

UNIT III

THE GOVERNMENT OF INDIA ACT, 1935.

Background:

As the growing demands of populace led by Indian leader for constitutional reforms in India intensified with progression in the British Rule, the evolving administrative arrangements put in place by the British paved the way for a more responsible government in India premised on the fact of maximum representation of Indians. India's support to Britain in the First World War also aided in British acknowledgement of the need for the inclusion of more Indians in the administration of their own country. This formed the basis of the passing of the **Government of India Act, 1935** by the British Parliament. This legislation was the longest Act passed by the British Parliament after its domination and overtaking of administrative control in India. The Act originally passed, being very lengthy, was divided into two separate acts namely, the Government of India Act, 1935 and the Government of Burma Act, 1935. The Act was based on the facts and considerations of several experiences and outcomes which, inter alia, include the **Simon Commission Report**, the recommendations of **the Round Table Conferences**, the **White Paper published by the British government in 1933** (based on the Third Round Table Conference) and the **Report of the Joint Select Committees**. The introduction of the Diarchy system, introduced by the Government of India Act, 1919, also did not prove to be a satisfactory experiment by the British Parliament.

I. Brief Highlights of the events and causes leading to the enactment of the Government of India Act, 1935:

a. Simon Commission Report:

The Simon Commission was a group of seven members of the British Parliament who were sent to India in 1928 to study constitutional reforms and to make recommendations to the government. The Commission was originally named the **Indian Statutory Commission**. It came to be known as the Simon Commission after its Chairman

Sir John Simon. It was Government of India Act 1919 that had announced that in 10 years from 1919, a royal commission will be set up to report on the working of the act. Some people in India were outraged and felt humiliated about the fact that the Simon Commission, which was to determine the future of India, did not include a single Indian member. The Indian National Congress, at its December 1927 meeting in Madras (now called Chennai), resolved to boycott the Commission and challenged Lord Birkenhead, the Secretary of State for India, to draft a constitution that would be acceptable to the Indian populace. A faction of the Muslim League, led by Mohammed Ali Jinnah, also decided to boycott the Commission. In January 1928, the Simon Commission left England. Almost immediately with its arrival in Bombay on 4 February 1928, its members were confronted by throngs of protesters. However, there were also some supporters among the crowds who saw it as the next step on the road to self-governance. A strike began and many people turned out to greet the Commission with black flags. Similar protests occurred in every major Indian city that the seven British MPs visited. The protest at Lahore against the Simon Commission became infamous. On 30 October 1928, the Commission arrived in Lahore where it was met by protesters waving black flags. The protest was led by the Indian nationalist Lala Lajpat Rai, who had moved a resolution against the Commission in the Legislative Assembly of Punjab in February 1928. In order to make way for the Commission, the local police force resorted to canning the protestors as a consequence of which Lala Lajpat Rai was critically injured. Owing to the injuries, he died a fortnight later.

The Commission published its two-volume report in May 1930 wherein it proposed the abolition of diarchy and the establishment of representative government in the provinces of India. It also recommended that separate communal electorates be retained, but only until tensions between two rival communities had died down. In September 1928, ahead of the Commission's release, Motilal Nehru presented his Nehru Report to counter its charges that Indians could not find a constitutional consensus among themselves. This report advocated that India be given dominion status of complete internal self-government. Noting that educated Indians opposed the Commission and also that communal tensions had conflagrated the atmosphere, the British government opted for another method of dealing with the constitutional issues of India. Before the publication of the Report, the

British government stated that Indian opinion would henceforth be taken into account, and that the natural outcome of the constitutional process would be dominion status for India. The outcome of the Simon Commission was the Government of India Act, 1935 called for a “responsible” government at the provincial level in India though not at the national level.

b. Round Table Conferences:

The Labour Party led government led by Ramsay MacDonald in 1929 found the Simon report inadequate. This led to a decision of having round table conferences in London in response to the Simon Report. The Round Table Conferences were a series of three conferences conducted by the Labour Party-led British government to deliberate upon and bring about constitutional reforms in British India during 1930-32. The **First Round Table Conference** was conducted from 12 November 1930 to 19 January 1931 (London). Majority of the leaders from the Indian National Congress could not participate in this conference due to Gandhi’s Civil Disobedience movement. For this reason, the results obtained from the 1st round table conference were minimal and unsatisfactory.

