best described by saying that they shied at the fence when it came to the jump. Mountbatten forced the Attlee Government to take the jump which Wavell had vainly pressed upon them in his Breakdown Plan. However, Wavell's dismissal cannot take away from him the credit of originating a new idea, the acceptance of which was to transform the political problem in India.

Before proceeding further it is necessary to refer briefly to the relations between Gandhi and Wavell. In his Introduction to *The Viceroy's Journal*, Penderel Moon felt obliged to write :

"... and despite the risk of giving offence to Indian readers, none of the hard things that Wavell wrote of Mr. Gandhi have been altered or omitted; for Wavell's very unfavourable judgment of him is of some historical interest."⁶⁰

It is outside the scope of this book to go into the rights and wrongs of the matter. It would require a specialised study of Gandhi and his works, on the one hand, and of Wavell's *Journal* and the voluminous documents contained in the *Transfer of Power* on the other, to decide whether Wavell's judgment of Gandhi was a misjudgment or was correct, in whole or part. However, it may be observed that between Wavell and the saint, who sought divine guidance for solving political problems, and the saint and mystic who altered his political decisions at the bidding of his "inner voice", any rapport was unlikely. Wavell treated Gandhi with the respect

⁶⁰ Moon, *op. cit.* p. xv.

due to the great position which he occupied in India, and till the interview of 27 August 1943 there was no real unpleasantness between them. It must be acknowledged that Gandhi saw in Wavell an obstacle to the Congress realising its goal. He accused Wavell of being pro-Muslim, though later he apologised for having made the accusation. Gandhi, through his emissaries, sought the removal of Wavell as Viceroy believing that the one obstacle to the goal of a united India would thereby be removed, all the more so, as the new Viceroy, who was actively sponsored by Cripps, was believed to be favourable to the Congress cause. When, however, it appeared that the new Viceroy was heading towards the partition of India, Gandhi started a movement in opposition to it by insisting that the Cabinet Mission Plan should be enforced as an Award, in letter and in spirit.

Between Nehru and Wavell there were strong cultural bonds which were much greater than those which existed between Nehru and Mountbatten, although Mountbatten gained Nehru's personal affection. Nehru's love of literature, of history, of philosophy and political science was shared by Wavell. In a revealing entry in his diary under date 21 February 1947, Wavell wrote that he never lingered over an interview with dull personalities and it never developed into a general talk on affairs or ethics or literature as with Rajagopalachari or Azad or Nehru or Liaquat.⁶¹ Writing to King George VI, Wavell said that he had seen a good deal of Nehru and could not help liking him: he was sincere, intelligent, and personally courageous, although unbalanced at times. However, Nehru's whole life had been spent in agitation for the freedom of India, and it was not easy for him before Independence to accept the role of an administrator which Wavell repeatedly pressed upon him.⁶²

Our narrative so far has shown that the publication of the *Viceroy's Journal* (1973) and Vols. IV to IX of the *Transfer of Power* (1973-1980) have destroyed two myths: First, that it was a benevolent Labour Government which, out of the goodness of its heart and its love of freedom, transferred power to

⁶¹ Moon, *op. cit.* p. 495.

⁶² Cf. "I got him (Ernest Bevin, Foreign Secretary) to talk about his early career - He had been agricultural labourer, page boy, tram conductor, shop assistant and in other employment before becoming a trade union official, I asked him which of his professions had interested and amused him most. He grinned and said: '*agitation*'." (italics supplied): Moon, *op. cit.* p. 131.

India; secondly, that Wavell who had persisted in asking His Majesty's Government to make a declaration about the withdrawal from India by a specified date was a "defeatist" who had to be removed from office in order to secure the transfer of power to India. As we have seen, when it became known that Wavell was leaving India, Azad issued a statement paying a glowing tribute to Wavell's services to India. If Azad could have had access to the *Viceroy's Journal* and to the documents in the *Transfer of Power*, he would have been gratified to find that his tribute to Wavell was more than deserved, and that Wavell had lived up to his favourite saying from Sir Walter Scott: "Without courage there cannot be truth, and without truth there can be no other virtue." Attlee's Government lacked courage,⁶³ and India paid the price of partition, or, at any rate, the price of about 6,00,000 people massacred and about 1,40,00,000 people uprooted by mass migrations. Long after Wavell's death, Sir Evan Jenkins, who had worked closely with Wavell, suggested that the description which fitted Wavell most aptly was that given by Horace of Ulysses, "*adversis rerum immersabilis undis*: (never overwhelmed by the tides of misfortune)."⁶⁴ Reviewing his life and work, it seems to me that the tribute paid to Winston Churchill by a Member of Parliament can be fittingly applied to Wavell — "the shattered fragments of the world would find him dauntless still".

(c) *The Viceroyalty of Mountbatten in Retrospect*

Wavell was succeeded by Mountbatten. Describing a meeting between Wavell as Viceroy and Mountbatten as the Supreme Commander, Ziegler wrote :

"Viceroy and Supreme Commander surveyed each other with amused and baffled respect, so different in temperament and style that they were almost beings of different species, yet each recognizing the quality of the other."⁶⁵

⁶³ Lord Pethick-Lawrence said in a Note prepared for Attlee: "It is only fair to the Viceroy to admit that the difficulties in which we now find ourselves result from the failure to get clear satisfaction on this point (grouping). But our judgment at the time was that to press it to a final conclusion would result in the Congress not accepting the Statement of May 16th": *Transfer of Power*, Vol. VIII, p. 504.

⁶⁴ *Moon*, *op. cit.* p. 460.

⁶⁵ *Ziegler*, *op. cit.* p. 230. ["The Viceroy had been in favour of Mountbatten's appointment (as Supreme Commander) from the start, 'if he has a level-headed C.G.S. to check any wild ideas'."; *ibid.*]

But the difference was not only of temperament and style; it went much deeper and was fundamental. Ziegler has described Mountbatten's intellectual interests as follows :

"His intellectual resources were limited. Beyond the books he read to his children and a rarely indulged affection for P. G. Wodehouse, he did not often venture beyond official papers . . . of pictures he was barely aware. . . . The cinema was his favourite art form. . . . Left alone of an evening he would devote himself to genealogy."⁶⁶

Wavell has an attractive and characteristically amusing entry in his *Journal* which brings out the fundamental difference between himself and Mountbatten :

"December 7, 1943, M. B. (Mountbatten) dined and we had a cinema — *Casablanca*, a typical film story of the sentimental-thriller type. The others seemed to like it but I was neither touched nor thrilled and said so to M. B. afterwards. He is a great film fan and was horrified. He apparently has one most nights — 'so much easier and quicker than reading a novel' he urged; 'But I seldom read novels' I said. 'But what do you read then for relaxation, from your writing it is obvious that you do read sometimes'. I replied that I read biographies and poetry rather than novels. 'But don't you like musical films?' 'I fear I am not musical'. 'But you don't need to be musical to enjoy musical films, with just cheerful songs and dancing'. He is still youthful and I am afraid received the impression that I was a cheerless kill-joy not to like films."⁶⁷

We have seen that Wavell looked upon art and poetry and thought as the real mainsprings of life (p.183 *ante*),⁶⁸ and his character, personality and actions were deeply rooted in the "real mainsprings of life" and commanded admiration and respect. Mountbatten had no such roots. Even when he took part in great events, he was deeply rooted — in himself, his own glory and his royal descent. But these are short-lived assets, and they do not command admiration and respect. No one could say of Mountbatten what Attlee said of Wavell: "It (your telegram) is in keeping with the *high principles on which you have always acted which assure you of the esteem and gratitude of your fellow countrymen.*" (p. 95 *ante*).

It has been said that Mountbatten's charm carried everything before it, and since this is the generally accepted opinion of those who fell for his charm, it must be accepted as a fact of history. But charm dies with the person; the actions which charm leave behind remain, and must be judged on their own merits. The greatest difficulty I have felt in appraising

⁶⁶ *ibid.* p. 117.

⁶⁷ *Moon, op. cit.* p. 40.

⁶⁸ *Transfer of Power, Vol. IV, p. 378.*

Mountbatten's work as Viceroy stems from a fact which even his admiring biographer, Prof. Ziegler, is unable to disguise, namely, that Mountbatten "sought to rewrite history with cavalier indifference to facts to magnify his own achievements,"⁶⁹ or, in plain English, Mountbatten preferred falsehood to truth, of which his suppression of Radcliffe's Punjab Award is the most shocking example. Having read Ziegler's *Mountbatten; Vols. X to XII of the Transfer of Power*; and Larry Collins & Dominique Lapiere's *Mountbatten and the Partition of India*, it is clear to me that no statement made by Mountbatten can be accepted as true, unless it is corroborated by reliable independent evidence. For not only did he say things which were untrue in order to glorify his own achievements, but he did not hesitate to do so to run down others in the process. For example, he made the following amazing statement to Collins and Lapiere :

"But I claim it is not just intuition or hunches. I claim it is basically deep, profound study of the psychology of my Indian partners. *Wavell never tried to get hold of the Indians, like V. P. Menon. V. P. Menon was never allowed to go near him. He was on Wavell's staff, but Wavell never saw him. Menon said, 'I never saw Wavell. I wasn't asked for my opinions'.*"⁷⁰ (italics supplied)

These statements are patently untrue. First, V.P. Menon was the Reforms Commissioner to the Viceroy and if Wavell never saw him, or asked for his opinions, Menon's post would have been abolished. Secondly, I have set out below entries from the *Viceroy's Journal* which show, affirmatively, that Mountbatten's statements are false, as are the statements he has put in Menon's mouth.

The following entries in the *Viceroy's Journal* show the occasions on which Menon saw and talked with Wavell :

January 5, 1945 : "Little Menon spoke of an interview he had with Sapru, who was apparently of opinion that I was completely opposed to progress. Menon said he satisfied him that I was not, and Sapru said that a move by H.M.G. would be welcome even if the Committee (headed by him) had not reported."⁷¹

November 8, 1945 : "... V. P. Menon, optimistic as usual, said he thought Nehru had quietened a bit since his interview with me; ..." ⁷²

June 12, 1946 : "... I then had a talk with Menon. He does not like the idea of an Inner and Outer Cabinet — no more do I — and thinks that I should press Jinnah to agree on 5 : 5 : 3 with the Scheduled Caste outside the Congress quota."⁷³

⁶⁹ Ziegler, *op. cit.* p. 701.

⁷¹ Moon, *op. cit.* p. 109.

⁷⁰ Collins & Lapiere, *op. cit.* p. 34.

⁷² *ibid.* p. 184.

⁷³ *ibid.* p. 292.

January 9, 1947 : "Menon was very perturbed at the decline of the Administration. . . I think he was echoing Patel. Finally, he described an interview with Aung San, which had shown that young tough's complete ignorance of financial, constitutional and economic questions." ⁷⁴

February 5, 1947 : "V. P. Menon, whom I saw this afternoon, usually so optimistic, was gloomy about the position and thinks that the partition of India is now inevitable. He says the League reckon on this, and expect to capture the Punjab Government soon". ⁷⁵

The following entries from the *Viceroy's Journal* relate to meetings at which Menon was present, and Wavell used Menon's services :

April 23-25, 1945 : "To-day 24th, Leo Amery, Cripps and self met with Laithwaite, I.O. officials and Jenkins and Menon : and proceeded to produce yet another draft for the Committee." ⁷⁶

August 22, 1945 : "Felicity (Wavell's daughter) will go with me and Menon, and George Abell will meet me in London." ⁷⁷

August 28, 1945 : "He (S. of S.) asked me to produce a draft announcement by 5 p.m. I put George Abell, Menon and Turnbull on to producing a draft..." ⁷⁸

April 22, 1946 : "Then Thorne, Menon and George Abell discussed with me Cripps' draft. Subject to elucidation of certain points, we thought it made the best of a very difficult business . . ." ⁷⁹

May 4, 1946 : "In the afternoon we discussed the award which Cripps had drawn up with Rau and Menon." ⁸⁰

August 19, 1946 : "I sent S. of S. a telegram . . . saying that I did not think we should accept five Muslims. P.S.V. and Menon do not approve and think we should not break with Congress over the Muslim issue." ⁸¹

And finally, on *July 24, 1946*, Wavell wrote, "I sent a telegram to the S. of S. about Nehru's letter. *George Abell and Menon, as usual, watered down my draft a little.*" ⁸² (italics supplied)

The above entries can be multiplied from the documents in the *Transfer of Power*, but it is needless to labour the point. Mountbatten's attempt to glorify himself by claiming a psychological insight denied to Wavell, a claim based on statements patently false, shows, that stripped of charm, Mountbatten's was an unlovely character fatally flawed by his "monstrous vanity". Absorption in his own self image deprived him of insights which guided Wavell in India. ⁸³

⁷⁴ *ibid.* p. 409.

⁷⁵ *ibid.* p. 418.

⁷⁶ *ibid.* p. 126.

⁷⁷ *ibid.* p. 164.

⁷⁸ *ibid.* p. 166.

⁷⁹ *ibid.* p. 250.

⁸⁰ *ibid.* p. 257.

⁸¹ *ibid.* p. 335.

⁸² *ibid.* p. 323.

⁸³ For example, Wavell told officials of the Ministry of Information, who were unable to put British propaganda across to India, that his theme on propaganda to India was this; "The M. of I, approach is to boost British achie-

For reasons set out at pp.177-8 *ante*, I have not dealt with the integration of Indian States. It is only fair to record at this place that the part which Mountbatten played in bringing about that integration has been looked upon as a great personal triumph. It would be improper for any person who has not studied the problem of integration of the States to question the generally accepted view of Mountbatten's success in that respect.

Did Mountbatten succeed where Wavell is said to have failed? The question depends on complex factors for an answer.⁸⁴ First and foremost, success and failure involve reaching a goal. And where the goal involves several parties, a further question arises whether they had a common goal? Till Wavell's Break-down Plan was rejected in early January 1947 the goal of His Majesty's Government was to transfer power as peacefully as possible to a *united* India, and that goal was embodied in the Cabinet Mission Plan. The goal of the Congress also was the transfer of power to a united India. And although the goal of the Muslim League was Pakistan, by accepting the Cabinet Mission Plan, which rejected Pakistan, the Muslim League accepted the goal of a united India. Judged by this common goal, H.M.G., the Congress and to some extent the Muslim League failed to achieve that goal. Wavell was not permitted to reach that goal, by his summary dismissal. And Mountbatten failed because he brought about the partition of India.

