23

INDIA AND THE COMMONWEALTH—II

[*In the final stages of the drawing up of India's Constitution, Sri B. N. Rau had discussions with the then Lord Chancellor of Britain, Lord Jowitt, and Sir Stafford Cripps about India's membership of the Commonwealth after independence. Early in April*, 1949, *he gave Lord Jowitt the following statement outlining briefly the Indian and British points of view.*

Indian point of view: There is no lack of understanding in India of the deep-seated sentiment felt for the Crown in the U.K. and certain other countries; but there are genuine political difficulties. There are certain parties in India opposed to membership of the Commonwealth on any terms. Recent events in South Africa and statements of immigration policy in Australia have made Indian public opinion peculiarly sensitive and even suspicious just now. The Prime Minister of India has to be very careful as to what he says and does. Therefore, those who desire India to remain in the Commonwealth should make it as easy as possible for her to do so and should avoid imposing conditions which, however reasonable from the point of view of British sentiment, could be represented or even misrepresented as impairing India's independence.

British point of view: Just as the member-States of the U.N. are completely sovereign and yet find it possible to recognise certain organisational authorities for the purpose of working together, so too the members of the Commonwealth can, without impairing their sovereignty or independence in any way, recognise the Crown as the head of the Commonwealth association. The Crown will thus be the symbol of association for all members (" the symbol of the free association of the members of the Commonwealth," in the language

of the preamble to the Statute of Westminster) and in no sense a link of subordination for any member.

At the end of April 1949 *a formal announcement was made on the subject from London. The following article was written by Sri B. N. Rau early in May, and it was broadcast* by the U. N. Radio.*]

It was announced from London that the Government of India had affirmed India's desire to continue her full membership of the Commonwealth even after she adopts her new republican constitution. This historic announcement is, of course, of deep constitutional interest, but I shall first of all deal with some of its other aspects which are of greater interest to the layman.

A few people in this country—I am speaking now from New York—appear to be somewhat puzzled by this latest development, although it has been welcomed by the press generally. They ask the question, how is it that after

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* In a letter written by the late Lord Jowitt to Sri B. N. Rau on the broadcast, he said:

"I find your broadcast most interesting. My own belief is that we developed our present system mainly by accident; and I think one of the most important accidents was that neither George I nor George II could speak English, and to this our Cabinet system owes its origin.

"It is true that it is of the essence of our Commonwealth that all its members are equal in status. It is of course a club from which any member can resign if he is so minded. The only doubt I have is with regard to the first question you formulate: 'Is there room within the Commonwealth for a State with a republican constitution?'

"I think you deal with this in much too cavalier a fashion. I have grave doubts whether foreign countries would regard us as being in any special nexus so as to justify preferential treatment of nationals or trade preferences; and I find it difficult to formulate in my own mind what the real nexus would be.

"I realise that owing to our different history we view the institution of monarchy differently. To us it means much. We regard the King as the father of our family. To your people the existence of a monarchy may be a stumbling block.

"Yet we can help each other and we shall each need the other's help in the difficult days that confront us, and I believe this help could be better given if we both belong to the club."

struggling for so many years to free herself from British rule and gain complete independence, India has now voluntarily decided to remain within the Commonwealth? Why has India changed her mind? The short answer to this question is that it is not India which has changed; it is rather the Commonwealth that has changed.

Before 1947 the Commonwealth was, in Indian minds, synonymous with British rule; but since the passing of the Indian Independence Act in that year and the real and complete transfer of power to Indian hands that followed it, Indians have been feeling that the old ideas of British domination are dead and that the Commonwealth is now a really free association of nations "in no way subordinate one to another in any aspect of their domestic or external affairs". Even the old names and labels are gradually changing: there is a growing tendency to refer to the Commonwealth as the Commonwealth of Nations instead of the British Commonwealth of Nations. Thus, the London announcement of 28th April, 1949 runs: "Accordingly the United Kingdom, Canada, Australia, New Zealand, South Africa, India, Pakistan and Ceylon hereby declare that they remain united as free and equal members of the Commonwealth of Nations freely co-operating in the pursuit of peace, liberty and progress". Again, the same announcement avoids the use of the term "Dominion", which contains a hint of domination, and it uses, instead, the colourless term "countries of the Commonwealth". Equally significant is the provision in the British Nationality Act, which came into force on January 1, 1949, and according to which "British subjects"—a name which suggests some kind of subjection to Britain—may in future be described as "Commonwealth citizens". All these indications, trivial though they may seem, are symptomatic of a profound change in the conception of the Commonwealth and that is why I have said that it was not India so much as the Commonwealth that had changed.