The **Second Round Table Conference** was held in London from 7 September, 1931 to 1 December, 1931 with the participation of Gandhi and the Indian National Congress being a highlighting feature. The major difference between the first and the second conference was that the Indian National Congress (INC) was participating in the second one. This was one of the results of the Gandhi-Irwin Pact (March 5, 1931). Another major difference was that unlike the previous occasion, British Prime Minister Ramsay Macdonald was heading not a Labour government this time, but a National government. The Labour Party had been toppled two weeks before in Britain. The British decided to grant a communal award for representing minorities in India by providing for separate electorates for minority communities against which Gandhi expressed a vehement disagreement. In this conference, Gandhi and Ambedkar differed on the issue of separate electorates for the untouchables. Gandhi was against treating untouchables as separate from the Hindu community which was later resolved through the Poona Pact 1932. The second round table conference was deemed a failure to certain extent because of the many disagreements among the participants.

The **Third Round Table Conference** took place between 17 November, 1932 and 24 December, 1932. Not much was achieved in this conference also. The recommendations

of this Conference were published in a White Paper in 1933 and later discussed in the British Parliament. The recommendations were analysed and the Government of India Act of 1935 was passed on its basis.

II. Government of India Act, 1935

The people of India had increasingly been demanding a greater role in the government of their country since the late nineteenth century. The Indian contribution to the British war efforts and engagements, during the First World War, meant that even the more conservative elements in the British political establishment felt the necessity of a constitutional change, resulting in the Government of India Act 1919. That Act introduced a novel system of governance in India which came to be known as 'provincial diarchy' or 'diarchy'. Under this arrangement, certain areas of government, for example education, were placed in the hands of ministers responsible to the provincial legislature, while others (such as public order and finance) were retained in the hands of officials responsible to the British-appointed Provincial Governor. While the Act was a reflection of the demand for a greater role of Indians in the affairs of the government, it was also very much a reflection of British fears about what that role might mean in practice for India. The experiment with diarchy proved unsatisfactory. A particular frustration for Indian politicians was that even for those areas over which they had gained nominal control, the matters pertaining to purse strings still rested with the British. The intention had been that a review of India's constitutional arrangements would be held ten years on from the 1919 Act. In the event, the review was conducted ahead of time by the Simon Commission, whose report proposed the scrapping of diarchy, and the introduction of a much larger degree of responsible government in the provinces. This proposal was controversial in Britain, demonstrating the rapidly widening gulf between British and Indian opinions as to the desirability, extent, need and the speed of progress towards, the promised system of self-government contained in the 1919 Act's preamble.

Although the Simon Commission had taken another stride in the efforts to prove British sincerity in the restoration of and involvement in the affairs of governance in India, it had met with opposition and its conclusions weren't accepted by Congress as the largest political party. In an attempt to involve Indians at a higher pedestal and in charting out a new constitutional framework, a series of Round Table Conferences were then held in the early 1930s, attended at times by representatives from India's main political parties, as well as from the princely states. Agreement

was already reached in principle that a federal system of government should be introduced in India, comprising the provinces of British India and those Princely States that were willing to accede to it. The new Conservative-dominated National Government in London decided to go ahead with drafting its own proposals (white paper, March 1933). A joint parliamentary select committee, chaired by Lord Linlithgow, reviewed the white paper proposals for a year and a half between April 1933 and November 1934, amidst much opposition from Winston Churchill and other Conservatives. The House of Commons approved the Joint Select Committee report in December after an emollient speech by Conservative leader Stanley Baldwin. On the basis of the white paper, the Government of India Bill, 1935 was framed which was immensely long containing 473 clauses and 16 schedules and after its passage it came to be known as the Government of India Act, 1935.

The Preambular objective of the Government of India Act, 1935 contrasted sharply with the Act of 1919. While the preamble of the Government of India Act, 1919 focused, centred and reaffirmed the statement of the Secretary of State for India, Edwin Montagu, which pledged “*the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in India as an integral part of the British Empire*”, the Act of 1935 seemed devoid of it. While it had become uncommon for British Acts of Parliament to contain a preamble, the absence of one from the Act of 1935 was a sharp departure from the previous Act(s). By now, the Indian demands were centring around the British India being accorded a constitutional parity with other existing Dominions (Australia, Canada, the Irish Free State, New Zealand and the Union of South Africa) which would have meant complete autonomy within the British Commonwealth.