But, it may be said, that in politics, as in life, goals do not remain constant, but not infrequently they change. In the present context the question arises, were one or more of the parties responsible for the change? Wavell pressed firmly for the acceptance of the Cabinet Mission Plan which preserved that unity. He pressed H.M.G. to make an unequivocal declaration about the grouping provisions of the Plan which were

vements etc., with the implication that India is very lucky to be able to belong to the British Commonwealth. I said that the approach must be to boost Indian achievements, with the implication that the British Commonwealth is very lucky to have so valuable a member": *Moon, op. cit.* p. 101.

⁸⁴ In graphic language Wavell had pointed out the difficulty of answering such questions. He wrote: "Was Mynn a better cricketer than Grace, Grace than Trumper, Trumper than Hammond? The difference in conditions of pitch, bowling, outfield, etc., make any comparisons most difficult. Suppose Hannibal had possessed 50 more elephants. Would he have marched direct on Rome after Cannae and changed the face of history?": *Lewin, op. cit.* p. 15.

crucial to the League, but he failed because H.M.G. having repeatedly refused to do so, made an unequivocal declaration months later only when its actions had produced an impasse. Further, Wavell had tried to get Gandhi and Nehru to accept the Mission's interpretation of the grouping provisions in order to secure communal harmony, but they rejected his suggestion almost with contempt. So Wavell failed largely because H.M.G. were unwilling to stick to the intentions of their own Cabinet Mission, and, secondly, because the Congress was unwilling to make any concession to the Muslim League.

Faced with this situation Wavell did not abandon the goal of a united India. The policies of the Congress might lead Nehru to seek Wavell's replacement, but the consoling remarks he made to Wavell were a tribute to Wavell's character, accomplishments and work for India. Wavell had struggled hard to preserve the unity of India by pressing for the acceptance of the Cabinet Mission Plan which was based on that unity. Nehru did not respond to Wavell's efforts because, like other Congress leaders, Nehru believed that with Mountbatten as Viceroy, the Congress would preserve the unity of India on its own terms. Mountbatten's charm and energy might carry everything before them, but they carried away the unity of India as well. Wavell's judgment was correct when he said that one of the objects of the Breakdown Plan was "by administering a severe shock, to induce the political leaders to adopt a saner outlook". He judged rightly that if Congress leaders realized that failure to implement the Mission's Plan and work it as it was intended to be worked, would inevitably lead to partition, they would opt for the Plan. Wavell came into his own when Gandhi and Nehru, faced with Mountbatten's partition Plan, asked for the Cabinet Mission Plan to be enforced as an Award. But by that time they themselves had struck the Plan dead. No wonder Azad wrote: "Perhaps history will decide that the wiser policy would have been to follow Wavell's advice."⁸⁵

When H.M.G. turned down Wavell's Breakdown Plan only to accept the fixing of a time limit without the careful preparation for the withdrawal of British power which Wavell's Breakdown Plan required, H.M.G. altered its goal of transferring power to a *united* India. Although H.M.G. paid lip service to the Cabinet Mission Plan, they knew that their own actions, which had encouraged the Congress to insist on its own interpretation

⁸⁵ Azad, *op. cit.* p. 178.

of the grouping provisions of the Plan, had almost destroyed the Plan, and that Mountbatten's chances of getting the Cabinet Mission Plan accepted, were slim. With the advent of Mountbatten, the Congress found it too late to resurrect the Cabinet Mission Plan, and reluctantly changed the Congress goal and accepted partition, comforting itself with the thought that it was not really changing its goal, since it believed that Pakistan was not viable and would be forced to reunite with India. With the Congress rejection of the Cabinet Mission Plan the Muslim League reverted to its goal of Pakistan. The primary responsibility for changing the goal of a united India was not Wavell's; he was denied the power to bring his Breakdown Plan into effect which offered the last chance of preserving the unity of India and salvaging the Cabinet Mission Plan.

The part which Mountbatten played, assisted by V. P. Menon, in changing the goal of British policy, requires a more detailed consideration. If Mountbatten's directive meant, as Ziegler put it, "Keep India united if you can; if not, try to salvage something from the wreck; whatever happens get the British out . . .",⁸⁶ we must ask whether he made any real attempt to avoid partition and seek acceptance of the Cabinet Mission Plan. We have seen that Azad had an interview with Mountbatten on 14 May 1947: (pp. 143-144 *ante*.) In that interview Azad pleaded with Mountbatten not to abandon the Cabinet Mission Plan, and not to be in a hurry to partition India, having regard to the atmosphere of violence prevailing in India. Azad wrote :

"Later Mountbatten assured me that he would place a full and true picture before the British Cabinet; that he would report faithfully all that he had heard and seen during the last two months. He would also tell the British Cabinet that there was an important section of the Congress which wanted postponement of the settlement by a year or two. He assured me that he would tell Mr. Attlee and Sir Stafford Cripps what my views on the matter were. The British Government would have all these materials before them when they came to a final decision."⁸⁷

It is unusual that Mountbatten kept no record of this interview with Azad. The Minutes of the India and Burma Committee Meeting held on 19 May 1947⁸⁸ contain no reference whatso-

⁸⁶ Ziegler, *op. cit.* pp. 358-59.

⁸⁷ Azad, *op. cit.* pp. 189-90.

⁸⁸ *Transfer of Power*, Vol. X, pp. 896-901. Attlee was in the Chair and Cripps, Alexander, Viscount Addison, Lord Listowell, C. P. Mayhew, A. G. Bottomley, A. Henderson and Lord Chorley were present. Also present were Mountbatten, Sir David Monteath, Lord Ismay, Erskine Crum and members of the Secretariat.

ever to the subject of the assurances which Mountbatten had given to Azad, namely, that a section of the Congress wanted the settlement postponed for a year or two and that Azad was strongly of the same view. It is most unlikely that if Mountbatten had mentioned the subject matter of the assurances he had given to Azad, the minutes would not have recorded that fact, or that the members present at the Meeting would not have discussed the view of a section of the Congress including Azad. It is clear, therefore, that Mountbatten did not want to put before the India and Burma Committee any view which ran counter to his own Plan for partition.⁸⁹ This is not the first occasion on which Mountbatten gave assurances which he did not carry out. Secondly, Mountbatten pressed on Congress leaders like Nehru and Patel that by agreeing to the partition of India they would secure a strong Centre for India. It does not appear that he pointed out to them the grave consequences of India being divided into two parts, the vulnerability of India to external aggression on its Northern frontier after the country had been divided between India and Pakistan, the danger to India from a divided army formed on communal lines, an arms race between India and Pakistan, and the grave danger of India and Pakistan becoming involved in rival power blocks, like the United States, Soviet Russia and China.

V.P.Menon, who had become the mouthpiece of Vallabhbhai Patel, and who had helped Mountbatten in drafting his partition Plan, obviously had second thoughts on the wisdom of that Plan, which are set out in an article he wrote in the *Statesman* on 21 October 1947. His suggestions in that article have been fully discussed at pp. 134-6 *ante*. Put briefly, he said that the freedom which India and Pakistan had secured would be worth little if India and Pakistan treated each other as potential enemies and indulged in costly rivalry in armaments. He suggested that the only way to give real meaning to the independence which the two Dominions had won was for India and Pakistan to have a Union at the top on three subjects, namely, Defence, Foreign Affairs and Communications. The Cabinet Mission Plan did precisely that for a united India, in which a Centre limited to Defence, Foreign Affairs and Com-

⁸⁹ We have seen earlier that the Minutes no doubt referred to the assurances which Mountbatten had given to Azad, namely, that if partition was accepted in principle, he would put down any violence by use of the military and by the use of tanks and aircraft.

munications made sense. Once Menon rejected that Plan as unworkable, his suggestion of a Union at the top between two independent Dominions was untenable for reasons set out at pp. 134-6 *ante*. Wavell came into his own not only when Nehru and Gandhi asked for the Mission Plan to be enforced as an Award, (see pp. 134-137 *ante*) but also when Menon wrote his article in which he lifted a central feature of the Mission Plan for a united India, where it made sense, and sought to apply it to a divided India in which it made no sense, and was untenable.

In judging whether Wavell failed where Mountbatten succeeded, two further questions must be considered. What was the function of the Viceroy of India and his relations with H.M.G.? Secondly, was not the transfer of power whether to a united or a divided India to be brought about with as little bloodshed and injury to life and property as the resources of the Government of India permitted?

Under the G.I. Act, 35, total legislative and executive power, including the power to proclaim an emergency, was concentrated in the last instance in the Government of India, which meant the Viceroy, for he was not bound by the advice of his Executive Council and he could veto the decision of the Council. This power was subject only to the directions of H.M.G. through the Secretary of State for India. As pointed out by Penderel Moon, the Viceroy "was not an equal negotiating with colleagues, but an outside authority standing above them".⁹⁰ This required the Viceroy to be impartial in respect of the competing claims of the Congress, the Muslim League and other sections of Indian society. This Wavell tried to do, and in this role his absolute integrity was an invaluable asset.⁹¹ However, he was obstructed in the discharge of this duty by H.M.G. whose bias in favour of the Congress was thinly disguised. This bias was intelligible, for Congress had the overwhelming support of Hindus who were the majority community. It was absurd for H.M.G. to expect Wavell to bring about a settlement between the Congress and the League, when the Congress knew that his masters in England were in its favour, and would not allow him to do anything which would offend the Congress. In other words, H.M.G. would give neither a firm policy to Wavell nor a free hand to do what he, as the man on the spot, thought fit. Wavell's power to attain the goal of a

⁹⁰ Moon, *op. cit.* p. 460.

⁹¹ *ibid.* pp. 460-461.

peaceful transfer of power was crippled by H.M.G.'s directions which Wavell was obliged to carry out against his own better judgment.

By contrast, first, Mountbatten made no real attempt to deal impartially with the Congress and the Muslim League. In his graphic words, Congress was to be given a building, the Muslim League could be given only a tent and no more: (p. 124 *ante*). Secondly, Mountbatten was given almost a free hand. As we have seen, he claimed that "he was in the position of a testator on behalf of His Majesty's Government": (p. 117 *ante*). It is not surprising that given the authority to will away British power in India he was in a position to compel acceptance of his Plan. The claim that he obtained the consent of both parties to his partition Plan is formally correct. But for the Congress and the League there was no real alternative, once Congress had rejected the Cabinet Mission Plan, in effect, by insisting on its own interpretation of the grouping provisions of the Plan, and the Muslim League had rejected the Congress interpretation. For whatever the Congress and the League may have *talked* about civil war, neither of them *wanted to fight* such a civil war. Therefore, once the Mission Plan was dead, the partition Plan was inevitable, for it gave the Muslims those parts of the country which they could indisputably claim on a population basis, and form them into a separate State. The League preferred to have a truncated Pakistan rather than have no Pakistan at all.⁹²

One of the objects of Wavell's Breakdown Plan was "to withdraw British authority with the minimum of disorder and loss to H.M.G. and India, and in such manner as is most likely to maintain the cohesion of the Armed Forces": (p. 89 *ante*). If Wavell's Breakdown Plan had succeeded, and Congress had agreed to work the Cabinet Mission Plan as intended by its authors — which was not unlikely (pp. 195-6 *ante*), India would have been spared the tragedy and the horrors of partition. If, on the other hand, the Breakdown Plan had failed to bring about an agreement between the Congress and the Muslim League, Wavell would have braced himself to conduct, what he repeatedly described as a retreat, "with the minimum of disorder and loss". At such a time, the fact that the Viceroy, who was vested with vast powers in India, had also been a distinguished Commander-in-Chief would have enabled him to plan the

⁹² Moon, *op cit.* p. xii.

retreat with skill and resource. And the fact that he was on excellent terms with Auchinleck, the Commander-in-Chief, would have helped Wavell in conducting an orderly retreat. Wavell's way of conducting a retreat is best brought out by the following illustration. When under Wavell's directions Somaliland was evacuated, and the Army retreated with few casualties, Wavell received "a red-hot cable" from Churchill, protesting against the small number of British casualties and demanding a court of inquiry. Wavell answered that "a big butcher's bill was not necessarily evidence of good tactics".⁹³ A Commander-in-Chief who gave this answer to "the Napoleon of Downing Street",⁹⁴ was not likely to forget good tactics in withdrawing British authority from India. The Attlee Government's rejection of the Breakdown Plan and the summary dismissal of Wavell made it impossible to reproach Wavell with having failed to achieve one of the objects of the British Government in withdrawing power from India with as little loss as possible.

The Verdict of History

Even on the materials then available, Mosley made the farsighted remark, "Mountbatten is convinced that his achievement will go down in history – as it will indeed, though, not perhaps, in quite the way he envisaged it."⁹⁵ Now that Volumes X to XII of the *Transfer of Power* have laid bare Mountbatten's conduct as Viceroy, and Prof. Ziegler has given us an insight into Mountbatten's character and conduct, we can anticipate the verdict of History with greater confidence. I believe that History will deal with Mountbatten as Viceroy as it has dealt with Neville Chamberlain as Prime Minister. After Munich, Neville Chamberlain returned to England to a hero's welcome for having preserved peace. From the airport to 10 Downing Street, cheering crowds surrounded his car, threw flowers into it and patted him on the back. Before the Second World War, he was received with acclaim wherever he went, and letters of thanks and gratitude came to him from people in all walks of life. But all that changed within a few months after

⁹³ *Lewin, op. cit.* p. 25.

⁹⁴ *ibid.* p. 45 for the graphic phrase in which Lewin describes the power wielded by Churchill as Prime Minister and Minister of Defence.