There must, of course, have been other reasons also for India's decision and some of these at least it is not difficult to guess. There are deep-seated affinities between India and the United Kingdom in ideas and institutions, such as the rule of law and the parliamentary system of government; but apart from these there are cogent practical considerations. India has still vast and complicated problems requiring the whole of her attention—the problem of food for her teeming population, the problem of raising the general standard of life, the problem of re-establishing millions of refugees and so on—and her leaders must have felt that this was no time for leaving the Commonwealth and venturing into the unknown, for she might thereby create a new set of problems even more baffling. The events that have been happening in certain neighbouring countries must have emphasised this particular danger. Then, again, there were the interests of Indians overseas to consider—mainly Indians settled in various British colonies and the countries of the Commonwealth. These could be better served if India remained within the Commonwealth herself than if she went out. Finally, there was the consideration that if at any time India should find her position in the Commonwealth irksome—an unlikely contingency—it was always open to her to leave: there was no need to leave just now. All these factors must have contributed to this momentous decision.

I now come to the particular formula which has made such a decision possible. Under India's new constitution, the main principles of which have been settled by the Constituent Assembly, the head of the Indian Union is an elected President in whom all executive authority is vested and in whose name all executive action is to be taken, no powers being reserved to His Majesty the King. The constitution is thus of the republican type and in fact the preamble speaks of the resolve of the people to constitute India into a sovereign democratic republic. How is it possible to find room within

the Commonwealth for a State with a republican constitution? In my own view there is no insuperable difficulty here. The formula agreed upon at the London Conference may best be explained by an analogy. The various member-States of the United Nations are completely sovereign and independent; yet they find it possible to recognise certain organisational authorities for the purpose of working together. In just the same way the members of the Commonwealth can, without impairing their sovereignty or independence in any way, recognise His Majesty as the head of the Commonwealth association.

The King is thus the symbol of free association for all members and not a link of subordination for any. Accordingly, the Government of India has declared and affirmed not only India's desire to remain within the Commonwealth, but also "her acceptance of the King as the symbol of free association of its independent member-nations and as such the head of the Commonwealth". The declaration thus preserves the dignity of the Crown without impairing India's sovereign status. As a matter of historic interest, it may be stated (as mentioned in an earlier chapter) that in ancient India the republic of the Licchavis was in partnership with the Gupta Empire in the time of Chandra Gupta I.

I must next turn to a question which, though often answered, continues to be asked: How will India's decision affect her position in the United Nations? If she adheres to a particular group or *bloc*, such as the Commonwealth, will not her loyalty to the larger organisation be thereby impaired? The answer to this question has often been given: India does not regard membership of the Commonwealth as involving or implying adherence to any particular *bloc*. During the last two years India has been a Dominion within the Commonwealth, but that has in no way fettered her either inside the United Nations or outside. There is no reason whatever for fearing that when she becomes a republic within the

Commonwealth she will be less free. Indeed, freedom of judgment and freedom of expression of opinion may be expected to be respected by Commonwealth countries in their relations with each other as much as in their relations with their own citizens.

This is a point on which I should like to dwell at some length, because in her attempt to keep clear of *blocs*, India is constantly misunderstood and sometimes even misrepresented. If the world contained only two *blocs* and every country conceived it to be its duty or interest to join one or the other, then, what is likely to happen in the event of a dispute between the two? According to the Charter of the United Nations—and indeed commonsense would dictate the same course—the parties should seek a solution by mediation, conciliation, arbitration and so forth. But who can hope to mediate or conciliate or arbitrate with any prospect of success if every country is already ranged on one side or the other? Clearly, therefore, it is necessary that there should be some countries standing outside any *bloc* to perform this very essential service in the community of States. Otherwise, any dispute between the *blocs* may precipitate a world war and that may mean the end of civilisation. It is this difficult but indispensable function which India, in a humble way, aspires to discharge. She may fail; it would be failure in a good cause; but need she fail? There are chain reactions in the moral world as much as in the physical and even a single State may, if it is honest in its efforts, start a process which will ultimately explode the vast mass of suspicion that surrounds us today.