III. Salient Features of the Government of India Act, 1935

The features of the Act can be summed up as follows:

- I. Division of Subjects/All India Federation:** It provided for the establishment of an All India Federation consisting of provinces and princely states as units. The Act divided the powers between the Centre and units in terms of three lists—Federal List (for Centre containing 59 items), Provincial List (for provinces containing 54 items) and the Concurrent List (for both containing 36 items). Residuary powers were given to the Viceroy. However, the federation never came into being as the princely states did not join it. But this has formed the basis of Schedule VII of the Constitution of India, 1950 (read with Article 236).

The approach to form the federation and implement provincial autonomy paved the way for the division of subjects between the Centre and the Provinces. The division of subjects that were given by the Government of India Act, 1919 was revised and added some more subjects in it by this Act of 1935 and included three lists. These were: • Federal list- 59 items • Provincial list- 54 items • Concurrent list- 36 items

5 The subjects which were of all-India interest and demanded uniform treatment were put in the Federal list. Only the Federal Legislature could make laws on the Federal subjects. Subjects of mainly of local interest were placed the Provincial list and were wholly within the jurisdiction of the Provincial Legislatures for the purpose of legislation. The third list known as the Concurrent list, and which contained 36 items, included subjects which were primarily Provincial interest but at the same time required uniformity of treatment all over the country. Hence, the Act authorised both the Federal and Provincial Legislatures to pass laws on those subjects. In the event of a conflict, the Federal law was to prevail. In order to resolve this point of conflict, the Constitution authorised the Governor General to allocate in his discretion the right to legislate on any subject, not included in the lists, either the Centre or the province

II. Provincial Autonomy: It abolished diarchy in the provinces and introduced ‘provincial autonomy’ in its place. The provinces were allowed to act as autonomous units of administration in their defined spheres. Moreover, the Act introduced responsible governments in provinces which meant that the governor was required to act with the advice of ministers responsible to the provincial legislature. This came into effect in 1937 but was discontinued later in 1939.

A redeeming feature of the new Act was that it marked the beginning of the Provincial Autonomy. It was definitely an advance on the Act of 1919. The provinces were allowed to act as autonomous units of administration in their defined spheres. Moreover, the Act introduced responsible governments in provinces, that is, the governor was required to act with the advice of ministers responsible to the provincial legislature. This came into effect in 1937 and was discontinued in 1939. This, however, does not mean that the Act of 1935 established a full-fledged responsible Government in the Provinces. The Ministers were not absolutely free in matter of running their

departments. The Governors continued to possess a set of overriding powers although such powers were not exercised very often.

III. Bicameralism: It introduced bicameralism in six out of eleven provinces. Thus, the legislatures of Bengal, Bombay, Madras, Bihar, Assam and the United Provinces were made bicameral consisting of a legislative council (Upper House) and a legislative assembly (Lower House) with certain restrictions on them.

Under the Government of India Act, 1935, the Central Legislature was bicameral, consisting of Federal Assembly and Council of States. The Council of States was to be upper house and a permanent body with one third of its membership retiring every 3rd year. It was to be composed of 260 members of which 156 were to be representatives of British India while, 104 of the Indian states. The Federal Assembly was the lower house with the tenure of five years. It was to be made of 375 members, out of which 250 were to be representatives of British India and not more than 125 members from the princely states. While the seats reserved for princely states were to be filled by nominated members, the provinces were given different numbers of seats. Election to the Federal assembly was to be indirect. The term of the assembly was five years but it could be dissolved earlier also. It also introduced bicameralism in six out of eleven provinces.

IV. Diarchy at the Centre: It provided for the adoption of diarchy at the Centre. Consequently, the federal subjects were divided into reserved subjects and transferred subjects. However, this provision of the Act did not come into operation at all.

The Act of 1935 abolished diarchy at the Provincial level and introduced it at the Centre. There were two categories of federal subjects: Reserved subjects and Transferred subjects. The subjects that were mentioned in this category of federal subjects were to be administered by the Governor-General on the advice of the Executive Councillors and the Executive Council could not exceed its limit of three members. Religious affairs, defence, administration of tribal areas and external affairs were included in the reserved subjects. The Transferred subjects were to be administered on the advice of ministers and the number of ministers could not exceed ten. Subjects other than reserved were dealt with under the Transferred Subjects. The Governor-General remained over all in charge of both the Reserved and Transferred

subjects. He was also responsible for the coordination of work between the two wings and for encouraging joint deliberations between the councillors and the Ministers. The idea of diarchy was imposed with the purpose of facilitating better administration and the governor general was appointed to look after and coordinate among the two parts of the government.