⁹⁵ *Mosley, op. cit.* p. 284.

the declaration of War. It was then realized that he had betrayed the safety of the realm by the policies he had pursued under an overweening belief in his own capacity to save the peace of the world. He had ignored, on one excuse or another, the clear, precise and detailed warnings of Winston Churchill to arm in good time against the Nazi menace. When all that Churchill had predicted came to pass, and England faced a War such as it had never known before, it was to Churchill that people turned for salvation, and did not turn in vain. The hero's welcome after Munich, the cheering crowds, the letters of praise and gratitude and other signs of popular approval were forgotten. "Appeasement" became a term of reproach and buried Neville Chamberlain's reputation under it. It took History a little over two years to pronounce that Chamberlain had failed as Prime Minister. It has taken History nearly 40 years to strip off the secrecy which shrouded the last few weeks of Mountbatten's Viceroyalty. But now that events as they actually happened during those weeks are known, the contemporary verdict on Mountbatten will be reversed; the glittering receptions, banquets, parties and the wildly cheering crowds in all of which Mountbatten was the central figure on 14 and 15 August 1947, as also the moving farewells and the cheering crowds when Mountbatten left India in June 1948 will be forgotten. After pointing to his "great betrayal" of 9 August 1947⁹⁶ and to the last five days of his Viceroyalty – days which will live in infamy, History will pronounce on Mountbatten the dread sentence: "Thou art weighed in the balance and found wanting".⁹⁷

⁹⁶ See pp. 149-155 *ante*, and p. 163 *ante*.

⁹⁷ See p. 167 *ante*.

NOTE*

The publication of Maulana Azad's autobiography, *India Wins Freedom*, in a "complete version" in November 1988 ("the 1988 edition") has provoked much controversy and public discussion. This is not surprising, for the 1988 edition, among many other things, fixes the responsibility for the partition of India, at one place on Jawaharlal Nehru, and at another place on Vallabhbhai Patel by observing that "it would not perhaps be unfair to say that Vallabhbhai Patel was the founder of Indian partition".

However, to understand the controversy and the public discussion, we must go back 30 years when Azad's *India Wins Freedom* was published in 1959 ("the 1959 edition"). The Preface to that edition explained the manner in which the book came to be written. Mr. Humayun Kabir succeeded in persuading Maulana Azad that he should write his autobiography, as "one of the principal actors in the transfer of power from British to Indian hands". Although Azad could write and speak in English when necessary, he preferred to speak and write in Urdu, because he was a master of Urdu. Accordingly, Humayun Kabir listened to Azad's narrative of his life in Urdu, made "copious notes", and wrote out each Chapter of the autobiography in English. Azad scrutinised each Chapter, and suggested changes which he considered necessary. The draft of the manuscript was revised several times under Azad's direction, till in September 1957 the draft of the whole book had been written in English to Azad's satisfaction. At this stage, Azad said that about 30 pages of the manuscript should not be printed since they dealt with "incidents and reflections mainly of a personal character". Azad further directed that the complete text, which included some 30 pages, should be put in sealed covers and deposited in the National Library, Calcutta, and in the National Archives, New Delhi. The sealed envelopes were to be opened after 30 years and the complete edition of the book should then be published.

Humayun Kabir carried out the changes required by the omission of some 30 pages without altering "either the outline of (Azad's) book or his general findings" as desired by Azad. Each chapter of this slightly abridged draft was scrutinized by Azad: he made "some minor alterations but there was no major change". On Republic Day in 1958 "Azad said that he

* On Maulana Azad's *India Wins Freedom*. The Complete Version, (1988 edition).

was satisfied with the manuscript and it could now be sent to the printers". Humayun Kabir added: "The book now released (in 1959) represents the text as finally approved by him". *India Wins Freedom* was published in 1959 and has been reprinted several times. Since its publication, it has become one of the primary sources of information and understanding of the freedom struggle, more particularly about the transfer of power to India in which Azad had played an important part as President of the Indian National Congress from 1940 till 10 July 1946.

The reference in Humayun Kabir's Preface to the 1959 edition to the omission of some 30 pages would suggest that those pages formed a separate part of the autobiography. But the Publisher's Note to the 1988 edition shows that those 30 pages consisted of passages, or lines, scattered all over the autobiography. The Note states: "Major additions to the earlier version are indicated by asterisks at the beginning and at the end". The Publisher's blurb observes:

"What we now have is the complete text, released in September 1988 by a court directive. Not only have all the words and phrases of the original been reproduced; the original tone and temper have been fully restored. The text now reveals that the controversy that has simmered for so long about the hitherto unpublished pages was fully justified. Those who have read the earlier version will quickly note the points on which this account differs from the earlier one. Those who have not read the earlier volume will find the present one as new and alive as it was when completed and put away in 1958." (italics supplied)

The claim made above in the words I have italicised is not correct. The 1988 edition was released to the publishers under an order of the Court in September 1988, which order had fixed a deadline for its publication. By 7 November 1988, the complete version was available all over India. A careful reading of the 1988 edition shows marks of haste and hurry. It seems to me that the 1988 edition has not been compared, page by page, with the 1959 edition. Had such a comparison been made, it would have been noticed that important passages from the 1959 edition had been omitted, and certain passages had been abridged without any reason being given for such omission or abridgement. Further, additions which almost all readers would consider as "important" *have not been marked by asterisks* at the beginning and at the end.

I will refer briefly to omissions in the 1988 edition of important passages, or quotations, contained in the 1959 edition :

(A) In the 1959 edition, at pp. 68-69, Azad printed

Rajagopalachari's letter of resignation from the Congress Working Committee. This letter is omitted in the 1988 edition.

(B) In the 1959 edition, at pp. 134 to 137, Azad dealt with the exclusion of Bhulabhai Desai from the newly elected Congress party in the Central Legislature because of the part he had played in the Desai-Liaquat Ali pact. As I have pointed out in the text, (p. 32 *ante.*) Bhulabhai had entered into the pact with Gandhi's express authority and Gandhi's failure to defend Bhulabhai was an act of grave injustice to Bhulabhai. This episode reflected no credit on Gandhi.¹ Azad's full description of the Bhulabhai Desai episode should have appeared after p. 144 of the 1988 edition but has been completely left out.

(C) At p. 111 of the 1988 edition it is stated "We drove to the Savoy Hotel where rooms had been reserved for us". But at p. 105 of the 1959 edition Azad had added :

"I did not however stay in the Savoy Hotel for long. When Lord Wavell saw the state of my health he felt that a hotel was not the proper place for me. He therefore placed at my disposal one of the houses attached to the Viceregal Estate and arranged that staff from the Viceregal establishment should look after me. I was touched by this courteous gesture, and I may add that I always found Lord Wavell a man of innate refinement and consideration for others."

This whole passage, with its well deserved tribute to Lord Wavell, has been left out in the 1988 edition.

(D) At p. 151 of the 1959 edition, Azad devoted a paragraph of 12 lines in paying a tribute to the way in which the Cabinet Mission had conducted the negotiations and in paying individual tributes to Sir Stafford Cripps, Lord Pethick-

1 See Setalvad, *Bhulabhai Desai*, pp. 340-341: "Gandhi visited him twice during the last months of his illness. Both these visits were paid on a day on which he used to observe silence. Immediately on arrival, Gandhi intimated by signs to Bhulabhai that it was his *moun* (silence) day and that he would not speak. This was a great disappointment to Bhulabhai who had expected to hear from Gandhi's own lips the reasons why he had been treated by the Congress in a gravely unjust manner. With visible emotion he told Gandhi in the clearest terms that injustice had been done to him. He also told him that he regretted that he had chosen to visit him on his *moun* days, so that he could not discuss the matter with him. Notwithstanding the great emotion he was labouring under, there was a tone of courageous defiance in his voice. He said that he wanted no favours either from Gandhi or anybody else, that he had served his country loyally and that he was sure that his country would do him greater justice than the Congress had done. To these words, there was no reply from Gandhi.. It is astonishing that Gandhi's gospel of universal love did not extend to giving solace and comfort to a dying friend, on whom Gandhi had inflicted a mortal injury.

Lawrence and Mr. Alexander. The whole para is omitted in the 1988 edition, where it should have appeared before the last para on p. 158.

(E) In the 1959 edition, Azad's Chapter entitled "The Mountbatten Mission" ends with the sentence "That is why in the preceding Chapter I have said that perhaps Lord Wavell was right". This sentence is omitted in the 1988 edition.

I will now refer to passages in the 1959 edition which have been abridged in the 1988 edition :

(F) In the 1959 edition at p. 36, it is said :

"When Gandhiji met me, he reported the incident and expressed his surprise that the Viceroy should forget to do the normal courtesies. I replied, 'the Viceroy must have been so astonished at your suggestion that he did not remember what his normal practice was'. Gandhiji burst into laughter when he heard this explanation."

This interesting passage is abridged at p. 35 of the 1988 edition to "Gandhiji reported this incident to me with his characteristic humour" – a strange abridgement of Azad's delightful stroke of humour!

I will now refer to two important additions in the 1988 edition – both relating to Vallabhbhai Patel – which are not indicated by asterisks, and which, therefore, many readers, in search for new matter in the 1988 edition, would miss.

(G) At p. 198 in the 1988 edition the following important addition has not been indicated by asterisks: "It would perhaps not be unfair to say that Vallabhbhai Patel was the founder of Indian partition."

(H) And the same is true of the following important addition at p. 201 of the 1988 edition :

"I was surprised that Patel was now an even greater supporter of the two nation theory than Jinnah. Jinnah may have raised the flag of partition but now the real flag bearer was Patel."

The following passages from the 1959 and 1988 editions respectively show how the sense of the narrative in the 1959 edition is altered in the narrative of the 1988 edition :

(i) "If, however, the Government arrested Gandhiji and other Congress leaders, the people would be free to adopt any method, *violent or non-violent* to oppose the violence of the Government in every possible way. So long as the leaders were free and able to function, they were responsible for the course of events, but if the Government arrested them, Government must take the responsibility for the consequences. *Naturally these instructions were secret and never made public.*" (pp. 82-83. 1959 edn.) (italics supplied.)

(ii) "If however the Government acted in a drastic way, the country must reply to the violence of the Government in every possible way." (p. 85. 1988 edn.)

It will be seen that the fact that Azad gave secret instructions, which were never made public, to use all means, *violent or non-violent* is left out in the 1988 edition.

The examples given above, which are not exhaustive, show that the claim made in the blurb to the 1988 edition that all the words and phrases of the original had been reproduced in the 1988 edition is not correct. Why, and by whom, passages are omitted, abridged or altered, it is not possible to say. Further, the question whether these changes indicate any pattern is outside the scope of this Note.

POST SCRIPT I BUILDING BRIDGES

After I had written the *Partition of India: Legend and Reality*¹ in 1986, I read Mr. Rajmohan Gandhi's admirable and attractively written book, *Eight Lives: A Study of the Hindu-Muslim Encounter*.² He tells us in the Preface that behind the book "lies a wish to see a bridging of the gaps that distance Indians from Pakistanis and Bangladeshis, as well as the gaps that distance, whether similar or not, that still divide India's Hindus from their Muslim counterparts". And he concludes his study of the Eight Lives, and the lessons to be learned from them, on a hopeful note; "Reflecting on these qualities (of the Eight eminent men), some Hindus may, God willing, find themselves moving closer to Muslims than they were, even as the writer of these pages did."³

The book does not directly deal with the transfer of power to India, nor with the freedom movement from the founding of the Indian National Congress, with special emphasis on the Congress under Gandhi's leadership. However, four of the Eight Lives, those of Muhammad Ali; Jinnah; Azad and Liaquat Ali contain a refreshingly fair minded analysis of the part played in the freedom movement by the Congress, led by Gandhi, Nehru, Azad and Patel, and by the Muslim League, led by Jinnah and Liaquat Ali, till the fight for independence ended in the partition of India.

Rajmohan Gandhi's book is not only fully researched, but his connection with his paternal and maternal grandfathers – Mahatma Gandhi and C. Rajagopalachari, or "Rajaji" as he was called – made him familiar as a young boy with leading Congress personalities. Besides, his father, Devdas Gandhi, was the editor of the *Hindustan Times*, which was generally looked upon as an organ of the Congress, so that the discussion of important political events from the Congress point of view surrounded him in his youth. But apart from the advantage of distinguished personal connections, he has brought to his task the courage to state the truth, *however unpleasant it may be* – even if it went against Mahatma Gandhi and the Congress which he led. It was not for nothing that Rajmohan Gandhi was Chief Editor from 1964-1982 of a Weekly Journal

1 The book reproduces the monograph on the transfer of power to India which I wrote as an Introductory Chapter in the *Supplement* to Vols. I and II, 3rd edition, of my *Constitutional Law of India*, with changes of form required by a paperback.

2 Roli Books (1986). In 1988 it was published as a Penguin paperback entitled: *The Muslim Mind*. The 8 lives are those of Syed Ahmed Khan; Iqbal; Muhammad Ali; Jinnah; Fazlul Huq; Abul Kalam Azad; Liaquat Ali Khan and Zakir Hussain.

3 *ibid.* p. 318.

in Bombay, called *Himmat* (meaning "courage").

In *Eight Lives*, Rajmohan Gandhi does not adopt the popular view in India that the Congress and its great leaders were saints and the Muslim League and its great leaders were communalists, unreasonably fighting against the Congress. He is fair both to the Congress and the Muslim League. The reader will discover this for himself if he reads the lives of Muhammad Ali; Jinnah; Azad and Liaquat Ali Khan. I will give a few passages which give the flavour of Rajmohan's fair approach :

"Muhammad Ali complained to the Mahatma about the 'anti-Muslim' attitude of Madan Mohan Malaviya, an eminent Hindu figure maintaining close links with the Raj. Gandhi said his assessment of Malaviya was different..."⁴ "Then Gandhi made a controversial statement. 'There is no doubt in my mind', he said, referring to recent clashes, 'that in the majority of quarrels the Hindus came out the second best. My own experience but confirms the opinion that the Mussalman as a rule is a bully, and the Hindu a coward. Where there are cowards, there will always be bullies'. The remark was a response to Hindus complaining of Muslim violence, but the Mahatma did not confine himself to asking Hindus to shed fear; he made a generalization which Muslims found sweeping and unfair. *Discretion was difficult even for a Mahatma.*"⁵ (italics supplied.) If the reader concluded from the Mahatma's remarks that he would not wish to promote unity between bullies and cowards, the reader would not be wholly wrong.⁶

As was to be expected, the longest study (63 pages) is devoted to the life of Jinnah. In a careful study, Rajmohan Gandhi restores Jinnah to his proper place in the freedom struggle. This could not have been an easy thing to do for in 1944-46, he had "heard elders speak of a Great Obstacle going by the name of Jinnah who was threatening to block everyone's path if he wasn't given Pakistan, and who obviously meant what he said. I didn't much like my picture of him but he intrigued me".⁷ A few passages of Rajmohan Gandhi's fairness to Jinnah are given below.

