

APPENDIX—C

STATEMENT MADE BY HIS MAJESTY'S GOVERNMENT ON JUNE 3, 1947

INTRODUCTION

1. On 20th February 1947, His Majesty's Government announced their intention of transferring power in British India to Indian hands by June 1948. His Majesty's Government had hoped that it would be possible for the major parties to co-operate in the working-out of the Cabinet Mission plan of 16th May 1946, and evolve for India a constitution acceptable to all concerned. This hope has not been fulfilled.

2. The majority of the representatives of the provinces of Madras, Bombay, the United Provinces, Bihar, Central Provinces and Berar, Assam, Orissa and the North-West Frontier Province, and the representatives of Delhi, Ajmer-Merwara and Coorg have already made progress in the task of evolving a new constitution. On the other hand, the Muslim League party, including in it a majority of the representatives of Bengal, the Panjab and Sind, as also the representative of British Baluchistan, has decided not to participate in the Constituent Assembly.

3. It has always been the desire of His Majesty's Government that power should be transferred in accordance with the wishes of the Indian people themselves. This task would have been greatly facilitated if there had been agreement among the Indian political parties. In the absence of such agreement, the task of devising a method by which the wishes of the Indian people can be ascertained has devolved upon his Majesty's Government. After full consultation with political leaders in India, His Majesty's Government have decided to adopt for this purpose the plan set out below. His Majesty's Government wish

to make it clear that they have no intention of attempting to frame any ultimate constitution for India; this is a matter for the Indians themselves. Nor is there anything in this plan to preclude negotiations between communities for a united India.

ISSUES TO BE DECIDED

4. It is not the intention of His Majesty's Government to interrupt the work of the existing Constituent Assembly. Now that provision is made for certain provinces specified below, His Majesty's Government trust that, as a consequence of this announcement, the Muslim League representatives of those provinces, a majority of whose representatives are already participating in it, will now take their due share in its labours. At the same time, it is clear that any constitution framed by this Assembly cannot apply to those parts of the country which are unwilling to accept it. His Majesty's Government are satisfied that the procedure outlined below embodies the best practical method of ascertaining the wishes of the people of such areas on the issue whether their constitution is to be framed:

- (a) in the existing Constituent Assembly; or
- (b) in a new and separate Constituent Assembly consisting of the representatives of those areas which decide not to participate in the existing Constituent Assembly.

When this has been done, it will be possible to determine the authority or authorities to whom power should be transferred.

BENGAL AND THE PANJAB

5. The provincial Legislative Assemblies of Bengal and the Panjab (excluding the European members) will, therefore, each be asked to meet in two parts, one representing the Muslim-majority districts and the other the rest of the province. For the purpose of determining the population of districts, the 1941 census figures will be taken as authoritative. The Muslim-majority districts in these two provinces are set out in the appendix to this announcement. [*Vide p. 488.*]

6. The members of the two parts of each legislative assembly sitting separately will be empowered to vote whether or not the province should be partitioned. If a simple majority of either part decides in favour of partition, division will take place and arrangements will be made accordingly.

7. Before the question as to the partition is decided, it is desirable that the representatives of each part should know in advance which Constituent Assembly the province as a whole would join in the event of the two parts subsequently deciding to remain united. Therefore, if any member of either legislative assembly so demands, there shall be held a meeting of all members of the legislative assembly (other than Europeans) at which a decision will be taken on the issue as to which Constituent Assembly the province as a whole would join, if it were decided by the two parts to remain united.

8. In the event of partition being decided upon, each part of the legislative assembly will, on behalf of the areas they represent, decide which of the alternatives in paragraph 4 above to adopt.

9. For the immediate purpose of deciding on the issue of partition, the members of the Legislative Assemblies of Bengal and the Panjab will sit in two parts according to Muslim-majority districts (as laid down in the appendix) and non-Muslim majority districts. This is only a preliminary step of a purely temporary nature, as it is evident that, for the purposes of a final partition of these provinces, a detailed investigation of boundary questions will be needed; and, as soon as a decision involving partition has been taken for either province, a Boundary Commission will be set up by the Governor-General, the membership and terms of reference of which will be settled in consultation with those concerned. It will be instructed to demarcate the boundaries of the two parts of the Panjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. It will also be instructed to take into account other factors. Similar instructions will be given to the Bengal Boundary Commission. Until the report of a Boundary Commission has been put into effect, the provisional boundaries indicated in the appendix will be used.

SIND

10. The Legislative Assembly of Sind (excluding the European members) will, at a special meeting, also take its own decision on the alternatives in paragraph 4 above.

NORTH-WEST FRONTIER PROVINCE

11. The position of the North-West Frontier Province is exceptional. Two of the three representatives of this province are already participating in the existing Constituent Assembly. But it is clear, in view of its geographical situation and other considerations, that if the whole or any part of the Panjab decides not to join the existing Constituent Assembly, it will be necessary to give the North-West Frontier Province an opportunity to reconsider its position. Accordingly, in such an event, a referendum will be made to the electors of the present Legislative Assembly in the North-West Frontier Province to choose which of the alternatives mentioned in paragraph 4 above they wish to adopt. The referendum will be held under the aegis of the Governor-General and in consultation with the provincial government.