V. **Communal/Class Representation:** It further extended the principle of communal representation by providing separate electorates for depressed classes (scheduled castes), women and labourers (workers).

Further extending the principle of communal representation, by providing separate electorate, under the Act the Muslims got 33 percent (1/3 of the seats) in the Federal Legislature. Even the workers and women got separate representation although they had not asked for it.

VI. **Other features:**

- It abolished the Council of India, established by the Government of India Act of 1858. The secretary of state for India was provided with a team of advisors.
- It provided for the establishment of a Reserve Bank of India to control the regulation of currency and credits of the country.
- The franchise (voting rights) was extended further from 3% to 14% of the total population.
- It provided for the establishment of not only a Federal Public Service Commission, Provincial Public Service Commission and Joint Public Service Commission for two or more provinces.
- It provided for the establishment of a Federal Court, set up in 1937, which continued to function till the establishment of the Supreme Court of India after the attainment of independence (1950). The Government of India Act, 1935 provided for the establishment of a Federal Court which would interpret the Act and adjudicate disputes relating to the federal matters. The Act provided for a Federal Court which would consist of one Chief Justice and not more than 8 six judges. The Federal Court was given exclusive original jurisdiction to decide disputes between the Centre and constituent Units. The provision was made for filing of appeals from High Courts to the Federal Court and from Federal Court to the Privy Council. The Federal Court also had jurisdiction to grant Special Leave to Appeal and for such appeals a certificate of the High Court was essential.

- This Act gave the authority and command of the railways in India in the hands of a newly established authority called “Federal Railway” consisting of seven members who were free from the control of councillors and ministers. The authority directly reported to the Governor-General of India.
- The Act also paved the way for reorganisation of certain parts including the Sindh being carved out of Bombay Presidency, split of Bihar and Orissa and the severance of Burma from India.

IV. Significance of the Act- Conclusion:

Significance:

The Government of India Act of 1935 marked the second milestone towards a completely responsible government in India after the Act of 1919. This Act was passed by the British Government in the year 1935. It was one of the lengthiest Acts at that time as it contained 321 sections and 10 schedules. It was also the last constitution of British India, before the country was divided, in 1947, into two parts-India and Pakistan. Once the act was passed the government saw that it was too lengthy to be regulated with efficiency and thus, the government decided to divide it into two parts for the act to function in a proper manner.

- THE Act of 1935 served some useful purposes by the experiment of provincial autonomy, thus we can say that the Government of India Act 1935 marks a point of no return in the history of constitutional development in India. The Government of India Act 1935 curtailed the powers concentrated in the hands of the Central Government and distributed it by ensuring that a decentralised form of government shapes away in India. Separate electorates for women, although they had not asked for it, was quite good for the advancement of women in the decision making process. Even the workers had their separate representation which helped in the advancement of the workers class. This Act was the first attempt to give the provinces an autonomous status by freeing them from external interference. The appointment of the Governor-General and governors, of course, remained in the hands of the British government and they were not responsible to the legislatures. The act never came near the objective that the nationalist movement had been

struggling for. Further, the Act made no substantial change in matters affecting the vital issue of defence.

- The Act also holds great importance in the Indian history because it eventually culminated in the fact of the Dominion Status which urged the need for Independence again in the minds of the people. Government of India Act 1935 curtailed the power concentrated in the hands of the Central Government and distributed it among the decentralized form of government. Separate electorates for women, although they had not asked for it, was quite good for the advancement of women in the decision making process. Even the workers had their separate representation which helped in the advancement of the workers class.
- The Act was the first attempt to give the provinces an autonomous status by freeing them from external interference. Another reason was that this Act provided voting rights to more people than were given under the Government of India Act, 1919.
- This Act also proposed to form the federal government that allowed princes to participate in political affairs of India.

