

APPENDIX—A

STATEMENT OF THE CABINET MISSION AND THE VICEROY, MAY 16, 1946

1. On March 15th last, just before the despatch of the Cabinet Delegation to India, Mr. (now Earl) Attlee, the British Prime Minister, used these words:

My colleagues are going to India with the intention of using their utmost endeavours to help her to attain her freedom as speedily and fully as possible. What form of government is to replace the present regime is for India to decide; but our desire is to help her to set up forthwith the machinery for making that decision. . . . I hope that India and her people may elect to remain within the British Commonwealth. I am certain that they will find great advantages in doing so. . . . But if she does so elect, it must be by her own free will. The British Commonwealth and Empire is not bound together by chains of external compulsion. It is a free association of free peoples. If, on the other hand, she elects for independence, in our view she has a right to do so. It will be for us to help to make the transition as smooth and easy as possible.

2. Charged in these historic words we—the Cabinet Ministers and the Viceroy—have done our utmost to assist the two main political parties to reach agreement upon the fundamental issue of the unity or division of India. After prolonged discussions in New Delhi we succeeded in bringing the Congress and the Muslim League together in conference at Simla. There was a full exchange of views and both parties were prepared to make considerable concessions in order to try and reach a settlement; but it ultimately proved impossible to close the remainder of the gap between the parties and so no agreement could be concluded. Since no agreement has been reached we feel that it is our duty to put forward what we consider are the best arrangements

possible to ensure a speedy setting up of the new constitution. This statement is made with the full approval of His Majesty's Government in the United Kingdom.

3. We have accordingly decided that immediate arrangements should be made whereby Indians may decide the future constitution of India and an interim government may be set up at once to carry on the administration of British India until such time as a new constitution can be brought into being. We have endeavoured to be just to the smaller as well as to the larger sections of the people; and to recommend a solution which will lead to a practicable way of governing the India of the future and will give a sound basis for defence and a good opportunity for progress in the social, political and economic fields.

4. It is not intended in this statement to review the voluminous evidence that has been submitted to the Mission; but it is right that we should state that it has shown an almost universal desire, outside the supporters of the Muslim League, for the unity of India.

5. This consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India; since we were greatly impressed by the very 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 and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India it must be secured by measures which will assure to the Muslims control in all matters vital to their culture, religion and economic or other interests.

6. We, therefore, examined in the first instance the question of a separate and fully independent sovereign State of Pakistan as claimed by the Muslim League. Such a Pakistan would comprise two areas; one in the north-west consisting of the provinces of the Panjab, Sind, North-West Frontier and British Baluchistan; the other in the north-east consisting of the provinces of Bengal and Assam. The League were prepared to consider adjustment of boundaries at a later stage, but insisted that the principle of Pakistan should first be acknowledged. The argument for a separate State of Pakistan was based, first, upon the right of the

Muslim majority to decide their method of government according to their wishes; and secondly, upon the necessity to include substantial areas in which Muslims are in a minority, in order to make Pakistan administratively and economically workable.

The size of the non-Muslim minorities in a Pakistan comprising the whole of the six provinces enumerated above would be very considerable as the following figures show: *

NORTH-WESTERN AREA		MUSLIM	NON-MUSLIM
Panjab	...	16,217,242	12,201,577
North-West Frontier Province	...	2,788,797	249,270
Sind	...	3,208,325	1,326,683
British Baluchistan	...	438,930	62,701
		<hr/> 22,653,294	<hr/> 13,840,231
		<hr/> 62.07%	<hr/> 37.93%
NORTH-EASTERN AREA		MUSLIM	NON-MUSLIM
Bengal	...	33,005,434	27,301,091
Assam	...	3,442,479	6,762,254
		<hr/> 36,447,913	<hr/> 34,063,345
		<hr/> 51.69%	<hr/> 48.31%

The Muslim minorities in the remainder of British India number some 20 million dispersed amongst a total population of 188 million.

These figures show that the setting up of a separate sovereign State of Pakistan on the lines claimed by the Muslim League would not solve the communal minority problem; nor can we see any justification for including within a sovereign Pakistan those districts of the Panjab and of Bengal and Assam in which the population is predominantly non-Muslim. Every argument that can be used in favour of Pakistan can equally in our view be used

* All population figures in this statement are from the census taken in 1941.

in favour of the exclusion of the non-Muslim areas from Pakistan. This point would particularly affect the position of the Sikhs.