After the 1937 elections to the Provincial Legislatures,

" Jinnah sent a private message to Gandhi, who despite his withdrawal, was Congress's guide. (The message was con-

⁴ *Rajmohan Gandhi, op. cit.* p. 110.

⁵ *ibid.* p. 111.

⁶ Cf. "Even Gandhi, who said that one of his functions was 'to unite parties riven asunder' was only spasmodic in his striving for a Hindu-Muslim alliance. He dramatically promoted it, we saw, in 1919-22, but seemed to lose faith in it after the mid-twenties. ..." *ibid.* p. 312.

⁷ *ibid.* pp. 1-2.

veyed to Gandhi) by B.G. Kher, who had been elected the leader of the Congress's triumphant group in the Bombay (Legislative) Assembly. (The circumstances surrounding Jinnah's message) suggest that Jinnah had in mind a Congress-League settlement involving, among other things, power-sharing in the Provinces. Gandhi's written reply, which must have seemed a rebuff to Jinnah, was: 'Kher has given me your message. I wish I could do something, but I am helpless. My faith in unity is bright as ever; only I see no daylight....' ⁸

* * * * *

"Pyarelal, Gandhi's secretary and biographer, calls it 'a tactical error of the first magnitude' – and says that the 'decision of the Congress High Command' to exclude the League was 'taken against Gandhiji's best judgment.' ⁹ ...Though Gandhi's 'best judgment' was in favour of coalitions with the League, *it is noteworthy that he was unresponsive when Jinnah sent that private message via Kher.*" ¹⁰ (italics supplied)

Rajmohan's passages show the efforts which Jinnah made by a private appeal (and as Shiva Rao has shown, the efforts Jinnah made by a public appeal¹¹) to Gandhi, who was the virtual dictator in the Congress. Jinnah's efforts to bring about Hindu-Muslim unity were rebuffed by Gandhi on the ground that he could do nothing to solve the problem of Hindu-Muslim unity since God denied him the light necessary to solve that problem. The reader will bear this in mind when we come to Post Script II which deals with the 1988 edition of Azad's *India Wins Freedom*.

Again, partition followed on the failure of the Cabinet Mission Plan or Scheme. How does one characterise the Congress attitude to the Mission's Scheme? According to Rajmohan Gandhi, "... Jinnah was right when he accused Congress of dishonesty over the Mission Scheme, and he was right too in accusing Pethick-Lawrence and Cripps of collusion with Congress."¹² Once the Mission had said that they intended compul-

8 *ibid.* p. 145. The reader will recall that in a *public statement*, shortly after the elections in 1937, Jinnah appealed to Gandhi to tackle the communal problem. Gandhi's reply was: "I wish I could do something, but I am utterly helpless. My faith in unity is bright as ever; only I see no daylight *but impenetrable darkness and in such distress I cry out to God for light.*" (italics supplied.) And in answer to a later query from Jinnah whether Gandhi had seen the light, Gandhi regretted that he had not. See p. 21 of the text.

9 *ibid.* pp. 145-146.

10 *ibid.* p. 146.

11 See *f.n.* 8 above.

12 See Moon, *The Viceroy's Journal*, at p. 328: "From what Reid (of the *Daily Telegraph*, London) said, it was obvious that Jinnah knew all about Cripps' interview with Gandhi and Patel, and the way in which the Congress acceptance of the Statement of 16 May was obtained."

sory grouping, Congress should have either rejected the Award or accepted compulsory grouping.”¹³

Finally, in describing the numerous meetings between Gandhi and Jinnah in September 1944, Rajmohan Gandhi observes :

“Over the timing of partition, however, Jinnah was not unreasonable. Fearing that a Congress-ruled India might renege on division, he asked Britain to divide India first and then quit. Like Gandhi a Nationalist of the East, though his nationalism now bore the ‘Muslim’ rather than the ‘Indian’ prefix, Jinnah desired, as he said to Gandhi at the time, ‘a complete settlement of our own immediately’. But he wanted Britain rather than Congress to execute the settlement. Gandhi would not have lost materially by agreeing to this. We do not know whether such a concession would have led to a settlement; what we do know is that Gandhi’s nationalist passion prevented him from making it. In his talks with Jinnah, argument had clashed with argument, and emotion with emotion.”¹⁴

In his study of Azad, Rajmohan Gandhi brings out Azad’s abiding faith in Hindu-Muslim unity, a faith firmly rooted in “man’s unconquerable mind”, by reproducing a deeply moving part of Azad’s address in 1923 as President of the Congress. Azad said :

“As in the case of individuals, the real source of action in a nation lies in the mind.¹⁵ When a struggle advances but haltingly and there are stoppages on the way, a mood of despondency and weariness overtakes us. Winds of dissension begin to blow and the national struggle has a most trying time. Nevertheless, if vital parts of the struggle are sound, then, (the present will prove to be) but a momentary pause.”¹⁶

Rajmohan Gandhi adds that “Azad was clear on what was vital to, and indeed greater than, the struggle.” He said :

“If an Angel descends from the heaven today and proclaims from the Kutub Minar that India can attain Swaraj within 24 hours provided I relinquish my demand for Hindu-Muslim unity, I shall retort to it: ‘No my friend, I shall give up Swaraj, but not Hindu-Muslim unity, for if Swaraj is delayed, it will be a loss for India, but if Hindu-Muslim unity is lost, it will be a loss for the whole of mankind’.”¹⁷

13 *Rajmohan Gandhi, op. cit.* p. 169.

14 *ibid.* p. 163.

15 The rapport between Azad and Wavell is easily intelligible for Wavell looked upon the leisure to develop “art, and poetry and thought, (as) the real mainsprings of life.” (See p. 183 of the text).

16 *ibid.* p. 230.

17 *ibid.*

It will be recalled that, in substance, the Cabinet Mission Plan embodied the scheme which Azad had presented to the Cabinet Mission, a scheme which, while preserving the unity of India gave to the Muslim minority the benefits of Pakistan without its burdens. Rajmohan Gandhi observes :

“(Azad) was unhappy but helpless when Gandhi said that compulsory grouping was not acceptable and, later, when Nehru declared that it was not likely. Congress’s letter to the Raj conveying its acceptance of the Cabinet Mission’s Plan but not of compulsory grouping was signed by Azad as President, *but this was not more than party loyalty.*”¹⁸ (italics supplied)

Referring again to Azad’s unshakable faith in Hindu-Muslim unity, Rajmohan Gandhi says :

“The *quam’s* (the Muslim community’s) leadership would have been in the palm of Azad’s hand if to his remarkable assets – his *Al Hilal* capital, his link with Mecca, his ancestry, his scholarship and his flair as a writer and orator – he had added but one more ingredient, support for separatism. His integrity came in the way, and he spurned the Crown.”¹⁹

In his life of Liaquat Ali Khan, Rajmohan Gandhi pays the following well deserved tribute to Liaquat :

“If Jinnah founded Pakistan, Liaquat, underestimating his own role, felt that he simply found it. Jinnah had the pride of attainment, Liaquat the enthusiasm of obtainment. The spirit of his devotion to Pakistan is conveyed by his remark, ‘If I can render service to Pakistan as a *chaprasi*, I shall be the proudest man in the country’. The Nawab’s son, leaving valuable property in India, *stayed ‘landless’ in Pakistan, refusing the claim, as compensation, land evacuated by Hindus or Sikhs.* But he showed the world that Pakistan was viable.”²⁰ (italics supplied.)“Pakistan’s misfortune was that Liaquat did not have, unlike Jinnah, a Liaquat at his side.”²¹

When the cause of a man’s death is not known, a post mortem is performed to find out the cause of death. It may be said that a post mortem is useless, since it cannot bring the dead to life. But the general sense of the community looks upon a post mortem examination as a valuable help for the future. For if the cause of death is discovered, and is found to be curable, future deaths from that cause can be prevented. What is true of the death of an individual, is, broadly true of the death of a cherished goal of a people fighting for the independence of their country. The cherished goal of great Indian leaders was

¹⁸ *ibid.* p. 245. See p. 45 of the text for the dilemma with which Azad was confronted.

¹⁹ *ibid.* p. 250.

²⁰ *ibid.* p. 275.

²¹ *ibid.* p. 276.

the unity of India. Partition killed that unity. A truthful historical narrative fixing the responsibility on one or more of the great Indian leaders for destroying that unity, would enable us to understand why and how that unity was destroyed, and profit from the lessons of the past to avoid in the future causes which destroy unity.

India, Pakistan and Bangladesh – to all of whom the country's unity is vital – have to take steps to remove, as far as possible, the sources of disunity, or confine disunity to manageable limits in one country. It is in this spirit that Rajmohan Gandhi has written his *Eight Lives*. In his Introduction, he says :

“I have chosen the path of studying eight Muslims who have influenced the sub-continent in this century. Their lives as a whole and their interaction with Hindus may help us in measuring *the possibility of Hindu-Muslim partnership* (italics supplied)... If the reality as it emerges injures hopes and demolishes dreams, so be it. It would be wiser to live without bridges; if their construction is impossible, than to venture out on a bridge laid out without probing the shores.”²²

However, Chapter 10, entitled *Conclusion*, ends on a hopeful note. He suggests many remedies for building enduring bridges between Hindus and Muslims, because unity is as vital to the three divided parts of India as it was to undivided India. Rajmohan Gandhi's thoughtful study of *Eight Lives* may lead the reader to find out, and suggest, additional remedies, for it is the duty of every citizen of India so to act as to preserve India's unity. A suggestion of additional remedies is outside the scope of this Post Script. But I cannot end my appreciation of Rajmohan Gandhi's book without adding that he has rendered a great service to our country not only by describing in vivid and simple language the lives of eight eminent Muslims, but also by bravely pursuing truth, as he saw it, even when it ran counter to popular prejudices and popular myths. As a historian he has done, what Jawaharlal Nehru expected historians to do, namely, to say clearly what was done right and what was done wrong by eminent Indian leaders in the fight for India's independence till that fight ended in the partition of India.

22 *Rajmohan Gandhi, op. cit.* p. 16.

POST SCRIPT II* SHATTERED DREAMS

The catastrophic consequences of the partition of India, rushed through in less than three months, were described by an anguished Jawaharlal Nehru in a Prime Minister's broadcast to the nation about the situation in Delhi and Punjab. Jawaharlal said :

"My mind is full with horror of the things I saw and that I heard. During these last few days.... I have supped my fill of horror. That, indeed, is the only feast we can now have."¹

Writing almost forty years later, Mahatma Gandhi's grandson Rajmohan Gandhi, in his admirable *Eight Lives: A Study of the Hindu-Muslim Encounter*² wrote :

"We think of 1947, accurately, as the year of our independence from British rule but that is not quite how the future will look upon it . Unless I am greatly mistaken, our descendants will regard the transfer of power as less significant than the inhumanity to which Hindus, Muslims and Sikhs allowed themselves to sink that year. It is a year of our shame not of our achievement. Places to the north and east of what was still undivided India vied with one another in the capacity to kill, maim, rape, abduct, burn, loot, expel."

Therefore, it is not surprising that the publication of the 1988 edition of Azad's book has provoked public controversy and debate, for the painful legacy of partition is still with us. Eminent men have published their reactions to the 1988 edition; it has been widely reviewed, and has been the subject of discussion and comment on television. However, it seems to me that the 1988 edition has not received the attention and study which it deserves as a contribution to a fuller understanding of the causes which led to partition.

In the Note at pp. 202-203 *ante* I have described the manner in which the 1959 edition came to be written, and why 30 pages were not to be immediately published, but were to be published at the end of 30 years. I have shown that the claim in the blurb to the 1988 edition that "all the words and

- * Azad, *India Wins Freedom*, the complete version, (1988) Orient Longman.
- 1 See the text at p. 5. It is of some historical interest that Lord Morley should have foreseen the horrors of which Jawaharlal spoke. In connection with what came to be known as the "Morely-Minto Reforms" in a speech in the House of Lords, Lord Morley answered a school of thought which held that the British might wisely walk out of India, and that Indians would manage their own affairs better. He said, "any one who pictures to himself the anarchy and the bloody chaos that would follow, might shrink from that sinister decision". And again: "When across the dark distances, you hear the sullen roar and scream of carnage and confusion, your hearts will reproach you for what you have done": Churchill, *Great Contemporaries*, p. 85. (The Reprint Society, 1941). The horrors which Morley prophesied came to pass not for the reasons which inspired his vision, but for the reasons set out in the present book - *Partition of India: Legend and Reality*.
- 2 *ibid.* p. 1. See Post Script I, pp. 207-212 *ante* where I have dealt with the book.

phrases of the original (have) been reproduced..." is not correct, because important passages from the 1959 edition have been omitted, and some passages have been abridged. Again, in the 1988 edition, important observations of Azad, published for the first time in the 1988 edition, as for example, about Vallabhbhai Patel, have not been marked by asterisks, as they ought to have been. Further, it is clear that the real reason for not publishing 30 pages immediately did not appear till the Editor's Note, prepared as far back as 2 April 1958, was published in the 1988 edition. That Note showed that the real reason was that publication "should be delayed in the national interest". Or, to put it more simply, the publication would injure the national interest.

That Azad should put the national interest above vindicating his own views and opinions is characteristic of him. The 1988 edition emphasizes the nobility of his character which shines through the 1959 edition. However, the *temporary* suppression of passages, because they injure, or are harmful to, the national interest, raises two questions. First, if national interest is a reason for Azad suppressing certain passages *temporarily*, that same reason may lead Azad to suppress matters *permanently*. Azad has, in fact, suppressed important matters permanently, as will appear later. The second question is crucial, namely, what injury would have been caused to the national interest if the 30 pages had been published in 1959?

Reading and re-reading the 1988 edition carefully, it is not difficult to pinpoint Azad's apprehension of injuries to the national interest, which presumably led him to suppress 30 pages for 30 years. Injuries to the national interest have to be judged against the background of the view largely held in India that partition was brought about by the intransigence of Jinnah. The national interest would be injured by: (i) Anything which tarnished the image of the Congress as a *National* Body; (ii) anything which lowered the great stature of Gandhi who had led the Congress from 1920 till his death in January 1948; (iii) anything which fixed the responsibility for the failure of the Cabinet Mission Plan, (which preserved the unity of India, and which Jinnah had accepted) on Gandhi, Nehru and Patel or one or more of them, and thus make them responsible for the partition of India.