Conclusion:

The Government of India Act, 1935 proved to be a giant leap towards the independence of India and helped in the reorganization of the states. It paved the way for the Indian Independence Act, 1947. British introduced this Act to win the support of modern nationalist and with the aim of maintaining continuity in their rule over the dominion of India. But the Act proved largely to be disappointing because it did not hold out assurance about granting Dominion Status, not did it consider sympathetically the feelings and urges of politically conscious Indian populace. It also said nothing regarding the fundamental rights of the people. It only showed the dominion of the British Government over the Indians. In spite of the drawbacks, the Act had its own significance for this Act provided a basis for negotiation between Britishers and Indians for getting independence. The Government of India Act 1935, however, had introduced several features which later formed the nucleus of the present Constitution. The Government of India Act 1935 marks, in fact, a watershed moment in the Constitutional history of India.

CRIPPS MISSION

I. Overview

The **Cripps Mission** was an attempt in late March 1942 by the British government to secure full Indian cooperation and support for their efforts in World War II. The mission was headed by a senior minister Sir Stafford Cripps who belonged to the Labour Party. The left-wing Labour party had been traditionally sympathetic to Indian self-rule. However, Cripps was also a member of the coalition War Cabinet led by the Prime Minister Winston Churchill, who had long been the leader of the movement to block Indian independence. Cripps Mission was sent to negotiate an agreement with the nationalist Congress leaders (including Gandhi), most of whose leaders represented the majority Hindu population and Muhammad Ali Jinnah and the Muslim League, who claimed to represent the minority Muslim population. Cripps worked to keep India loyal to the British war effort in exchange for a promise of elections and full self-government (Dominion status) once the war was over. Cripps discussed the proposals, which he had drafted himself with the Indian leaders, and published them. Both the major parties rejected his proposals, and they were also unacceptable to Churchill; no middle way was found and the mission failed. Congress moved towards the Quit India movement whereby it refused to cooperate in the war effort; in response, the British imprisoned practically the entire Congress leadership for the duration of the war.

II. The Mission

Upon his arrival in India, Cripps held talks with Indian leaders and attempted to satisfy all communities through his proposals. He was a friend of Nehru and did his utmost to arrange an agreement. However, the distrust was too huge in gravity and many people of influence did not want a settlement to be reached. He began by offering India full dominion status at the end of the war, with the chance to secede from the Commonwealth and go for total independence. However, in public, he failed to present any concrete proposals for greater self-government in the short term, other than a vague commitment to increase the number of Indian members of the Viceroy's Executive Council. Cripps spent much of his time in encouraging Congress leaders and Jinnah to come to a common, public arrangement in support of the war and government. There was little trust between the British and Congress by this stage, and both sides felt that the other was

concealing its true plans. The Congress stopped talks with Cripps and, guided by Gandhi, the national leadership demanded immediate self-government in return for war support.

*“The Cripps mission was nevertheless doomed. Its proposals did not, as the Congress demanded, transform the viceroy’s council into a cabinet responsible to an Indian legislature, or even transfer the defence ministry to Indian hands. A leftist member of the Labour Party and a friend of Nehru, Cripps did his best to contrive an agreement. But the level of suspicion was simply too high, and too many influential figures did not want the negotiations to succeed.”*¹ Gandhi too, anticipating a possible British defeat in the war, disdained the Cripps offer as a ‘*postdated cheque on a failing bank*’. There was to be no going back on the promise of post-war independence enunciated in the Cripps offer, but in the eyes of a beleaguered Britain the control of India during the war was essential for victory.² Wavell sought to resolve the political deadlock by setting up an executive council wholly Indian (apart from himself and the commander-in-chief) to run an interim government. Though the council would comprise equal numbers of ‘Caste Hindus’ and Muslims, thus embracing a key Muslim demand, the negotiations collapsed when Jinnah insisted upon the right of the Muslim League to nominate all its Muslim members. Asserting a claim to be ‘sole spokesman’ for India’s Muslims, Jinnah preferred no political advance at all to any acknowledgement of the right of the Congress, or the Punjab Unionists, to represent Muslim opinion.³

Why Cripps Mission Failed:

The Cripps Mission proposals failed to satisfy Indian nationalists and turned out to be merely a propaganda device for the consumption of the US and the Chinese. Various parties and groups had objections to the proposals on different points—

The Congress⁴ objected to:

- a. The offer of dominion status instead of a provision for complete independence;
- b. Representation of the princely states by nominees and not by elected representatives;

¹ BARBARA D. METCALF and THOMAS R. METCALF, “A Concise History of Modern India”, Cambridge University Press, Second Edition, 2006, p. 205.