7. We, therefore, considered whether a smaller sovereign Pakistan confined to the Muslim majority areas alone might be a possible basis of compromise. Such a Pakistan is regarded by the Muslim League as quite impracticable because it would entail the exclusion from Pakistan of (a) the whole of the Ambala and Jullundur divisions in the Panjab; (b) the whole of Assam except the district of Sylhet; and (c) a large part of Western Bengal, including Calcutta, in which city the Muslims form 23.6% of the population. We ourselves are also convinced that any solution which involves a radical partition of the Panjab and Bengal, as this would do, would be contrary to the wishes and interests of a very large proportion of the inhabitants of these provinces. Bengal and the Panjab each has its own common language and a long history and tradition. Moreover, any division of the Panjab would of necessity divide the Sikhs, leaving substantial bodies of Sikhs on both sides of the boundary. We have, therefore, been forced to the conclusion that neither a larger nor a smaller sovereign State of Pakistan would provide an acceptable solution for the communal problem.

8. Apart from the great force of the foregoing arguments there are weighty administrative, economic and military considerations. The whole of the transportation and postal and telegraph systems of India have been established on the basis of united India. To disintegrate them would gravely injure both parts of India. The case for a united defence is even stronger. The Indian armed forces have been built up as a whole for the defence of India as a whole; and to break them in two would inflict a deadly blow on the long traditions and high degree of efficiency of the Indian Army and would entail the gravest dangers. The Indian Navy and the Indian Air Force would become much less effective. The two sections of the suggested Pakistan contain the two most vulnerable frontiers in India and for a successful defence in depth the area of Pakistan would be insufficient.

9. A further consideration of importance is the greater difficulty which the Indian States would find in associating themselves with a divided British India.

10. Finally, there is the geographical fact that the two halves of the proposed Pakistan State are separated by some seven hundred miles and the communications between them both in war and peace would be dependent on the goodwill of Hindustan.

11. We are, therefore, unable to advise the British Government that the power which at present resides in British hands should be handed over to two entirely separate sovereign States.

12. This decision does not, however, blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be a dominating element. To meet this the Congress have put forward a scheme under which provinces would have full autonomy, subject only to a minimum of Central subjects, such as foreign affairs, defence and communications.

Under this scheme, provinces, if they wished to take part in economic and administrative planning on a large scale, could cede to the Centre optional subjects in addition to the compulsory ones mentioned above.

13. Such a scheme would, in our view, present considerable constitutional disadvantages and anomalies. It would be very difficult to work a Central executive and legislature in which some ministers, who dealt with compulsory subjects, were responsible to the whole of India, while other ministers, who dealt with optional subjects, would be responsible only to those provinces which had elected to act together in respect of such subjects. This difficulty would be accentuated in the Central legislature, where it would be necessary to exclude certain members from speaking and voting when subjects with which their provinces were not concerned were under discussion.

Apart from the difficulty of working such a scheme, we do not consider that it would be fair to deny to other provinces, which did not desire to take the optional subjects at the Centre, the right to form themselves into a group for a similar purpose. This would indeed be no more than the exercise of their autonomous powers in a particular way.

14. Before putting forward our recommendation we turn to deal with the relationship of the Indian States to British India.

It is quite clear that with the attainment of independence by British India, whether inside or outside the British Commonwealth, the relationship which has hitherto existed between the Rulers of the States and the British Crown will no longer be possible. Paramountcy can neither be retained by the British Crown nor transferred to the new government. This fact has been fully recognised by those whom we interviewed from the States. They have at the same time assured us that the States are ready and willing to co-operate in the new development of India. The precise form which their co-operation will take must be a matter for negotiation during the building up of the new constitutional structure, and it by no means follows that it will be identical for all the States. We have not, therefore, dealt with the States in the same detail as the provinces of British India in the paragraphs which follow.

15. We now indicate the nature of a solution which in our view would be just to the essential claims of all parties, and would at the same time be most likely to bring about a stable and practical form of constitution for all-India.