BRITISH BALUCHISTAN

12. British Baluchistan has elected a member, but he has not taken his seat in the existing Constituent Assembly. In view of its geographical situation, this province will also be given an opportunity to reconsider its position and to choose which of the alternatives in paragraph 4 above to adopt. His Excellency the Governor-General is examining how this can most appropriately be done.

ASSAM

13. Though Assam is predominantly a non-Muslim province, the district of Sylhet which is contiguous to Bengal is predominantly Muslim. There has been a demand that, in the event of

the partition of Bengal, Sylhet should be amalgamated with the Muslim part of Bengal. Accordingly, if it is decided that Bengal should be partitioned, a referendum will be held in Sylhet district under the aegis of the Governor-General and in consultation with the Assam Provincial Government to decide whether the district of Sylhet should continue to form part of the Assam province or should be amalgamated with the new province of Eastern Bengal, if that province agrees. If the referendum results in favour of amalgamation with Eastern Bengal, a Boundary Commission with terms of reference similar to those for the Panjab and Bengal will be set up to demarcate the Muslim-majority areas of Sylhet district and contiguous Muslim-majority areas of adjoining districts, which will then be transferred to Eastern Bengal. The rest of the Assam Province will in any case continue to participate in the proceedings of the existing Constituent Assembly.

REPRESENTATION IN CONSTITUENT ASSEMBLIES

14. If it is decided that Bengal and the Panjab should be partitioned, it will be necessary to hold fresh elections to choose their representatives on the scale of one for every million of the population according to the principle contained in the Cabinet Mission plan of 16th May 1946. Similar elections will also have to be held for Sylhet in the event of it being decided that this district should form part of East Bengal. The number of representatives to which each area would be entitled is as follows:

PROVINCE	GENERAL	MUSLIMS	SIKHS	TOTAL
Sylhet District	1	2	nil	3
West Bengal	15	4	nil	19
East Bengal	12	29	nil	41
West Panjab	3	12	2	17
East Panjab	6	4	2	12

15. In accordance with the mandates given to them, the representatives of the various areas will either join the existing Constituent Assembly or form the new Constituent Assembly.

ADMINISTRATIVE MATTERS

16. Negotiations will have to be initiated as soon as possible on the administrative consequences of any partition that may have been decided upon—

(a) between the representatives of the respective successor authorities about all subjects now dealt with by the Central Government, including defence, finance and communications;

(b) between different successor authorities and His Majesty's Government for treaties in regard to matters arising out of the transfer of power;

(c) in the case of provinces that may be partitioned, as to the administration of all provincial subjects such as the division of assets and liabilities, the police and other services, the High Courts, provincial institutions, etc.

TRIBES OF NORTH-WEST FRONTIER

17. Agreements with the tribes of the North-West Frontier of India will have to be negotiated by the appropriate successor authority.

THE STATES

18. His Majesty's Government wish to make it clear that the decisions announced above relate only to British India and that their policy towards Indian States contained in the Cabinet Mission memorandum of 16th May 1946 remains unchanged.

NECESSITY FOR SPEED

19. In order that the successor authorities may have time to prepare themselves to take over power, it is important that all the above processes should be completed as quickly as possible. To avoid delay, the different provinces or parts of provinces will proceed independently as far as practicable within the conditions of this plan. The existing Constituent Assembly and the new Constituent Assembly (if formed) will proceed to frame

constitutions for their respective territories: they will of course be free to frame their own rules.

IMMEDIATE TRANSFER OF POWER

20. The major political parties have repeatedly emphasised their desire that there should be the earliest possible transfer of power in India. With this desire His Majesty's Government are in full sympathy, and they are willing to anticipate the date of June 1948, for the handing over of power, by the setting up of an independent Indian Government or governments at an even earlier date. Accordingly, as the most expeditious and indeed the only practicable way of meeting this desire, His Majesty's Government propose to introduce legislation during the current session for the transfer of power this year on a Dominion status basis to one or two successor authorities, according to the decisions taken as a result of this announcement. This will be without prejudice to the right of the Indian Constituent Assemblies to decide in due course whether or not the part of India in respect of which they have authority will remain within the British Commonwealth.

FURTHER ANNOUNCEMENTS BY GOVERNOR-GENERAL

21. His Excellency the Governor-General will from time to time make such further announcements as may be necessary in regard to procedure or any other matters for carrying out the above arrangements.

APPENDIX

[To His Majesty's Government's Statement on June 3, 1947.]

*Muslim-Majority Districts of the Panjab and Bengal
according to the 1941 Census*

THE PANJAB

Lahore Division—Gujranwala, Gurdaspur, Lahore, Sheikhupura, Sialkot.

Rawalpindi Division—Attock, Gujrat, Jhelum, Mianwali, Rawalpindi, Shahpur.

Multan Division—Dera Ghazi Khan, Jhang, Lyallpur, Montgomery, Multan, Muzaffargarh.

2. BENGAL

Chittagong Division—Chittagong, Noakhali, Tippera.

Dacca Division—Bakerganj, Dacca, Faridpur, Mymensingh.

Presidency Division—Jessore, Murshidabad, Nadia.

Rajshahi Division—Bogra, Dinajpur, Malda, Pabna, Rajshahi, Rangpur.