² Ibid.

³ Ibid at p. 212.

⁴ Nehru and Maulana Azad were the official negotiators for the Congress.

- c. Right of provinces to secede as this went against the principle of national unity;
- d. Absence of any plan for immediate transfer of power; and
- e. Absence of any real share in defence;
- f. Retention of the supremacy of the Governor-General against the wishes and demands of the populace; and
- g. Refusal of the demand that the Governor-General be only the constitutional head had not been accepted.

The Muslim League's Objections:

- a. It criticised the idea of a single Indian Union;
- b. It did not like the machinery for the creation of a constituent assembly and the procedure to decide on the accession of provinces to the Union;
- c. It thought that the proposals denied the Muslims the right to self-determination and the creation of Pakistan; and
- d. Other groups also objected to the provinces' right to secede. The Liberals amongst Muslims also considered the secession proposals to be against the unity and security of India.

The Hindu Mahasabha criticised the basis of the right to secede. The depressed classes thought that partition would leave them at the mercy of the higher caste Hindus. The Sikhs objected that partition would take away Punjab from them. The explanation that the proposals were meant not to supersede the August Offer but to clothe general provisions with precision cast doubts on the British intentions. The incapacity of Cripps to go beyond the Draft Declaration and the adoption of a rigid "take it or leave it" attitude added to the deadlock. Cripps had earlier talked of "cabinet" and "national government" but later he said that he had only meant an expansion of the executive council. The procedure of accession was not well-defined. The decision on secession was to be taken by a resolution in the legislature by a 60 per cent majority. If less than 60 per cent of members supported it, the decision was to be taken by a plebiscite of adult males of that province by a simple majority. This scheme weighed against the Hindus in Punjab and Bengal if they wanted accession to the Indian

Union. It was not clear as to who would implement and interpret the treaty effecting the transfer of power. Churchill (the British prime minister), Amery (the secretary of state), Linlithgow (the viceroy) and Ward (the commander-in-chief) consistently torpedoed Cripps' efforts. Talks broke down on the question of the viceroy's veto. Gandhi described the scheme as "*a post-dated cheque*"; Nehru pointed out that the "existing structure and autocratic powers would remain and a few of us will become the viceroy's liveried camp followers and look after canteens and the like". Stafford Cripps returned home leaving behind a frustrated and embittered Indian people, who, though still sympathising with the victims of Fascist aggression, felt that the existing situation in the country had become intolerable and that the time had come for a final assault on imperialism. "*The failure of the Cripps Mission embittered the people of India. While they still fully sympathised with the anti-Fascist forces, they felt that the existing political situation in the country had become Intolerable. The Congress now decided to take active steps to compel the British to accept the Indian demand for independence.*"⁵

WAVELL PLAN

The Wavell Plan was first presented at the Shimla Conference in 1945. It was named after Viceroy of India, Lord Wavell. In order to agree on the Wavell Plan the Shimla Conference was convened for Indian self-government, which provided for separate representations on communal lines. Both the plan and the conference failed on account of the Muslim League and the Indian National Congress not coming to an agreement.

Background

The Second World War had caused many socio-economic problems in the British Empire, especially when it came to maintaining their overseas colonies. Thus the British Government saw it fit to grant India the freedom it had been demanding for so long. In addition, the Quit India Movement and an increase in revolutionary activity only made the British position in India tenuous at best. Lord Wavell, who became the Viceroy in 1943, was charged with presenting a formula for the future government of India that would be acceptable to both the Indian National Congress and

⁵ BIPIN CHANDRA, "Modern India", National Council of Educational Research and Training, 1981, p. 297.

the All-India Muslim League making way for a smooth transition of power. Lord Wavell was considered an appropriate person for this task because he had been the head of the Indian Army and thus had a better understanding of the Indian situation. In May 1945 Wavell visited London and discussed his ideas with the British Government. These London talks resulted in the formulation of a definite plan of action which was officially made public simultaneously on 14 June 1945 by L.S. Amery, the Secretary of State for India. The proposals of the Wavell Plan can be summarised as follows:

- The Viceroy's Executive Council was to have all Indian members except the Viceroy himself and the Commander-in-Chief.
- The council was to have a 'balanced representation' of all Indians including 'caste-Hindus', Muslims, Depressed Classes, Sikhs, etc. Muslims were given 6 out of 14 members which accounted for more than their share of the population (25%).
- The Viceroy/Governor-General would still have the power of veto but its use would be minimal.
- The foreign affairs portfolio would be transferred from the Governor-General to an Indian member. The defence would be handled by a British general until the full transfer of power was made.
- A conference would be convened by the Viceroy to get a list of all the members recommended to the Council from all parties concerned. In case a joint list was not agreed upon, separate lists would be taken from the parties. This was to be the Shimla Conference.
- If this plan worked, similar councils would be formed in all provinces comprising of local leaders.