Before considering the addition of the 30 pages, it may be observed that when Azad refers to what happened in his presence, or in correspondence with him, his account can be accepted as correct subject to lapses of memory, or correction by relevant authentic materials. However, *India Wins*

Freedom was written under a serious handicap, for it was written without the knowledge to be derived from official documents as to what was taking place on the British side in India and in England. As we have seen, between 1970 and 1983, twelve volumes of official documents, *even the most secret*, relating to the transfer of power to India, were released. During, and after the publication of the 12 volumes, the *Transfer of Power 1942-7* has been heavily relied on by all who have dealt, directly or indirectly, with the transfer of power to India. Without access to these volumes, in several important matters, Azad could only make intelligent guesses, or give his "reading" of men and events, or accept at their face value, statements made by leaders like Nehru. Some of Azad's guesses were correct, as when he said in defence of Jawaharlal Nehru's speech of 10 July 1946 that he never expected that the Muslim League would resort to direct action. This guess was correct, for Nehru had written to Cripps on 27 January 1946 that the Muslim League was *incapable* of launching direct action.³ Some of Azad's guesses were incorrect, as when he spoke of the purity of Attlee's motives and gave credit to the Attlee Government for honouring their commitment to transfer power to India, instead of holding on to India as a colonial power. As I have shown in the text, the documents in the *Transfer of Power* have destroyed this myth: p. 189 *ante*. Finally, Azad's statement, made in good faith, that Nehru had publicly invited Jinnah and the Muslim League to cooperate in the interim-Government, was made in ignorance of the official documents, which showed that Nehru wanted an assurance from Cripps that the Viceroy would not negotiate with Jinnah, in order to bring in the Muslim League into the Interim Government: pp. 82-83 *ante*.

Again, several of Azad's eminent colleagues, Gandhi, Nehru and Vallabhbhai corresponded with members of the Cabinet Mission and of Attlee's Government, either directly, or through emissaries; and it does not appear that Azad was aware of most of this correspondence. And the same is true of the correspondence of those colleagues with one another and with other Congress leaders in India.

Azad must have known in his heart of hearts that Nationalist Muslims had ceased to count in the Congress. However, in *India Wins Freedom* he gives no inkling of this disturbing fact which carried a lesson with it, although the events which I have recorded in the text clearly show that Nationalist Muslims had ceased to count some time before the 1945 elections, and were quietly put away after those elec-

3 See pp. 67-68 of the text.

tions: p. 65 *ante*.

Reverting to the 30 pages which were suppressed as injurious to the national interest, it must be remembered that Gandhi occupied a special position in Azad's mind and heart. He described Gandhi "as perhaps the greatest son of modern India".⁴ Azad criticised Gandhi's actions, both personally and in correspondence; and he has repeated some of his criticisms in the 1959 and the 1988 editions. But once Gandhi had taken a firm decision on any issue, as when he supported partition, Azad *acquiesced*, contrary to his own deepest conviction that the partition of India was a disaster for Hindus and Muslims alike. Azad's devotion and loyalty to Gandhi are movingly brought out in Azad's description of his successful attempt to bring Gandhi's last fast to an end.⁵

I have referred to the close ties between Azad and Gandhi, because although Azad blames Nehru at one place for the failure of the Cabinet Mission Plan,⁶ and at another place blames Vallabhbhai Patel for that failure,⁷ he does not blame Gandhi for such failure, although as will appear later, Gandhi, more than anyone else, was responsible for the Plan's failure. This admiration for Gandhi has led Azad to suppress *permanently* an episode which reflected no credit on Gandhi, and which, I think, led directly to the *total defeat* of Nationalist Muslims in the 1945 elections to the Central Legislature, and to the *almost total* defeat of Nationalist Muslims in the elections to the Provincial Legislatures. At pp. 38-39 of the text I have told the tale of the letter of 2 August 1945, which Azad wrote to Gandhi, and of Gandhi's discourteous reply of 16 August 1945 – both the letters, be it noted, had been intercepted by Government *before being delivered to the addressees*. V.P. Menon, who had access to *both* the intercepts, refers to Azad's letter to Gandhi, but omits reference to the intercept of Gandhi's discourteous reply. Tendulkar's *Mahatma* omits both the letters, and so does Azad in *India Wins Freedom*. In fact, he does not even refer in passing to his letter to Gandhi and to Gandhi's reply. In that reply Gandhi brushed aside the scheme which Azad had outlined before the elections, a scheme designed to avoid the partition of India by reassuring Muslim electors that there was a reasonable alternative which would give them all the benefits of Pakistan without its burdens and hardships. Further, Gandhi directed Azad not to publish his views on the communal problem, as Gandhi did not agree with them. This prohibition led directly to the debacle of the Nationalist Muslims in the 1945 elections. This

⁴ Azad, *India Wins Freedom* (1988 edn.) p. 243.

⁵ *ibid.* pp. 235-241.

⁶ *ibid.* p. 162.

⁷ *ibid.* p. 198.

was because, rejecting Azad's advice to Gandhi, the Congress Manifesto did not offer Muslim electors an acceptable alternative between the Congress policy, described in general words, about protecting minorities and enacting fundamental rights in the Constitution of an independent India, and the Muslim League's policy of partition of India into India and Pakistan.

Since Gandhi would not let Azad's alternative policy be put to Muslim electors, Gandhi was forced, after the elections, to what, for the Congress, was the humiliating admission that "the Muslim League was the authoritative representative of the overwhelming majority of the Muslims of India. As such, and in accordance with democratic principles, they alone have to-day the unquestionable right to represent the Muslims of India": p. 57 of the text. This admission not only strengthened the position of Jinnah and the Muslim League, but, unwittingly, it made the claim of the Congress to represent both Hindus and Muslims, and, therefore, the whole of India, untenable.

Just as Azad has left out two vital letters from his book, he has left out the attempts which Jinnah had made to bring about Hindu-Muslim unity on nationalist lines. I will revert to this later.

We will now refer to the injury which would have been caused to the image of the Congress as a National body by some of the passages which Azad suppressed for 30 years. In the 1959 edition Azad said briefly,

"I must however make one fact quite clear. The Provincial Congress Committee erred in denying local leadership to Mr. Nariman, ("the Nariman episode") and the Working Committee was not strong enough to rectify the wrong."⁸

In the 1988 edition, we have from Azad the full story of the Nariman episode at pp. 16-17. The following extracts from Azad's story express his view of that episode :

".... In Bombay Mr. Nariman was the acknowledged leader of the local Congress. When the question of forming the provincial Government arose, there was general expectation that Mr. Nariman would be asked to lead it in view of his status and record. This would however have meant that a Parsi would be the Chief Minister while the majority of members in the Congress Assembly Party were Hindus. Sardar Patel and his colleagues could not reconcile themselves to such a position and felt that it would be unfair to the Hindu supporters of the Congress to deprive them of this honour. Accordingly, Mr. B.G. Kher was brought into the picture and elected leader of the Congress Assembly Party in Bombay."⁹

* * * * *

"Since Nariman was himself a Parsi, Sardar Patel and his friends suggested that a Parsi should be entrusted with the enquiry. They had planned their move carefully and prepared the case in a way which clouded the issues. In addition, they exercised influence in various ways so that poor Nariman

⁸ *ibid.* (1959 edn.) p. 21.

⁹ *ibid.* (1988 edn.) p. 16.

had lost the case even before the enquiry began. It was finally held that nothing was proved against Sardar Patel. None who knew the inner story was satisfied with this verdict. We all knew that truth had been sacrificed in order to satisfy Sardar Patel's communal demands. Poor Nariman was heart broken and his public life came to an end." ¹⁰

I may add here that in her book on Vallabhbhai Patel,¹¹ Rani Dhavan Shankardass deals with the Nariman episode at pp. 153-162. Her account supports Azad's view of the episode, but her account is too long and too detailed to be summarized accurately. However, the following passage from her account supplements Azad's views :

"It was said that Nariman had taken pains to obtain copies of the two telegrams¹² 'in a highly suspicious manner', *although copies of the telegrams were deposited by Patel in the Parliamentary Board's office and then went to the Bombay Pradesh Congress Committee office where Nariman 'had a free access' to them.* On 6 June 1937, when photocopies of the two telegrams appeared in the *Kaiser-i-Hind* 'with the purpose of exposing Vallabhbhai Patel's bonafides', Patel made a thorough investigation from the Telegraph Check Office in Calcutta and the Post Master of Bombay and Ahmedabad about the leakage of the telegrams." ¹³ (italics supplied)

If the words which I have italicised above are correct, and the probability is in favour of their being correct, the conduct of Patel in trying to establish that Nariman had improperly obtained copies of the telegrams from the Telegraph offices can only be described as deplorable.

In continuation of his account of the Nariman episode, Azad, for the first time refers to the Syed Mahmud episode. In the 1988 edition Azad wrote :

"A similar development took place in Bihar. Dr. Syed Mahmud was the top leader of the province when the elections were held. He was also a General Secretary of the All India Congress Committee and as such he had a position both inside and outside the Province. When the Congress secured an absolute majority, it was taken for granted that Dr. Syed Mahmud would be elected the leader and become the first Chief Minister of Bihar under Provincial Autonomy. Instead, Sri Krishna Sinha and Anugraha Narayan Sinha who were members of the Central Assembly, were called back to Bihar and groomed for the Chief Ministership. Dr. Rajendra Prasad played the same role in Bihar as Sardar Patel did in Bombay. The only difference between Bihar and Bombay was that when Sri Krishna Sinha formed the Government, Dr. Syed Mahmud was given a place in the Cabinet." ¹⁴

¹⁰ *ibid.* p. 17.

¹¹ Shankardass, *Vallabhbhai Patel : Power and Organisation in Indian Politics* (1988), Orient Longman.

¹² *ibid.* p. 155. Patel's telegram to Shankarrao Deo read: "Poona reports cause anxiety. Achyut you must meet me Bombay Thursday. Vallabhbhai". And to Gangadharrao Deshpande he sent the telegram: "Please meet me Bombay Thursday. Vallabhbhai".

¹³ *Shankardass, op. cit.* p. 161. The Note in support of this inquiry reads: "Patel to Officer-in-charge, Telegraph Check Office Calcutta, 7 June 1937, and reply from Accounts Officer, TCO, 14 June 1937 File of 34, Patel Papers, Navajivan, Ahmedabad": *ibid.* Note 24, p. 189.

¹⁴ Azad, *India Wins Freedom* (1988 edn.) pp. 17-18.

Before referring to the grim conclusion which Azad draws from the Nariman and the Syed Mahmud episodes, there is one new passage in the 1988 edition which, in my view, gets linked to Azad's conclusion. Azad expressed the view that Dr. Rajendra Prasad had no political life before Gandhi appeared on the scene, and Dr. Rajendra Prasad was "entirely the creation of Gandhiji".¹⁶ Azad added :

"I have heard from a reliable source that Dr. Sachchidananda Sinha arranged a dinner where many of the more prominent Hindus were invited to meet Gandhiji. *They told Gandhiji that the Hindus of Bihar would join the Non-cooperation Movement provided Gandhiji elected a Hindu as the leader.* Gandhiji said that he could not grant leadership to anybody at his own sweet will, but he promised that if a Hindu of calibre and character came forward, he would offer him necessary support. Babu Rajendra Prasad's name was then suggested to Gandhiji and in the course of a few years, he became an all India figure with Gandhiji's help and support."¹⁶ (italics supplied)

The reader may ask: what injury to the national interest was prevented by Azad's suppression for 30 years of the Nariman episode, the Syed Mahmud episode, and his view that Dr. Rajendra Prasad owed his political position entirely to Gandhi's support? Azad gives the following sombre answer :

"I have to admit with regret that both in Bihar and Bombay, the Congress did not come out fully successful in its test of nationalism. The Congress had grown as a national organisation and gave opportunity of leadership to men of different communities."¹⁷ (Nariman had been the leader of the Congress Party in Bombay and Syed Mahmud was the top leader in Bihar). Azad added: "These two instances (the two episodes) left a bad taste at the time. Looking back, I cannot help feeling that the Congress did not live up to its professed ideals. *One has to admit with regret that the nationalism of the Congress had not then reached a stage where it could ignore communal considerations and select leaders on the basis of merit without regard to majority or minority.*"¹⁸ (italics supplied)

Before considering the grave implications of Azad's conclusion, the reader will recall the saying that the spectator sees more of the game than the players. Azad was so deeply involved in Congress politics, and worked so hard for the success of the Congress, that he failed to see that in 1928 there had been a near rehearsal of the Nariman and the Syed Mahmud episodes. We have seen that in 1916, Jinnah was acclaimed as the ambassador of Hindu-Muslim unity for the leading part he had played in bringing about "the Lucknow Pact" under which "the Muslims, led by the League promised to work with the Hindus to achieve freedom in return for the Congress conceding to the Muslims separate electorates with weightage far in excess of their numerical strength": p. 10 *ante*. Azad does not mention the Lucknow Pact in his book. We have also seen, that when the Nehru Committee in its draft report recommended joint electorates, the Muslim

16 *ibid.* p. 234.

17 *ibid.* p. 16.

16 *ibid.*

18 *ibid.* p. 18.

League submitted amendments incorporating the provisions of the Lucknow Pact, namely, weighted reservation of seats for the Muslims. The amendments were rejected¹⁹ : p. 15 *ante*. Azad does not refer to the Nehru Committee or to its rejection of the Muslim League's amendments. However, I have suggested earlier that for the Nehru Report to have rejected new amendments containing provisions of the Lucknow Pact which had been hailed as promoting Hindu-Muslim unity can only be explained by saying that in 1916 "the war of succession" had not begun, but in 1928 that war had begun, because full provincial autonomy could not be long deferred: pp. 15-16 *ante*. These events, which Azad does not mention, should have made him realise the change which had come over the Congress when governmental power and patronage were soon to fall into Congress hands. In 1916 the cooperation of the Muslims was necessary in order to work for the country's freedom. When that freedom, in the shape of Provincial Ministries under full Provincial autonomy was within the grasp of the Congress, Muslim cooperation became expendable.