We recommend that the constitution should take the following basic form:

(i) 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 powers necessary to raise the finances required for the above subjects.

(ii) 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.

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

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

(v) Provinces should be free to form groups with executives and legislatures, and each group could determine the provincial subjects to be taken in common.

(vi) The constitutions 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 an initial period of ten years and at ten-yearly intervals thereafter.

16. It is not our object to lay out the details of a constitution on the above lines, but to set in motion the machinery whereby a constitution can be settled by Indians for Indians.

It has been necessary, however, for us to make this recommendation as to the broad basis of the future constitution because it became clear to us in the course of our negotiations that not until that had been done was there any hope of getting the two major communities to join in the setting up of the constitution-making machinery.

17. We now indicate the constitution-making machinery which we propose should be brought into being forthwith in order to enable a new constitution to be worked out.

18. In forming any assembly to decide a new constitutional structure, the first problem is to obtain as broad-based and accurate a representation of the whole population as is possible. The most satisfactory method obviously would be by election based on adult franchise; but any attempt to introduce such a step now will lead to a wholly unacceptable delay in the formulation of the new constitution. The only practicable alternative is to utilise the recently elected provincial legislative assemblies as the electing bodies. There are, however, two factors in their composition which make this difficult. First, the numerical strengths of the provincial legislative assemblies do not bear the same proportion to the total population in each province. Thus, Assam with a population of 10 millions has a Legislative Assembly of 108 members, while Bengal, with a population six times as large, has an Assembly of only 250. Secondly, owing to the weightage given to minorities by the Communal Award, the strengths of the several communities in each provincial legislative assembly are not in proportion to their numbers in the province. Thus, the number of seats reserved for Muslims in the Bengal Legislative Assembly is only 48% of the total, although they form 55% of the provincial population. After a most careful consideration of the

various methods by which these inequalities might be corrected, we have come to the conclusion that the fairest and most practicable plan would be—

(a) to allot to each province a total number of seats proportional to its population, roughly in the ratio of one to a million, as the nearest substitute for representation by adult suffrage;

(b) to divide this provincial allocation of seats between the main communities in each province in proportion to their population;

(c) to provide that the representatives allotted to each community in a province shall be elected by the members of that community in its legislative assembly.

We think that for these purposes it is sufficient to recognise only three main communities in India: 'General', Muslim and Sikh, the 'General' community including all persons who are not Muslims or Sikhs. As the smaller minorities would, upon the population basis, have little or no representation since they would lose the weightage which assures them seats in the provincial legislatures, we have made the arrangements set out in paragraph 20 below to give them a full representation upon all matters of special interest to the minorities.

19. (i) We, therefore, propose that there shall be elected by each provincial legislative assembly the following numbers of representatives, each part of the legislature (General, Muslim or Sikh) electing its own representatives by the method of proportional representation with the single transferable vote:

TABLE OF REPRESENTATION

SECTION—A

PROVINCE		GENERAL	MUSLIM	TOTAL
Madras	...	45	4	49
Bombay	...	19	2	21
United Provinces	...	47	8	55
Bihar	...	31	5	36
Central Provinces	...	16	1	17
Orissa	...	9	0	9
		<hr/>	<hr/>	<hr/>
Total	...	167	20	187
		<hr/>	<hr/>	<hr/>

SECTION—B

PROVINCE		GENERAL	MUSLIM	SIKH	TOTAL
Panjab	...	8	16	4	28
Noth-West Frontier Province	...	0	3	0	3
Sind	...	1	3	0	4
		<hr/>	<hr/>	<hr/>	<hr/>
		9	22	4	35
		<hr/>	<hr/>	<hr/>	<hr/>

SECTION—C

PROVINCE		GENERAL	MUSLIM	TOTAL
Bengal	...	27	33	60
Assam	...	7	3	10
		<hr/>	<hr/>	<hr/>
		34	36	70
		<hr/>	<hr/>	<hr/>
Total for British India				... 292
Maximum for Indian States				... 93
				<hr/>
Total				... 385
				<hr/>

[*Note:* In order to represent the Chief Commissioners' provinces there will be added to *Section-A* the member representing Delhi in the Central Legislative Assembly, the member representing Ajmer-Merwara in the Central Legislative Assembly and a representative to be elected by the Coorg Legislative Council.