NOTE

[The following statement by the late Rt. Hon. L. S. Amery, a former Secretary of State for India in the Churchill (War) Cabinet, will be read with interest. It arose out of a discussion in London in October 1948, the participants being, apart from Mr. Amery, Mr. Eric Louw of South Africa, Mr. Vincent Massey, Governor-General of Canada and Sir Girja Bajpai, at that time Secretary-General, External Affairs Ministry, India. The main point of the discussion was whether, apart from any particular symbol of unity like the British Crown, the Commonwealth could be regarded of as a living organism.]

The essential characteristic of an organism, as contrasted with a mechanical structure, is that there is vitality in all its parts, mutual cooperation between them, and above all a general purpose to maintain its existence, whether centralised or diffused through the whole organism.

In the case of our Commonwealth of nations the basic stuff of the organism is practical cooperation and mutual aid, ranging from a wide measure of common citizenship at the base to intimate consultation and mutual understanding at the top. In between, as a natural complement and corollary, come all the various practical measures of cooperation in foreign policy, defence, trade, social welfare and culture.

As, however, we are dealing with human beings, and human beings in the mass, that abiding purpose of cooperation needs to be embodied in some sort of symbol or symbolic act. Hitherto, in the evolution of a centralised Empire to a partnership of independent equals, the Crown has served the purpose of that symbol. It means a tremendous lot to most of us, and not only to Commonwealth citizens of British origin. Mr. Vincent Massey was quite right in saying that it meant everything to the French Canadian. It means much to others too, such as the Maltese and—in spite of Mr. Eric Louw—to many Dutch South Africans of the old Cape Colony tradition. It means even more, as I know from experience, to most Africans. But I fully understand the difficulty as the symbol of Commonwealth unity which involves the head of the State in India being in any sense nominated by the King or owing allegiance to him. I know that even my suggestion that the President of an Indian republic should be automatically a representative of the Crown seemed to you to be unlikely of acceptance.

The question is whether any subsitute can be found for the Crown to serve the same purpose, or any way of associating India with the Crown so as to get rid of any notion of even theoretical subordination to something external to India. In the case of the United States allegiance is to the American Constitution. Now, we in the Commonwealth have always avoided the conception of a written constitution. Our stress has been on the principles of freedom, mutual toleration and justice which we have conceived as holding us together. Is there any reason why these principles should not be embodied in a short declaration? Even the United Nations started off with a declaration largely drafted by Smuts. As a matter of fact, the King's coronation oath towards his subjects embodies a somewhat similar conception. Might it not be possible to draft such a declaration suitable for Commonwealth purposes which could then be solemnly affirmed in future by the King on his accession and also by an Indian President on his taking office?

Again, might it not be possible for a President of India, on making such a declaration of principle, to declare his adherence to, or association with—not his allegiance to—the British Crown as the symbol in the rest of the Commonwealth of the principles of the declaration?

There is another symbol which has always meant much to mankind in the mass, and that is the flag. So far we have evolved haphazardly, using the Union Jack or some flag embodying the Union Jack, as the national flag of each part of the Commonwealth. If we are starting on a new footing, at any rate as regards some members of the Commonwealth, might it not be possible to devise a new Commonwealth flag to be flown side by side with the national flag on a few occasions and on important buildings, including the residence of the head of the State? Lastly, but also important for the masses, is the possibility of devising a Commonwealth hymn. There again "God save the King" has met the purpose of most of us and is sung alongside of a more purely national hymn like "O Canada". There, again, the particular words, which to most of us have no real meaning apart from their broad emotional content, may very well, for India, have a specific and less welcome meaning. But would the tune itself, with new wording, be altogether unsuitable? If so, however, there might be no insuperable difficulty in finding a new tune as well as new words.

The important thing is that there should be some real symbol of moral and spiritual purpose uniting the Commonwealth, and not merely arrangements for mutual convenience devoid of any kind of spiritual content or purpose.