Failure/Drawbacks of Wavell Plan

Lord Wavell invited 21 political leaders including Mahatma Gandhi and Jinnah to Shimla, the summer capital of British India, to discuss the Wavell Plan on June 25th, 1945. It eventually faced a setback because of the following drawbacks:

- The conference was a failure because the League and the Congress could not settle their differences.

- Jinnah insisted that only League members could be the Muslim representatives in the Council, and opposed to the Congress nominating Muslim members. This was because Jinnah wanted the League to be the sole representative of Muslims in India. Congress would never agree to this demand.
- In the Wavell Plan, there were 6 Muslim representatives out of 14 members, which was more than the Muslim share of the population. Despite this, the League wanted the power of veto to any constitutional proposal which it believed was not in its interest. Congress opposed this unreasonable demand also.
- Jinnah refused to give the names to the council unless the government acknowledged that only the Muslim League was the exclusive representative of Indian Muslims.
- The Wavell Plan, thus, was dissolved with the failure of the conference. And with it the last chance to avoid partition.
- After this, the war ended and a new Labour government was elected in Britain. This new government was intent on giving independence to India without much delay and sent the Cabinet Mission with that purpose.

Summary:

The idea behind the Wavell Plan was to reconstruct the governor-general's executive council until the preparations for the new constitution were complete. For this purpose, a conference was convened by the viceroy, Lord Wavell, at Shimla in June 1945. The main proposals of the Wavell Plan were as follows.

- All members of the executive council were to be Indian except the Governor-General and the Commander-in-Chief;
- Caste Hindus and Muslims were to have equal representation;
- The reconstructed council was to function as an interim government within the framework of the 1935 Act (i.e. not responsible to the Central Assembly);
- The governor-general was to exercise his veto on the advice of ministers;
- Representatives of different parties were to submit a joint list to the viceroy for nominations to the executive council and if this was not possible then separate lists were to be submitted; and
- Possibilities were to be kept open for negotiations on a new constitution once the war was finally won.

CABINET MISSION

Background

In February 1946, the Atlee government (Clement Atlee) announced the decision to send a high-powered mission of three British cabinet members to India to find out ways and means for a negotiated, peaceful transfer of power to India. The members consisted of Pethick Lawrence, Secretary of State for India; Stafford Cripps, President of the Board of Trade; and A.V. Alexander, First Lord of Admiralty with Pethick Lawrence was the chairman of the mission and this is referred to as **Cabinet Mission**. The Cabinet Mission reached Delhi on March 24, 1946. It had prolonged discussions with Indian leaders of all parties and groups on the issues of interim government and principles and procedures for framing a new constitution giving freedom to India. As the Congress and the League could not come to any agreement on the fundamental issue of the partition or unity of India, the mission put forward its own plan for the solution of the constitutional problem in May 1946.

Highlights

a) Rejection of the demand for a full-fledged Pakistan:

The demand was rejected because of the following reasons:

- The Pakistan so formed would include a large non-Muslim population, almost 38 per cent in the North-West and 48 per cent in the North-East;
- The very principle of communal self-determination would claim separation of Hindu-majority western Bengal and Sikh- and Hindu-dominated Ambala and Jullundur divisions of Punjab (already some Sikh leaders were demanding a separate state if the country was partitioned);
- Deep-seated regional ties would be disturbed if Bengal and Punjab were partitioned;
- Partition would entail economic and administrative problems;
- This would also necessitate the division of the armed forces which could have been viewed as potentially dangerous.

b) The existing provincial assemblies were distributed into three sections: Section-A: Madras, Bombay, Central Provinces, United Provinces, Bihar and Orissa (Hindu-majority provinces)

Section-B: Punjab, North-West Frontier Province and Sindh (Muslim-majority provinces)

Section-C: Bengal and Assam (Muslim-majority provinces);