Finally, Azad has wholly left out of his book the attempts, private and public, which Jinnah had made after the 1937 elections to bring about a nationalist solution to the Hindu-Muslim problem – attempts which Gandhi had rebuffed. The relevant passages relating to Jinnah's efforts have been set out earlier in my discussion of Rajmohan Gandhi's *Eight Lives* (see Post Script I, pp. 209-10) and need not be repeated here.

Azad's euphemistic language to express his conclusion about the nationalism of the Congress does not conceal his opinion that the Congress acted not as a national body, which it claimed to be, but as a Hindu body as the Muslim League alleged. Nariman, the leader of the Congress in Bombay was a Parsi and could not be appointed Chief Minister; Dr. Syed Mahmud, the top leader in Bihar was a Muslim and could not be appointed Chief Minister in Bihar. Hindus of Bihar would not support the Congress led by Gandhi unless a Hindu was appointed the leader. Azad's conclusion gets linked to the *permanent* suppression of Jinnah's attempts referred to earlier to solve the Hindu-Muslim problem. To have mentioned Jinnah's efforts to bring about Hindu-Muslim unity in 1916 and 1928 and to Jinnah's efforts in 1937 which Gandhi had rebuffed would have made it impossible for Azad to maintain that it was Jinnah who unreasonably obstructed a nationalist solution of the Hindu-Muslim problem. If Azad had expressed these views in 1959, coming as they would have done from a

19 In spite of eloquent and cogent appeals by Sir Tej Bahadur Sapru and Jinnah : see pp. 49-50 *ante*.

staunch Nationalist Muslim, who had been the President of the Congress during the critical years 1940 to 1946, they would have damaged India's image abroad, and would have been hailed in Pakistan as supporting Jinnah's oft-repeated statement that since 1937 the Congress had declared that Hindustan was for Hindus. Azad appears to have considered that to give support to Pakistan by expressing his views would injure the national interest in 1959, although their disclosure after 30 years would cause no material injury to the national interest.

In the 1988 edition, Azad attributes the responsibility for the failure of the Cabinet Mission Plan to the speech which Nehru made at a press conference on 10 July 1946 and proceeds to add that his support for Nehru as the President of the Congress, though given with the best of intentions, was the greatest blunder of his life. Had he supported Vallabhbhai Patel's candidature he would never have given Jinnah an opportunity to withdraw his acceptance of the Cabinet Mission Plan.²⁰ Later in the book, somewhat inconsistently, Azad describes Patel as the founder of Indian partition.²¹

However, before considering these views, it may be said that long before Jawaharlal made his speech on 10 July 1946, Gandhi had destroyed both the short term plan and the long term provisions of the Cabinet Mission Plan. Consequently, if anyone was to be blamed for the failure of the Plan, it was Gandhi and not Jawaharlal. It was said in Para 23 of the Plan that the Viceroy hoped soon to form an Interim Government in which all portfolios would be held by Indian leaders. The formation of an Interim Government has been described as the short term plan, because that Government was to function while a Constitution was being framed by the Constituent Assembly. As we have seen (pp. 79-80 *ante*) with a view to side step the question of a Nationalist Muslim, on 16 June 1946, the Viceroy announced the formation of an Interim Government by the appointment of 6 representatives of the Congress, including a Scheduled Class member, 5 representatives of the Muslim League, 1 Sikh, 1 Christian and 1 Parsi. The Congress would have accepted this Interim Government *sub silentio*, but Gandhi secured its rejection. Penderel Moon has described the far reaching consequences which followed :

"If it had not been for (Gandhi's) last minute intervention, the Congress would have accepted the Mission's proposal for an Interim Government, and with a Congress-League Coalition Government installed in office at the beginning of July, the communal outbreaks of the next few months would never

20 *ibid.* p. 162.

21 *ibid.* p. 198.

have occurred." ²²

So, Gandhi, who had prevented a coalition ministry being formed in a spirit of harmony, could not prevent a coalition ministry being formed in an atmosphere of suspicion and strife which were reflected in the working of the Interim Government.

Turning to the Cabinet Mission Plan, even before it was finalized and announced, in his letter of 8 May 1946 addressed to Cripps, Gandhi expressed his emphatic rejection of "grouping". He wrote :

"As to (the) merits the difficulty about parity between six Hindu majority Provinces and five Muslim majority Provinces is insurmountable. *The Muslim majority Provinces represent over 9 crores of the population as against 19 crores of the Hindu majority Provinces. This is really worse than Pakistan.* What is suggested in its place is that the Central Legislature should be formed on the population basis. And so too the Executive." ²³ (italics supplied)

In other words, the 3:1 majority which Hindus had over Muslims had to be maintained and embodied in any Plan which the Mission might frame for the Central Legislature, if Gandhi was to recommend to the Congress to accept that Plan.

Gandhi's opposition to grouping declared *before* the Plan was announced on 16 May 1946, was reaffirmed repeatedly after the Plan was announced. It is not easy to summarize accurately Gandhi's numerous pronouncements on the Plan. However, in an article in the *Harijan*, in rejecting the grouping provisions of the Plan, Gandhi wrote :

"There was no 'take it or leave it' business about (the Mission's) recommendations. If there were restrictions, *the Constituent Assembly would not be a sovereign body free to frame a Constitution of independence for India.* ...Similarly about grouping. The provinces were free to reject the very idea of grouping. No province could be forced against its will to belong to a group even if the idea of grouping is accepted." ²⁴ (italics supplied)

In short, Gandhi destroyed the Plan, first, because a sovereign Constituent Assembly could not be bound by the terms of the Plan without ceasing to be sovereign. Secondly, because, according to Gandhi, the provinces were free to join or not to join any Group *disregarding the provisions of the Plan*. I will show later that Jawaharlal said nothing in his speech on 10 July 1946, which Gandhi had not repeatedly said before.

²² Moon, *op. cit.* p. 462. See also p. 227: "At last on 19 June it was reported that (the Congress) Working Committee had decided to accept at any rate, the proposals for an "Interim" Government. Hopes rose high but were dashed by the last minute intervention of Gandhi, who insisted that a Nationalist (Congress) Muslim must be appointed".

²³ *Transfer of Power*, Vol. VII, p. 466. See also p. 44 *ante*.

²⁴ *ibid.* p. 613, reproducing a transcript of Gandhi's article in the *Harijan* dt. Delhi, 17.5.46.

In severely criticising Jawaharlal's speech, Azad overlooked the fact that while he was still the President of the Congress, on 10 June 1946, *in his presence*, Jawaharlal told the Cabinet Mission and the Viceroy, that *the Congress were going to work for a strong Centre and to break the group system and they would succeed.*²⁵ It is clear that Jawaharlal's statement, describing Congress Policy, completely destroyed Azad's scheme of a minimal federal Centre, and also the grouping provisions which Azad rightly said were meant to remove the fears of the Muslims that they would be under the perpetual domination of a "Hindu Raj". The statements made by Jawaharlal on 10 June 1946, were made to the Delegation and the Viceroy and were not made public. Azad appears to have thought that nothing would be gained by raising a controversy about those statements by putting them before the Working Committee. The reason why I have referred to Jawaharlal's statement of 10 June 1946, is that Azad knew Jawaharlal's mind on the acceptance of the Cabinet Mission Plan, and ought not to have been surprised when he said in public what he had said a month earlier to the Delegation and the Viceroy.

Going back to Azad's book, till 1988, accounts relating to the effect of Jawaharlal's speech of 10 July 1946, and the steps which Azad took to counteract its grave consequences, were based on Azad's narrative in the 1959 edition from which strong passages relating to Jawaharlal's speech and Azad's reaction to it were suppressed, but now appear in the 1988 edition. Consequently, biographies of Nehru, Jinnah and other eminent leaders, as well as other books dealing with the transfer of power, are singularly lacking in details relating to the following periods: (i) 16 June 1946 to 10 July 1946; (ii) 10 July 1946 to 29 July 1946; (iii) 29 July 1946 to 10 August 1946 and (iv) 10 August 1946 to 28 August 1946. As was to be expected, Vols. VII and VIII, of the *Transfer of Power*, supplemented by the *Viceroy's Journal*, provide ample details without which Azad's narration of events in the 1988 edition relating to the failure of the Cabinet Mission's Plan and the responsibility for that failure cannot be fairly judged.

The first period begins with the announcement on 16 June 1946 by the Cabinet Mission and the Viceroy, of the names of 14 members of a proposed Interim Government. That proposal side-stepped the question of appointing a Nationalist Muslim, but, as we have seen, Gandhi secured the rejection of the proposal by the Congress on 24 June 1946. Wavell records in his *Journal* under the date 25 June, that Cripps, who had assured Wavell categorically that Congress would never accept

²⁵ See p. 64 *ante*.

the Statement of 16 May 1946,

"instigated Congress to do so by pointing out the tactical advantage they would gain as regards the Interim Government. So did the Secretary of State. When I tackled him on this, he defended it on the grounds that to get the Congress into the Constituent Assembly was such a gain that he considered it justified."²⁶

This entry is important, for as we have seen earlier, Jinnah was aware of this collusion of Cripps and Pethick-Lawrence with the Congress, and the manner in which the Congress's acceptance of the Statement of 16 May was obtained: p. 209 *ante*.

Before Jawaharlal made his speech on 10 July 1946, Jinnah wrote a "strictly private, personal and confidential" letter dated 6 July 1946, to Prime Minister Attlee. The letter must be read as a whole, but its contents explain the decision taken later by the Council of the Muslim League on 29 July 1946, to abandon constitutional methods and to adopt "direct action" as the Muslim League's policy for protecting Muslims. In that letter Jinnah stated, among other things, that the Cabinet Delegation and the Viceroy had

"... allowed themselves to play in (to) the hands of the Congress, who all along held out the threat of non-cooperation and civil disobedience, if they were not satisfied; and virtually, from the very beginning, adopted an aggressive and dictatorial attitude, pistol in their hand. ... Even now, having wrecked the formation of the Interim Government as proposed by the Cabinet Delegation and the Viceroy in their final statement of 16 June, they have accepted the long-term plan, not in the spirit of cooperation and to construct but to wreck it. This will be clear to you from the reservations and interpretations that they have put upon the long term plan and which are contrary to those embodied in the Statement of the Cabinet Delegation and the Viceroy dated 16 May and their further Statement of May 25 (*particularly grouping of provinces*)."²⁷ (italics supplied)

Then came a paragraph which foreshadowed the launching of direct action in the future :

"I therefore trust that the British Government will still avoid compelling the Muslims to shed their blood, for, your surrender to the Congress at the sacrifice of the Muslims can only result in that direction. *If politics are going to be the deciding factor in total disregard of fair play and justice, we shall have no other course open to us except to forge our sanction to meet the situation which, in that case is bound to arise. Its consequences, I need not say, will be most disastrous and a peaceful settlement will then become impossible.*"²⁸ (italics supplied)

As stated earlier, Attlee gave an evasive reply dated 23 July

²⁶ Moon, *op. cit.* p. 305.

²⁷ *Transfer of Power*, Vol. VIII, pp. 106-107.

²⁸ *ibid.* p. 107.

1946 (p. 56 *ante*).²⁹ This letter is important, because Jinnah knew that the British Government's attitude was such as to make Congress feel confident that the British Government was in its pocket and would never go against the Congress. Jinnah's letter warned Attlee not to take the Muslim League for granted, for the League could also forge its sanction – if driven to do so. The published documents show that Jinnah's warning was not taken seriously. On 29 July 1946, what Jinnah had foreshadowed as a possibility became a fact. The League had “forged its own sanction” – “direct action”.

The second period opens with Jawaharlal's speech on 10 July 1946, and ends with the Muslim League's resolutions on 29 July 1946: (i) to withdraw its acceptance of the Cabinet Mission's Plan; (ii) to renounce constitutional methods which the League had so far pursued; and (iii) to adopt, instead, the policy of “direct action”. In implementation of this policy, 16 August 1946, was fixed as “Direct Action Day”, which Muslims all over India were expected to observe. In other words, the League had acquired the same pistol which Congress had held, and was holding, against the British Government.

The passages which were suppressed in the 1959 edition and which are printed in the 1988 edition are concerned with placing the responsibility for the rejection of the Cabinet Mission Plan and the partition of India which followed, at times on Nehru, and at times on Patel. Azad had worked hard to secure the Cabinet Mission Plan, which preserved the unity of India and yet provided real and not paper safeguards for the Muslims, since the Plan removed the Muslims' fear of a permanent domination by a “Hindu Raj”. To seek to blame this or that person for the partition of India necessarily implies that partition was an evil to be avoided. As late as March 1947 Gandhi had said that partition of India could come only over his dead body; and Nehru had been strongly opposed to partition.

The reaction of the Congress to the League's resolutions of 29 July 1946, cannot be understood without first considering the political background against which that reaction was expressed. The Congress was a political party, and it is not surprising that it should look at questions from the party point of view. But a time comes in the life of a Nation, when all political parties must put the national interest over purely party interests, and work together for the common good. This is all the more so, when the country is facing a crisis, and

²⁹ This letter was sent to Wavell on 25 July (long after Nehru's speech on 10 July) to be forwarded to Jinnah after Wavell had seen it.

India *was* facing a crisis in 1946. Reading the published documents it is clear that the Congress acted in the interest of its own party, though in doing so, it may have mistakenly believed that it was acting for the benefit of the country. Wavell in his broadcast on 17 May 1946, rightly said that

*"From all (the main parties) very considerable change of their outlook will be required as a contribution to the general good, if this great experiment is to succeed. To make concession in ideas and principles is a hard thing and not easily palatable. It requires some greatness of mind to recognise the necessity, much greatness of spirit to make the concession."*³⁰ (italics supplied)

The Congress showed neither the greatness of mind to recognise the necessity, nor the greatness of spirit to make the concession. Almost upto the end, the Congress believed that it held almost all the winning cards, and it would win its fight against the Muslim League. Let us look over the cards held by the Congress. It represented an overwhelming majority of Hindus who outnumbered Muslims by 3:1. It had a powerful political organization well supplied with plentiful money by its wealthy supporters. It knew that the threat of direct action which it could pose to the British Government would be so grave that the Government would not take any action against the Congress, especially when the Muslim League had followed constitutional methods and had not adopted direct action as its policy even when negotiations were going on with the Cabinet Delegation. Congress was fully aware of the anxiety of two members of the Delegation, Pethick-Lawrence and Cripps, to get the Congress to accept the Statement of 16 May 1946, an anxiety so great that they were prepared to collude with the Congress to secure that acceptance in breach of the assurance which Cripps had given to Wavell that the Congress would never accept that Statement. On 16 May 1946, Cripps and Pethick-Lawrence had given assurances to the Muslim League that its reading of the grouping provisions was correct, and that if a question of interpreting that Statement of 16 May arose, the Viceroy would interpret the Statement. Further, in its Statement of 25 May 1946, the Delegation said that the view expressed by the Congress on the grouping provisions of the Statement did not accord with the intention of the Delegation.