To *Section-B* will be added a representative of British Baluchistan.]

(ii) It is the intention that the States should be given in the final Constituent Assembly appropriate representation which would not, on the basis of the calculations adopted for British India, exceed 93, but the method of selection will have to be determined by consultation. The States would in the preliminary stage be represented by a negotiating committee.

(iii) The representatives thus chosen shall meet at New Delhi as soon as possible.

(iv) A preliminary meeting will be held at which the general order of business will be decided, a Chairman and other officers elected, and an Advisory Committee (see paragraph 20 below) on the rights of citizens, minorities and tribal and excluded areas set up. Thereafter the provincial representatives will divide up into the three sections shown under A, B and C, in the Table of Representation in sub-paragraph (i) of this paragraph.

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

(vi) The representatives of the sections and the Indian States shall re-assemble for the purpose of settling the Union constitution.

(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 resolutions 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.

20. The Advisory Committee on the rights of citizens, minorities and tribal and excluded areas should contain full representation of the interests affected, and their function will be to report to the Union Constituent Assembly upon the list of fundamental rights, the clauses for the protection of minorities and a scheme for the administration of the tribal and excluded areas, and to advise whether these rights should be incorporated in the provincial, group, or Union constitution.

21. His Excellency the Viceroy will forthwith request the provincial legislatures to proceed with the election of their representatives and the States to set up a negotiating committee. It is hoped that the process of constitution-making can proceed as rapidly as the complexities of the task permit, so that the interim period may be as short as possible.

22. It will be necessary to negotiate a treaty between the Union Constituent Assembly and the United Kingdom to provide for certain matters arising out of the transfer of power.

23. While the constitution-making proceeds, the administration of India has to be carried on. We attach the greatest importance, therefore, to the setting up at once of an interim government having the support of the major political parties. It is essential during the interim period that there should be the maximum of co-operation in carrying through the difficult tasks that face the Government of India. Besides the heavy task of day-to-day administration, there is the grave danger of famine to be countered; there are decisions to be taken in many matters of post-war development which will have a far-reaching effect on India's future; and there are important international conferences in which India has to be represented. For all these purposes a government having popular support is necessary. The Viceroy has already started discussions to this end, and hopes soon to form an interim government in which all the portfolios, including that of war member, will be held by Indian leaders having the full confidence of the people. The British Government, recognising the significance of the changes in the Government of India, will give the fullest measure of co-operation to the government so formed in the accomplishment of its tasks of administration and in bringing about as rapid and smooth a transition as possible.

24. To the leaders and people of India who now have the opportunity of complete independence we would finally say this: We and our government and countrymen hoped that it would be possible for the Indian people themselves to agree upon the method of framing the new constitution under which they will live. Despite the labours which we have shared with the Indian parties and the exercise of much patience and goodwill by all, this has not been possible. We, therefore, now lay before you

proposals which, after listening to all sides and after much earnest thought, we trust will enable you to attain your independence in the shortest time and with the least danger of internal disturbance and conflict. These proposals may not, of course, completely satisfy all parties, but you will recognise with us that at this supreme moment in Indian history statesmanship demands mutual accommodation.

We ask you to consider the alternative to acceptance of these proposals. After all the efforts which we and the Indian parties have made together for agreement, we must state that in our view there is small hope of peaceful settlement by agreement of the Indian parties alone. The alternative would, therefore, be a grave danger of violence, chaos and even civil war. The result and duration of such a disturbance cannot be foreseen; but it is certain that it would be a terrible disaster for many millions of men, women and children. This is a possibility which must be regarded with equal abhorrence by the Indian people, our own countrymen and the world as a whole.

We, therefore, lay these proposals before you in the profound hope that they will be accepted and operated by you in the spirit of accommodation and goodwill in which they are offered. We appeal to all who have the future good of India at heart to extend their vision beyond their own community or interest to the interests of the whole four hundred millions of the Indian people.

We hope that the new independent India may choose to be a member of the British Commonwealth. We hope in any event that you will remain in close and friendly association with our people. But these are matters for your own free choice. Whatever that choice may be, we look forward with you to your ever increasing prosperity among the great nations of the world and to a future even more glorious than your past.