- c) Three-tier executive and legislature at provincial, section and union levels;
- d) A constituent assembly was to be elected by provincial assemblies by proportional representation (voting in three groups—General, Muslims, Sikhs). This constituent assembly would be a 389-member body with provincial assemblies sending 292, chief commissioner's provinces sending 4, and princely states sending 93 members;
- e) In the constituent assembly, members from groups A, B and C were to sit separately to decide the constitution for provinces and if possible, for the groups also. Then, the whole constituent assembly (all three sections A, B and C combined) would sit together to formulate the union constitution;
- f) Though a common centre would control defence, communication and external affairs, a federal structure was envisaged for India;
- g) Questions pertaining to communities or being of communal nature and sought to be decided in the central legislature were to be decided by a simple majority of both communities present and voting;
- h) Provinces were to have full autonomy and residual powers;
- i) Princely states were no longer to be under paramountcy of the British government. They would be free to enter into an arrangement with successor governments or the British government;
- j) After the first general elections, a province was to be free to come out of a group and after 10 years, a province was to be free to call for a reconsideration of the group or the union constitution;
- k) Meanwhile, an interim government was to be formed from the constituent assembly.

Objectives

- To obtain an agreement with Indian leaders as to the framing of a constitution for India.
- To formulate a constitution-making body (the Constituent Assembly of India).
- To establish an Executive Council with the support of the major Indian parties.

Failure and Reasons

The main reasons for the failure of the Cabinet Mission are given below:

- The Congress Party wanted a strong centre with minimum powers for the provinces while as the Muslim League wanted strong political safeguards for the Muslims which included the demand for a parity in the legislatures. Since both parties had many ideological differences and could not find common ground, the mission came up with its own set of proposals in May 1946;
- The Congress was not keen on the idea of the groupings of provinces on the basis of Hindu-Muslim majority and vying for control at the centre. It also opposed the idea of a weak centre while the Muslim League did not want any changes to the proposals;
- Since the plan was not accepted, a new plan was proposed by the mission in June 1946. This plan proposed the division of India into a Hindu-majority India and a Muslim-majority India later to be renamed Pakistan. A list of princely states was also made that could either join the union or remain independent. The Congress Party under Jawaharlal Nehru did not accept the second plan. Instead, it agreed to be part of the constituent assembly;
- Jinnah and the League objected to the new central government. He geared to agitate for Pakistan and urged Muslims to demand Pakistan by any means. He called for 'Direct Action Day' on 16 August 1946;
- This call led to widespread communal rioting in the country with 5000 people being killed on the first day in Calcutta. Communal riots spread to many other areas notably Noakhali and Bihar. There was a call for the partitioning of the country on account of the riots. Sardar Vallabhbhai Patel was one of the first Congress leaders to acknowledge the inevitability of the partition as a means to stop the brutal violence.

Conclusion

The Cabinet Mission Plan was a statement made by the Cabinet Mission and the Viceroy, Lord Wavell, on May 16, 1946, that contained proposals regarding the constitutional future of India in the wake of Indian political parties and representatives not coming to an agreement. The *Mission* had to deal with a major obstacle which was the two main political parties, the Indian National Congress and the Muslim League, having fundamental differences over India's future. The *Mission*, at the Shimla Conference, attempted to facilitate an agreement between the Muslim

League and the Congress. When this failed, the *Mission* came out with its own proposals known as the Cabinet Mission Plan—around nine pages long and organised around twenty-four points. The core of the *Plan* was Point 15 which laid out the basic form of the future constitution of India. Point 15 consisted of six sub-points that proposed the basic form of the Constitution of India; strikingly, all of which related to the federal structure of India. The *Plan* rejected the Muslim League demand for a separate state of Pakistan and instead called for an Indian Union that consisted of British provinces and the Princely States. While the *Plan* rejected Pakistan, it proposed a unique federal set-up that it hoped would be acceptable to the Congress Party and the Muslim League: it introduced the concept of grouping/sections; provinces and princely states were free to form groups under the Union, having a legislature and executive, enjoying significant autonomy. The Plan is also referred to as the '**State Paper**'. It had a significant influence over the deliberations of the Constituent Assembly during its initial stages, particularly the debates around Nehru's Objective Resolution and federalism. The Assembly acknowledged that it was a creation of the Plan; it wanted to, as far as possible, adhere to the Plan's proposals as means of maintaining its legal legitimacy.