Throwing their assurances and their declaration to the winds, Cripps and Pethick-Lawrence gave assurances as to who was to interpret the Plan, and also on the grouping provisions of the Plan, which were contrary to those given to the League. Pethick-Lawrence, as Secretary of State for India, could issue directions to the Viceroy. When the Viceroy stated

³⁰ *Transfer of Power*, Vol. VII, pp. 611-616, at p. 612.

to Pethick-Lawrence that the grouping provisions were essential to the Plan, Pethick-Lawrence asked him not to press the point. And the reason which he gave later was that if the point had been pressed, the Congress would not have accepted the Plan. In substance, according to Pethick-Lawrence, breach of faith with the Muslims and disregard of the Delegation's own intentions were justified in order to get the Congress to accept the Statement even by making reservations which destroyed its essential feature designed to protect Muslims in a united India. The Congress was not slow to exploit this situation. Till the Muslim League withdrew its acceptance of the Mission Plan on 29 July 1946, and even later, Wavell was rightly of the view that an Interim Government should not be formed unless the Congress accepted the Delegation's interpretation of the grouping provisions, a view which Pethick-Lawrence and Cripps were not prepared to accept. Again, as to the summoning of the Constituent Assembly, Wavell correctly pointed out that it would be futile to call a meeting of the Constituent Assembly, if the Congress and the League differed on a fundamental provision of the Plan, because without agreement on that provision the keystone of the arch was missing, and the Muslims would refuse to join the Constituent Assembly, as in fact they did. On this point Wavell was overruled by the Attlee Government. This overruling of Wavell greatly undermined his authority and led the Congress to believe that Wavell, with his insistence on fairness and justice to both parties, could be ignored. This view would be strengthened by the knowledge that Pethick-Lawrence had overruled the Viceroy's objection to granting a priority passage to Sudhir Ghosh, an emissary of the Congress, to go to London, who was to work behind the Viceroy's back. The Viceroy made a strong protest in his letter to Attlee dated 28 August 1946. He wrote, *inter alia*,

"Also, I cannot continue to be responsible for affairs in India if some members of your Government are keeping in touch with the Congress through an independent agent behind my back as they appear to be. I annex for your private eye the record of an intercept of a telephone conversation between Patel and Sudhir Ghosh,³¹ who went home from here by priority passage against my will. This sort of thing, I am sure you will agree, will make my task impossible."³²

That this complaint of Wavell was unanswerable is shown by the fact that Attlee prepared three undated draft replies,³³ but no letter based on any of them was sent to Wavell. Again, that it should have taken the Attlee Government six months to reject the interpretation placed by the Congress on the grouping provisions, when the Delegation in its Statement of 25

31 Transfer of Power, Vol. VIII, pp. 329-330

32 *ibid.* p. 328.

33 *ibid.* pp. 330-331.

May 1946, had rejected that interpretation, shows the extreme reluctance of the Attlee Government to decide against the Congress.

The withdrawal of the Muslim League's acceptance of the Plan, a withdrawal which Azad rightly looked upon as disastrous, was a welcome gift to the Congress, which could form the Interim Government without the representatives of the League. The repeated attempts of Gandhi, Nehru and Patel for converting the Interim Government into a Dominion Cabinet so as to eliminate the Viceroy's veto, showed that the Congress desired to capture the machinery of the Central Government, including control of the Army, the Navy, and the Air Force and then deal with the Muslims when the British left India. In the hands of Gandhi, with his unrivalled prestige, and in the hands of Nehru, whose prestige was second only to Gandhi's their cards clearly appeared winning cards. Only one essential card was missing, but the Congress was confident of acquiring it. That card was to secure for the Viceroy's Executive Council the status of a Dominion Cabinet in which the Viceroy must follow his Cabinet's advice.

With the removal of Wavell, and the advent of Mountbatten as Viceroy, Congress saw victory within its grasp. Mountbatten made no secret of his strong bias in favour of the Congress, and the Congress redoubled its efforts by pressing Mountbatten to support its claim that the Viceroy's Executive Council should be converted into a Dominion Cabinet in which the Viceroy would be under an obligation to follow the advice of the Cabinet or of a majority of the Cabinet. But as we have seen (pp. 119-120 *ante*) the Attlee Government which bent over backwards to give Mountbatten whatever he wanted, refused to alter the status of the Executive Council, because they knew what lay behind the demand for a Dominion Cabinet. Vallabhbhai Patel had stated that object with characteristic bluntness in an interview with the Associated Press of America at New Delhi on 9 March 1947. In that interview Vallabhbhai asserted that the political impasse would be broken at once if power were transferred to the Central Government "as it then stood", with the "Viceroy standing out". In that event, "immediately there would be peace in the country". He said that "If there were conflicts in the Cabinet on any question, *the majority would rule*".³⁴ (italics supplied.) In short, Patel and the Congress wanted, in substance, domination of Muslims by a Hindu Raj – a situation which the grouping provisions of the Mission's Plan was designed to prevent. So,

³⁴ *Transfer of Power*, Vol. X, pp. 716-17. See p. 118 *ante* for Jinnah's sarcastic reply to Patel's interview which Jinnah described as a dream of Patel.

without the one essential winning card, the hope of a successful fight against the Muslim League faded and the Congress was brought face to face with the partition of India.

But faced with partition towards which Mountbatten was driving India, Gandhi and Nehru asked for proposals for partition to be dropped and the Cabinet Mission's Plan to be enforced as an Award. It is an irony of history that Gandhi and Nehru, who had secured the dismissal of Wavell, should now seek to adopt the wise and far sighted counsel he had pressed upon them in vain to grasp in a spirit of goodwill the last chance to preserve the unity of India and avoid fratricidal strife. But this realization came too late. The Congress, actively assisted by Pethick-Lawrence, Cripps and Mountbatten had treated the League with such disdain³⁵ that the Plan which would have been accepted in 1946, became wholly unacceptable to the Muslim League in 1947.

With the above political background in mind, we can now refer to Jawaharlal's speech of 10 July 1946.³⁶ On the Mission's Plan, the thrust of Nehru's speech has been succinctly summed up by Penderel Moon as follows :

"(Nehru) publicly declared that the Congress had agreed only to go into the Constituent Assembly and to do nothing else. And that, in his opinion, there would probably be no grouping (to which the League attached the greatest importance), and that what the Cabinet Mission thought or intended did not enter into the matter at all."³⁷

Jinnah gave his reaction to Nehru's speech on 12 July 1946, in an interview to the press at Hyderabad. As reported, Jinnah said

"that Pandit Nehru's statement was a complete repudiation of the basic form on which the long-term scheme rested. He felt it was up to the British Parliament and H.M.G. to make it clear beyond a doubt and to remove the impression that Congress had accepted the long-term scheme."³⁸

In a leading article on 17 July 1946, *The Dawn*, generally recognized as the official organ of the Muslim League, wrote among other things,

"On the other hand, if Mr. Attlee and his colleagues indicate in tomorrow's debate that their silence hitherto in the face of Congress leaders' bragging to treat their statement of May 16 as a *scrap of paper*, has been due to extreme patience and not cowardice, and if they restate that there shall be no departure from the fundamental basis of that statement, Moslems will still be willing to play their part honestly and peacefully, provided that such

35 *Transfer of Power*, Vol. VIII, p. 628: Gandhi told press correspondents: "India is on the march to independence; it is coming whether there is agreement with the Muslim League and the Congress or not. None can stop it. It is her destiny. She has bled too much". See pp. 66-7 *ante*.

36 It is set out in full in *Transfer of Power*, Vol. VIII, at pp. 25-31.

37 Moon, *Viceroy's Journal*, p. 325.

38 *Transfer of Power*, Vol. VIII, p. 867, *f.n.* 2.

re-statement is followed up by action in respect of setting up an Interim Government also." ³⁹ (italics supplied)

Since the reaction of Jinnah and the Muslim League was well known to Azad and the Congress, why was no urgent action taken to counteract its disastrous consequences?

The documents in the *Transfer of Power* indicate that Azad, other Congress leaders and the Congress Working Committee, felt that they could afford to ignore the reactions of the Muslim League to Nehru's speech. The reason for this attitude was that attempts were being made behind the back of Wavell and the Muslim League to persuade Pethick-Lawrence and Cripps to alter the Cabinet Mission Plan – long term and short term – to the detriment of the Muslim League. By his letter of 20 July 1946, Rajagopalachari wrote to Pethick-Lawrence, among other things, that

"The 'opting out' problem still remains unsolved, and much as I dislike it, (it) may prove a rock on which our ship may be wrecked. Can you, to meet this, formulate by interpretation or otherwise, a rule on the following lines?" ⁴⁰

The rule suggested in the letter would have required any decision on the grouping provisions to be confirmed by the Constituent Assembly in which the Congress and Hindus had an overwhelming majority. Again, on 22 July 1946, Azad himself wrote a letter to Cripps in which he said, among other things,

"What however surprised and grieved me most was that even you could not appreciate the Congress stand and opposed the inclusion of a Moslem in the Congress quota. I do not want to press the point but must make it clear that there can be no prospect of success in the future unless this attitude is changed." ⁴¹

Azad added further,

"If the Interim Government is not set up quickly the situation may so deteriorate as to destroy the possibility of a peaceful settlement." ⁴²

The two letters show that if nothing was done before the League's meeting on 29 July 1946, it was because leading members of the Congress like Rajagopalachari and Azad himself were negotiating with members of the Cabinet Delegation to secure an alteration of the long-term and short-term provisions of the Mission's Plan in favour of the Congress.

However, the Muslim League's resolutions of 29 July, adopting the policy of direct action, transformed the political basis on which the Congress and the League had acted so far. Direct action, in spite of Gandhi's exhortations to his followers to remain non-violent, had been followed by violent disorders.

³⁹ *ibid.* pp. 72-73.

⁴⁰ *ibid.* p. 95.

⁴¹ *ibid.* pp. 103-104.

⁴² *ibid.* p. 104.

For the first time there arose before the Congress the unwelcome prospect that the League might resort to direct action and also adopt the tactics which Congress had adopted in its agitations against the British Government. It was most unfortunate that Azad should have ignored the fact that Nehru, speaking as the President of the Congress, declared the policy of the Congress which amounted to tearing up the Mission's Plan. One would have expected Azad to take speedy action to avert the grave consequences of that speech; but unwisely and uncharacteristically Azad tried to get the short-term provisions of the Mission's Plan altered by negotiations with Cripps. But when Azad saw the dreaded consequences of ignoring the Muslim League's sharp reactions to Nehru's speech, reactions which found expression in the League's direct action resolutions of 29 July 1946, Azad realized that a crisis had arisen in the life of our country which called for a *national* and not a party approach to meet it. He stated with clarity the two alternatives which faced the Congress Working Committee. The first alternative, which he recommended, was to recognize that it was essential to make it clear that Jawaharlal's speech reflected his own personal views and not the policy of the Congress. That policy had been set out in the A.I.C.C. resolution accepting the Mission's Plan, and no individual, not even the President, could alter that policy.⁴³ The alternative to this course was the ruining of our country which would follow the almost total rejection by Nehru of the Mission's Plan. In a passage suppressed in the 1959 edition but published in the 1988 edition, Azad set out Nehru's attitude to the alternative which Azad recommended :

"Jawaharlal argued that he had no objection if the Working Committee wanted to reiterate that the Cabinet Mission Plan had been accepted by the Congress, but felt that it would be embarrassing to the organization and to him personally if the Committee passed a resolution that the statement of the President did not represent the policy of the Congress."⁴⁴

Jawaharlal's argument required the Working Committee to perform the impossible feat of maintaining that two contradictory propositions could both be true. The Congress resolution of 25 June 1946, "accepting" the Plan made a reservation as to the interpretation of Cl.15 of the Plan, according to which interpretation, Cl.15 made "grouping" optional. If this resolution was merely reiterated, as Jawaharlal suggested it could be, the Working Committee could not possibly accept as Congress Policy, Jawaharlal's statement of 10 July 1946, that the Congress was bound *by nothing in the Plan except* to enter the Constituent Assembly, elected and constituted under the

⁴³ Azad, *op. cit.* (1988 edn.) p. 166.

⁴⁴ *ibid.*

Plan.⁴⁵ No doubt if the Working Committee resolved that the speech of the President did not represent Congress policy, but was his own personal opinion, it would affect Jawaharlal's prestige as President of the Congress and might also possibly cause some injury to the Congress organization. Azad, Jawaharlal and the Congress were confronted with the need to make a fateful decision: Should the prestige of the Congress President and of the Congress Working Committee be placed above "the ruin of the country"? Azad answered the question by putting the country above the prestige of the Congress President and the Congress organization, but his view did not prevail, because Jawaharlal and the Congress Working Committee decided to put the prestige of the President and the strength of the Congress organization above "the ruin of the country". Azad's prediction about the ruin of the country came true. For partition destroyed the unity of India, followed by a holocaust, and the transformation of millions of citizens of a united India into helpless refugees in India and Pakistan.

The resolution actually passed by the Congress on 10 August 1946, without repudiating Jawaharlal's statement of 10 July 1946, marked not only a signal defeat for Azad but also for a united India. It may be that if the Congress Working Committee did not repudiate Jawaharlal's speech of 10 July 1946, it was because the Committee shared the views which Jawaharlal expressed in that speech. In any event, Gandhi and Nehru maintained their opposition to "compulsory grouping" notwithstanding that the Muslim League and the Cabinet Mission regarded compulsory grouping as a fundamental part of the Mission's Plan. This is clear from the interview which Gandhi and Nehru had with Wavell on 27 August 1946. Wavell had been to Calcutta on 25 August, and came back to New Delhi after "24 hectic hours in Calcutta". Wavell feared that unless the Congress and the League worked harmoniously, riots and violence which had broken out in Calcutta would spread to other States with consequences which no one could foresee. He therefore invited Gandhi and Nehru to meet him on 27 August. The interview between them will be found at pp. 312-313 of Vol.VIII, *Transfer of Power*. Wavell handed to Gandhi and Nehru a draft of the following statement which he desired they should make :

45 "In regard to the Minorities, it is our problem, and we shall no doubt succeed in solving it. We accept no outsiders' interference in it, certainly not the British Governments' interference in it, and therefore these two limiting factors to the sovereignty of the Constituent Assembly are not accepted by us. How to make the job in the Constituent Assembly a success or not is the only limiting factor. *It does not make the slightest difference what the Mission thinks or does in the matter*" : *Transfer of Power*, Vol. VIII, p. 26. (italics supplied)

"The Congress are prepared in the interest of communal harmony to accept the intention of the Statement of 16 May that Provinces cannot exercise any option affecting their part of the Section or the Groups if formed until the decision contemplated in para 19 (viii) of the Statement of 16 May is taken by the new Legislature, after the new constitutional arrangements have come into operation and the first general elections have been held." ⁴⁶

Gandhi and Nehru maintained that what the Mission *intended* did not matter; what mattered was what the Mission had *said* in Cl.15. The interpretation of Cl.15 could only be decided by a Court. Gandhi added that "if a blood bath was necessary, it would come about in spite of non-violence". It is clear therefore that the two most powerful men in the Congress objected to compulsory grouping which grouping was considered fundamental by the Muslim League and the Cabinet Mission. As we have seen, Gandhi's opposition to grouping ultimately destroyed the Mission's Plan and led to the partition of India (see p. 222 *ante*).

It is not correct to place the responsibility for the Muslim League's withdrawal of its acceptance of the Plan on Jawaharlal's speech alone. The Working Committee had it in its power to undo its effect, but it did not. Gandhi had it in his power to undo its effect, but he did not. Azad's statement that had he supported the candidature of Vallabhbhai Patel for the presidency of the Congress, Vallabhbhai would never have repudiated the Mission Plan as Nehru had done, thereby giving an opportunity to Jinnah to withdraw his acceptance of the Plan is only formally true. First, both Patel and Azad were members of the Working Committee. They did not get the Committee to counteract the effect of Nehru's speech. Secondly, Azad was not aware of Jinnah's letter to Attlee of 6 July 1946, in which he had clearly foreshadowed the launching of "direct action" if, as he believed, the British Government were so frightened with the threat of direct action by the Congress, that they were not prepared to stand by their own Plan and were prepared to sacrifice Muslim interests to secure Congress support. Further, assuming that direct action resolutions had not been passed on 29 July 1946, similar resolutions would have been passed later, because Jinnah and the League considered compulsory grouping crucial to the League's acceptance of the Mission's Plan. It was for this reason that Jinnah wanted the pistol of direct action to counteract the same pistol which the Congress had effectively wielded and threatened to wield against the British Government. It will be recalled that on 6 December 1946, after the Congress and the League had failed to arrive at an agreement in the conferences held in London, Attlee made a statement which asserted that compul-

⁴⁶ *ibid.* p. 312.

sory grouping was an essential part of the Plan as maintained by Jinnah and by the Cabinet Delegation all along. But there is evidence that Vallabhbhai was opposed to compulsory grouping, and Jinnah's withdrawal of acceptance of the Plan would have followed in any event on the question of compulsory grouping. Rajmohan Gandhi,⁴⁷ after observing that

"H.M.G.'s award was that Provinces had to join their groups and abide by the constitution that the groups made for them, added: As Patel put it, Jawaharlal returned almost heart-broken. Patel himself was enraged. He wrote to Cripps : 'You know that Gandhiji was strongly against our settlement, I threw my weight in favour of it. There has been a betrayal. (HMG's) interpretation means that Bengal Muslims can draw up the constitution of Assam. Do you think that such a monstrous proposition can be accepted by the Hindus of Assam?'"⁴⁸

In the newly added passages in the 1988 edition, Azad is sharply critical of the equivocal attitude of the Congress to the Mission's Plan. He wrote :

"Looking back after ten years, I concede that there was force in what Mr. Jinnah said. The Congress and the League were both parties to the agreement, and it was on the basis of distribution among the Centre, the Provinces and the Groups that the League had accepted the Plan. Congress was neither wise nor right in raising doubts. It should have accepted the Plan unequivocally. Vaccilation would give Mr. Jinnah the opportunity to divide India."⁴⁹

Azad's regret that he committed a "Himalayan blunder" in not supporting Patel's candidature for the presidency of the Congress, is hardly consistent with the two important passages about Patel which had been suppressed in the 1959 edition but are printed in the 1988 edition. They should have been marked by asterisks but are not as I have said earlier. Azad wrote: "It would not perhaps be unfair to say that Vallabhbhai Patel was the founder of Indian Partition."⁵⁰ Again, in a later passage, Azad wrote :

"I was surprised that Patel was now an even greater supporter of the two-nation theory than Jinnah. Jinnah may have raised the flag of partition *but now the real flag bearer was Patel.*"⁵¹ (italics supplied)

It seems to me that for Azad to have helped Patel to be the President of the Congress – Patel who was the "flag bearer of the two-nation theory", and the "founder of the Indian Partition", and who brought round Nehru and even Gandhi to accept the partition of India would have been "a super Himalayan blunder".

I have said that Gandhi and Nehru by rejecting the Cabinet Mission Plan were responsible for the partition of India and

47 Rajmohan Gandhi, *op. cit.* pp. 170-171.

48 Letter to Cripps of 15 December 1946, quoted in *Durgadas, Patel's Correspondence*, Vol. III, pp. 313-5.

49 Azad, *India Wins Freedom* (1988 edn.) p. 185.

50 *ibid.* p. 198.

51 *ibid.* p. 201

the disasters which followed partition. In fairness to them I have referred to their attempt to prevent partition, but the attempt came too late.⁵²

Gandhi made one more attempt to avoid partition. He proposed that Mountbatten should ask Jinnah to be the Prime Minister with full freedom to choose his team and work for Pakistan.⁵³ Mountbatten, whose knowledge of the provisions of the Government of India Act, 1935, was remarkably small, had, apparently, not studied the interview between the Cabinet Delegation and Gandhi on 3 April 1946. That interview would have made it clear to Mountbatten that Gandhi's suggestion to make Jinnah a Prime Minister had been made to the Delegation and shown to be untenable. In that interview Gandhi said :

"The Interim Government must be absolutely national. Mr. Jinnah could choose who he liked for his Government. They would be subject to the vote of the Assembly from which they were drawn. He would not mind the Council being responsible to Lord Wavell if there were honest conventions. The Secretary of State said that of course Mr. Jinnah under existing circumstances had not got a majority in most of the Legislatures. If he had to choose Ministers, to be responsible to Provincial Legislatures, *most of them would have to be drawn from the parties other than his own. Mr. Gandhi says that it was inescapable that the Congress had a majority in most of the Legislatures.* His idea was that members chosen from the Provincial Legislatures would be transferred to the Central Legislature, places being made for them by arranged resignations. They would then be responsible to the Central Legislature. The Secretary of State said that even so, the Legislature would be of course very predominantly Hindu. If Mr. Jinnah were not prepared to form a Legislature on this basis the Congress could be called upon to do so.

"Mr. Gandhi said he did not underrate the difficulties of the situation which the Delegation had to face. *If he were not an irresponsible optimist he would despair of any solution.*"⁵⁴ (italics supplied.)

When Mountbatten put Gandhi's suggestion to Nehru, he rightly pointed out that Gandhi had put the same solution to the Cabinet Mission and it had been turned down at that time as quite impracticable.⁵⁵

Having read the 1959 edition of Azad's *India Wins Freedom*

52 Wavell knew his Shakespeare well and would have said, with Brutus,:

There is a tide in the affairs of men
Which, taken at the flood, leads on to fortune;
Omitted, all the voyage of their life
Is bound in shallows and in miseries.
On such a full sea are we now afloat;
And we must take the current when it serves,
Or lose our ventures."

Julius Caesar, Act IV, Scene III.

53 *Transfer of Power, Vol. X, p. 69 and pp. 83-84.*

54 *Transfer of Power, Vol. VII, pp. 116-118 at p. 118.*

55 *Transfer of Power, Vol. X, p. 70.* As Nehru and Patel opposed Gandhi's suggestion, it was not put to Jinnah.

countless times, and having read and re-read the 1988 edition, I believe that the title of this Post Script, "Shattered Dreams", expresses accurately the effect on the reader of the 1988 edition. For, in my view, the thirty pages suppressed in the 1959 edition and restored in the 1988 edition have altered the tone of the whole book. A note of sadness runs through the 1988 edition, which was absent in the 1959 edition. Azad's narrative in the 1988 edition shows how everything which he had cared for, and worked for and suffered for, lay broken at his feet, largely because his wise advice was rejected.

From 1920 Azad was a staunch nationalist Muslim who supported the various programmes which Gandhi launched to secure the freedom of India; and Azad stood by Gandhi through times good and times evil. Azad worked and suffered for the cause of the Congress because he believed, and proudly proclaimed, that the Congress was a *National* organization working to secure freedom for the whole Nation and not for any particular community. He lived to admit that, in effect, the Congress was predominantly a Hindu body working to secure power and freedom for Hindus since eminent Congress leaders proclaimed that real democracy meant "one man, one vote".⁵⁶ Azad had believed that Nationalist Muslims had an important part to play not only in the Congress, but in a free and united India. He lived to see Nationalist Muslims quietly put away in 1945 when freedom and power were near. And even more, he lived to write that Vallabhbhai Patel was the real flag-bearer of the two-nation theory.

Azad passionately believed in Hindu-Muslim unity, but he found that from the mid-twenties Gandhi had lost interest in Hindu-Muslim unity and took no steps to secure it.⁵⁷ Further, Azad had played a leading part in providing a framework for the Constitution of a free and united India on which the Cabinet Mission Plan was largely based, a Plan which offered India her last chance to remain united. However, Gandhi, Nehru and Patel destroyed the Plan, and accepted partition instead. Azad did his utmost to prevent the partition of India, but he failed to persuade Nehru and Gandhi not to accept partition. He warned both of them that history would never forgive the Congress for having partitioned India. His warning went unheeded. Again, Azad predicted that rivers of blood would flow if India was partitioned in the violent atmosphere which had gripped several Provinces in India. His prediction produced no effect; but his prediction came true. In short, all that he cared for and worked for and suffered for in his politi-

56 See pp. 43-4 *ante*.

57 See pp. 209-210 *ante*.

cal life vanished as in a dream. It is not surprising that a sad and despondent note runs through the 1988 edition of his book.

The fate of Cassandra, to predict the future accurately, only to have her predictions disbelieved, is a hard one. And Azad shared that fate. For on numerous occasions he accurately predicted the future, to be met with disbelief. He predicted that if Gandhi launched a violent or non-violent "Quit India" movement, members of the Working Committee would be immediately arrested, after the Quit India Resolution was passed. Gandhi asked Azad not to be hasty in his judgments. All the members *were* arrested the day after the "Quit India" Resolution was passed.⁵⁸ Thereafter, Congress went into political wilderness for 3 years, during which time Jinnah and the Muslim League greatly strengthened their position. We have seen how before the 1945 elections Azad recommended to Gandhi a proposal to put a Congress policy to Muslim voters as an alternative to the Muslim League's policy of partition. Gandhi rebuffed Azad in a discourteous letter. The Congress paid a heavy and humiliating price for rejecting Azad's sound advice.⁵⁹ Finally, Azad warned the Working Committee in August 1946 that the country would be ruined if Jawaharlal's speech of 10 July 1946, was not expressly repudiated. The warning went unheeded; and the ruin of the country which he had predicted followed within a year.

It is a measure of Azad's greatness that in spite of all that had happened, he never lost faith in India's destiny. And even after the partition, he remained a staunch Congressman serving our country both inside and outside the Union Cabinet. His political career had, to all outward appearances, the marks of failure. But that is not how he would have looked at it, believing as he did in the value of dedicated work, and in actions inspired by the real mainsprings of life. And he would have recognized in the writer of these beautiful lines a kindred spirit :

"Not all who seem to fail have failed indeed;
Not all who fail have therefore worked in vain:
For all our acts to many issues lead;
...out of honest purpose, pure and plain,

There is no failure for the good and wise:
What though their seed should fall by the wayside,
And the birds snatch it, – yet the birds are fed;
Or they shall bear it far across the tide
To give rich harvests, after thou art dead."

⁵⁸ Azad, *op. cit.* p. 82. (1959 edn.)

⁵⁹ See p. 216 *ante*.

H.M. Seervai, a scion of the famous Wadia Master Builders, was born in Bombay on 5 Dec. 1906. He was educated in the New High School, Bombay, and joined the Elphinstone College, Bombay, in 1922, graduating in 1926 with a first class in Philosophy. His abiding love for English literature led in 1932 to his being appointed a Lecturer in English at the Elphinstone College, where he had been a Fellow for two years.

Having graduated in Law, he started practice on the Original Side of the Bombay High Court in 1932 and joined the Chamber of Sir Jamshedji Kanga, who was Adv.-General from 1923-1935. Seervai was appointed Adv.-General of Maharashtra in 1957 and was Adv.-General for 17 years. In 1967, he published *Constitutional Law of India, A Critical Commentary* (now in its 3rd edn.) which was acclaimed as a classic and won for him the Award of Padma Vibhushan in 1972, and led in 1981 to his being elected a Corresponding Fellow of the British academy, the highest academic honour in Britain.

Seervai's interest in civil liberties found expression in his book, *Emergency, Future Safeguards and the Habeas Corpus Case* (1978). He has been the President of the People's Union for Civil Liberties, Bombay Unit, since 1983.

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nan, in *The Afternoon*.

ISBN 81-85370-00-1

0095240 Code I-E-63441

UNIVERSITY OF CALIFORNIA [BERK.]